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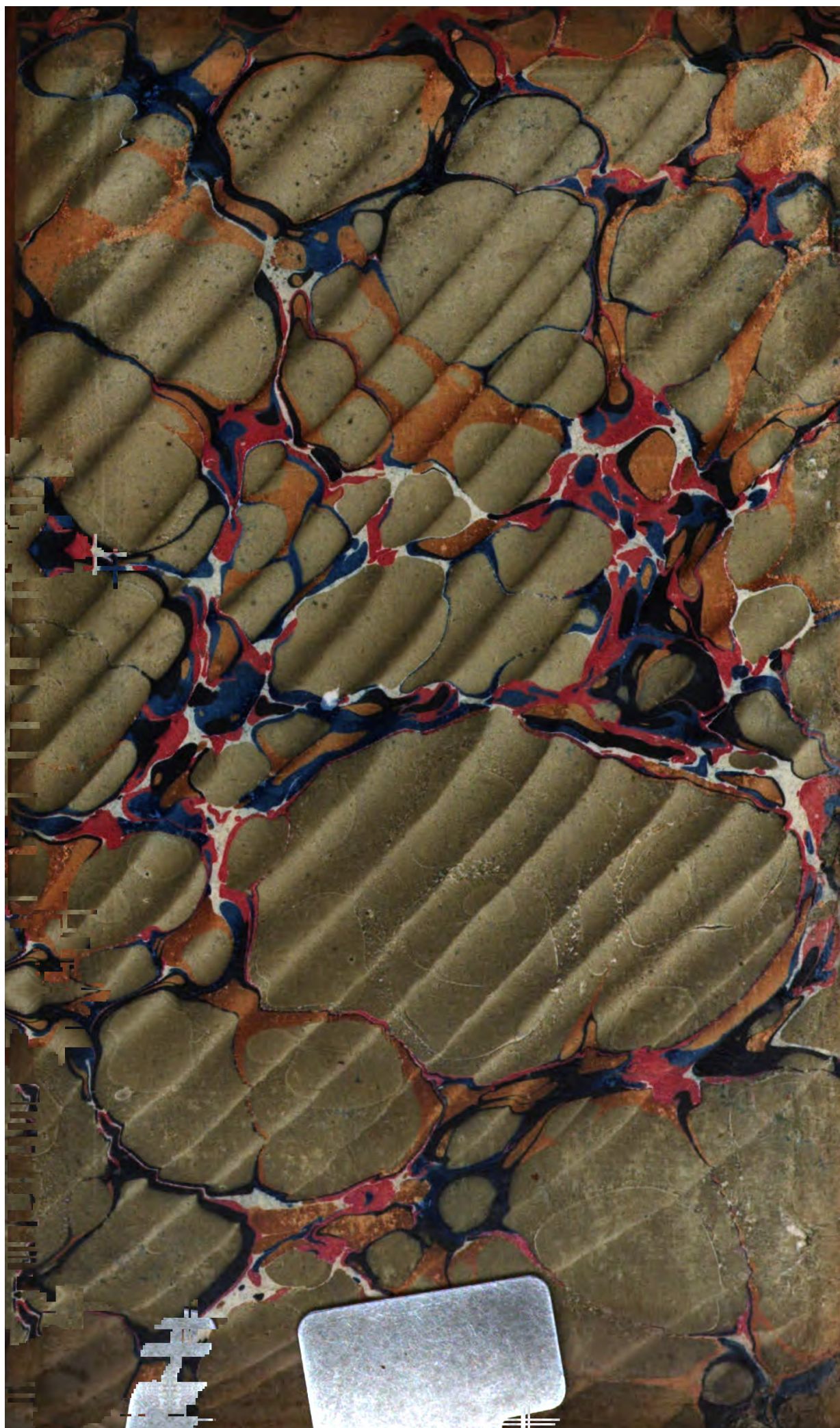
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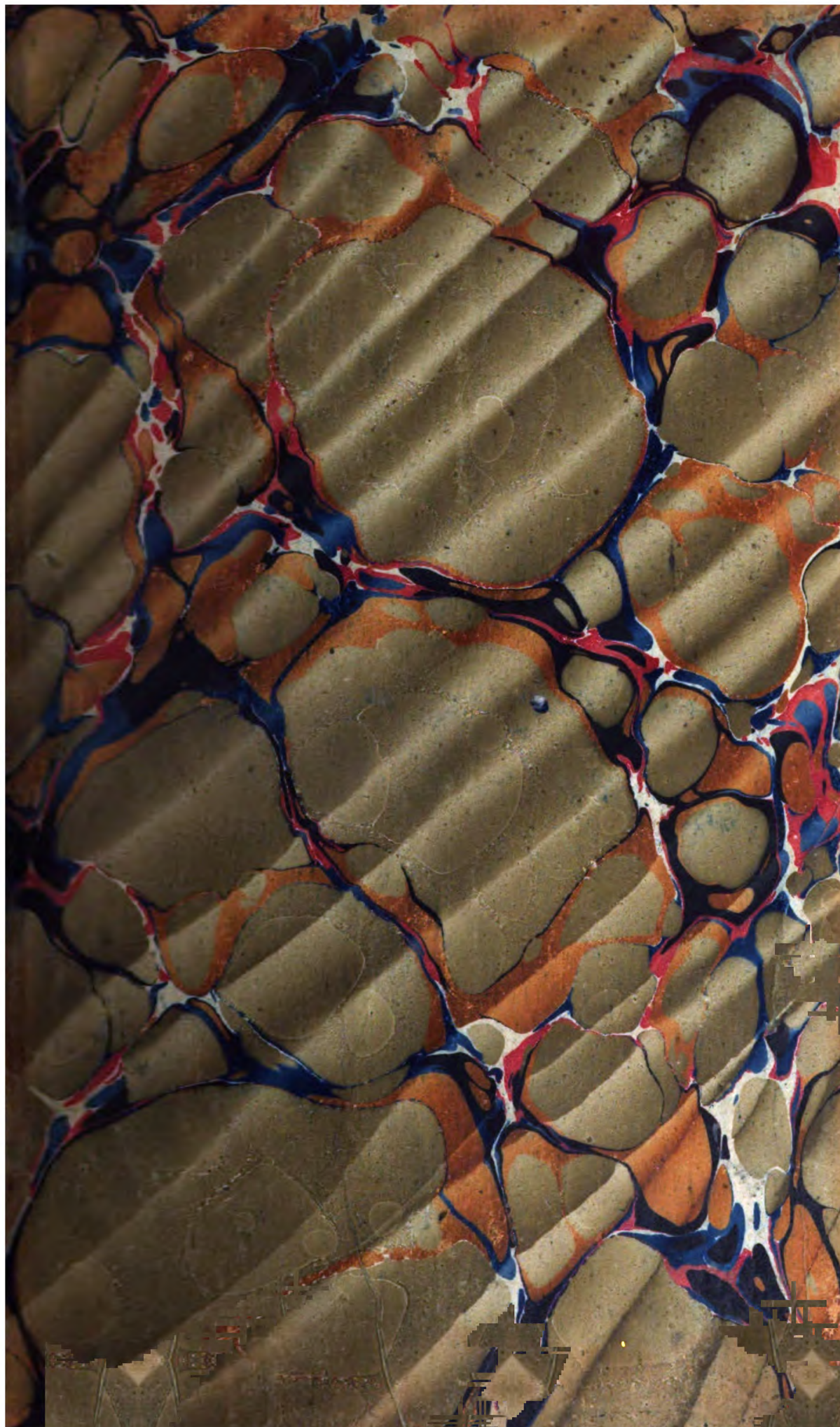
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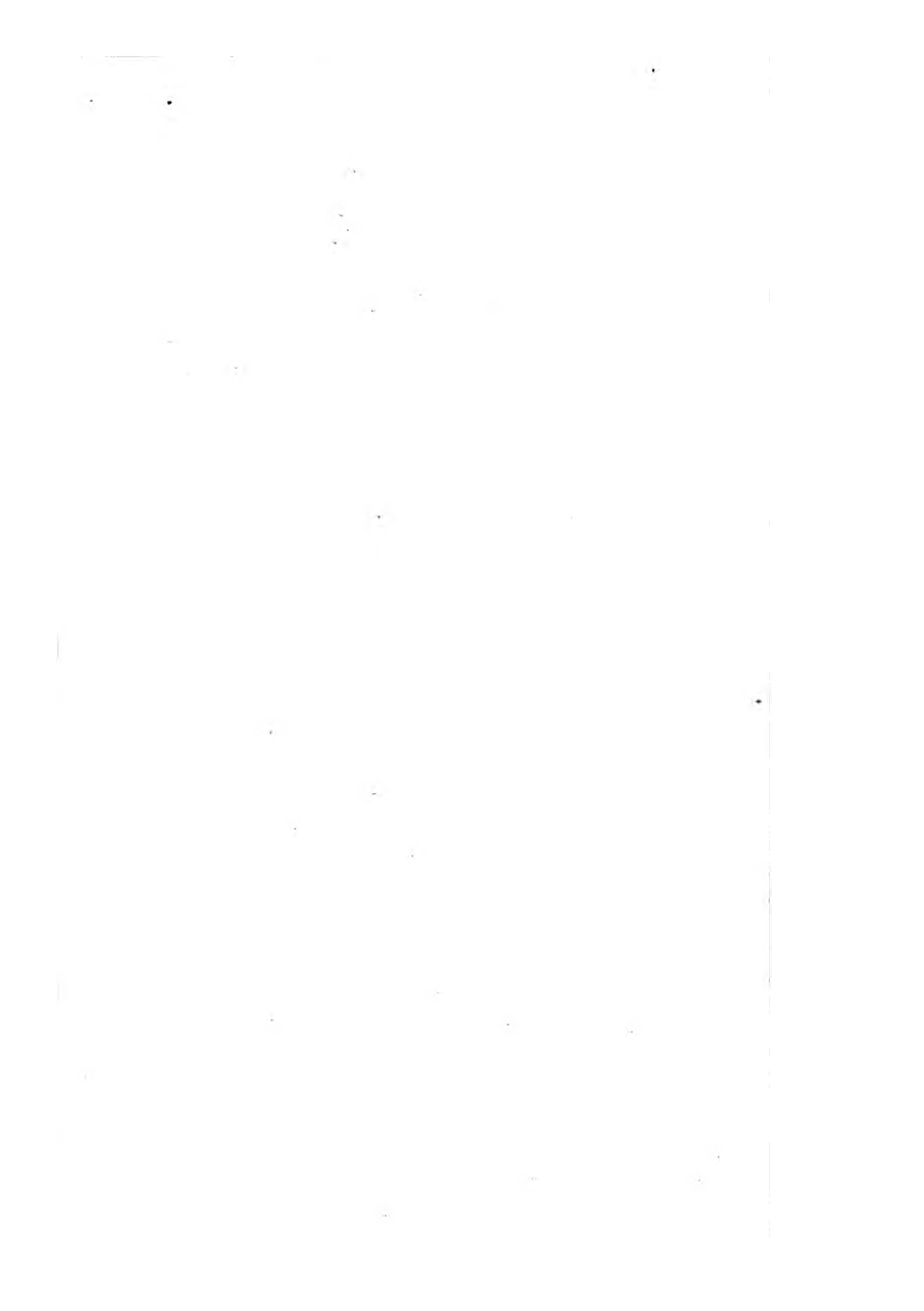
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*The Right Honble C. W. W. Wyndham*  
*Esq. Esq. Esq.*

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**BRITISH AND FOREIGN**  
**S T A T E P A P E R S.**

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**1822.—1823.**

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# BRITISH AND FOREIGN

## State Papers.

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*SPEECH of The Lords Commissioners, on the Opening of  
the British Parliament, February 4, 1823.*

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*My Lords, and Gentlemen,*

**W**E are commanded by His Majesty to inform you, that since He last met you in Parliament His Majesty's efforts have been unremittingly exerted to preserve the Peace of *Europe*.

Faithful to the principles which His Majesty has promulgated to the World as constituting the rule of His conduct, His Majesty declined being Party to any Proceedings at *Verona*, which could be deemed an interference in the internal concerns of *Spain*, on the part of Foreign Powers; and His Majesty has since used, and continues to use, His most anxious endeavours and good offices to allay the irritation unhappily subsisting between the *French* and *Spanish* Governments, and to avert, if possible, the calamity of War between *France* and *Spain*.

In the East of *Europe*, His Majesty flatters Himself that peace will be preserved, and His Majesty continues to receive from His Allies, and generally from other Powers, assurances of their unaltered disposition to cultivate with His Majesty those friendly relations which it is equally His Majesty's object on His part to maintain.

We are further commanded to apprise you that Discussions having been long pending with the Court of *Madrid* respecting depredations committed on the Commerce of His Majesty's Subjects in the *West Indian Seas*, and other grievances of which His Majesty had been under the necessity of complaining, those Discussions have terminated in an admission by the *Spanish* Government of the justice of His Majesty's Complaints, and in an Engagement for satisfactory reparation.

We are commanded to assure you, that His Majesty has not been unmindful of the Addresses presented to Him by the Two Houses of Parliament with respect to the Foreign Slave Trade. Propositions for the more effectual suppression of that evil were brought forward

by His Majesty's Plenipotentiary in the Conferences at *Verona* ; and there have been added to the Treaties upon this subject, already concluded between His Majesty and the Governments of *Spain* and *The Netherlands*, Articles which will extend the operation of those Treaties, and greatly facilitate their execution.

*Gentlemen of the House of Commons,*

His Majesty has directed the Estimates of the current Year to be laid before you. They have been framed with every attention to economy ; and the total Expenditure will be found to be materially below that of the last Year.

This diminution of charge, combined with the progressive improvement of the Revenue, has produced a Surplus exceeding His Majesty's expectation ; His Majesty trusts, therefore, that you will be able, after providing for the Services of the Year, and without affecting Public Credit, to make a further considerable reduction in the burthens of His People.

*My Lords, and Gentlemen,*

His Majesty has commanded us to state to you, that the manifestations of loyalty and attachment to His Person and Government, which His Majesty received in His late visit to *Scotland*, have made the deepest impression upon His heart.

The provision which you made in the last Session of Parliament for the relief of the distresses in considerable Districts in *Ireland*, has been productive of the happiest effects ; and His Majesty recommends to your consideration, such Measures of internal regulation as may be calculated to promote and secure the tranquillity of that Country, and to improve the habits and condition of the People.

Deeply as His Majesty regrets the continued depression of the Agricultural Interest, the satisfaction with which His Majesty contemplates the increasing activity which pervades the Manufacturing Districts, and the flourishing condition of our Commerce in most of its principal branches, is greatly enhanced by the confident persuasion that the progressive prosperity of so many of the Interests of the Country can not fail to contribute to the gradual improvement of that great Interest, which is the most important of them all.

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*PAPERS relative to the Internal Affairs of Spain.—  
Presented to Parliament by Command of His Majesty,  
April and July 1823.*

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CLASS A.—VERONA AND PARIS.

CLASS B.—PARIS AND MADRID.

ADDITIONAL PAPERS—SPAIN, FRANCE, PORTUGAL.  
CORRESPONDENCE BETWEEN DON VICTOR SAEZ AND  
MR. SECRETARY CANNING.

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## VERONA AND PARIS.

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**No. 1.—***The Duke of Wellington to Mr. Secy. Canning.—(Rec. Sept. 24.)*  
(Extract.) *Paris, September 21, 1822.*

I HAD a long discussion with Monsieur de Villèle yesterday, on the relations of this Government with Spain.

It appears, that for a considerable time past, I believe since the alarm of infectious fever in Spain, the French Government have been collecting Troops in the Southern Departments of France. They have not, however, on the immediate Frontier, a larger body of men than are sufficient for the performance of the duties of the "Cordon Sanitaire," so long as that precaution is necessary, in consequence of the prevalence of the Fever in the neighbouring Provinces of Spain; or than can fairly be deemed necessary for the purposes of Observation of a Country which is the seat of a Civil War, and for the protection of the French Frontier from insult, by the different Parties in operation immediately on the borders.

M. de Villèle said, that the Assembly of the Congress at the present moment was not a matter of indifference, in relation to the situation of affairs in Spain, or to that in which the two Countries stood towards each other. There was no doubt that expectations were formed respecting the result of the deliberations of the Congress on the Affairs of Spain, as well in Spain as elsewhere; and that if the Congress were to separate, and to come to no decision on those Affairs, it was probable that the existing evils would be greatly aggravated, and that the two Countries might be forced into a War.

Monsieur de Villèle wished that the Congress should take into consideration the actual position of the French Government in relation to Spain, and the hypothesis under which they might be forced into a War; and that the Four other Powers of the Alliance should declare what line they would each take, in case of the occurrence of any of the Events which they conceived would force them to War. I told Monsieur de Villèle that it would be quite impossible for us to declare beforehand what would be our conduct upon any hypothetical case.

I should wish to receive His Majesty's Instructions what line I shall take, and what arguments I shall use, in case the French Government should make the Proposition at the Congress, which M. de Villèle has made to me, respecting a Declaration by the Allies.

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**No. 2.—***Mr. Secretary Canning to the Duke of Wellington.*

(Extract.)

*Foreign Office, September 27, 1822.*

IF there be a determined Project to interfere by force or by menace in the present Struggle in Spain, so convinced are His Majesty's Govern-

ment of the uselessness and danger of any such interference—so objectionable does it appear to them in principle, as well as utterly impracticable in execution, that when the necessity arises, or (I would rather say) when the opportunity offers, I am to instruct your Grace at once frankly and peremptorily to declare, that to any such interference, come what may, His Majesty will not be a Party.

No. 3.—*The Duke of Wellington to Mr. Secy. Canning.*—(Rec. Oct. 31.)  
(Extract.) *Verona, October 22, 1822.*

WE had a Conference on Sunday night, at which the French Minister, M. de Montmorency, read a Paper, of which I inclose a Copy.

I imagine that each of the Ministers will answer this Paper. In my answer, I shall review our line of conduct since April 1820; and shall decline to engage ourselves to adopt any measure beforehand, or till we shall have a full knowledge of all the circumstances which have occurred between the two Countries. I propose, besides, to point out, that, considering the relative position of France and Spain, it is not probable that Spain will declare against them; if they explain as they ought, the meaning and object of their Corps of Observation, and make some allowance for the state of effervescence of men's minds in Spain in a state of Revolution and Civil War.

(Inclosure.)—*Questions addressed by the French Plenipotentiary to the Plenipotentiaries of Austria, Russia, Prussia, and Great Britain.*

*Vérone, le 20me Octobre, 1822.*

1. DANS le cas, où La France se verroit forcée de rappeler de Madrid le Ministre qu'Elle y a accrédité, et de rompre toute Relation diplomatique avec L'Espagne, les Hautes Cours seront-elles disposées à prendre une Mesure semblable et à rappeler leurs propres Légations?

2. Si la Guerre doit éclater entre La France et L'Espagne, sous quelle forme, et par quels actes, Les Hautes Puissances prêteront-Elles à La France l'appui moral qui doit donner à son action la force de l'Alliance, et inspirer un salutaire effroi aux Révolutionnaires de tous les Pays?

3. Quelle est enfin l'intention des Hautes Puissances, quant au fond et à la forme du secours matériel qu'Elles seroient disposées à donner à La France, dans le cas, où, sur Sa demande, leur intervention active deviendrait nécessaire?

No. 4.—*The Duke of Wellington to Mr. Secy. Canning.*—(Rec. Nov. 14.)  
(Extract.) *Verona, November 5, 1822.*

PRINCE METTERNICH called together a Conference of the Five Cabinet Ministers on Wednesday evening, at which were delivered in,

Answers to the Demands of the French Minister of the 20th ultimo, from the Russian, Austrian, and Prussian Ministers; and that from myself, a Copy of which I inclose.

— — — — —  
(*Inclosure.*)—*Answer of the Duke of Wellington to the French Plenipotentiary.*

Memorandum.

Verona, October 30, 1822.

SINCE the month of April 1820, the British Government have availed themselves of every opportunity of recommending to His Majesty's Allies to abstain from all interference in the internal Affairs of Spain.

Without adverting to those Principles which His Majesty's Government must always consider the rule of their conduct, in relation to the internal affairs of other Countries, they considered that to whatever degree either the origin of the Spanish Revolution, the System then established, or the conduct of those who have since had the management of the internal affairs of Spain, might be disapproved of, any amelioration which might be desired in the Spanish System, for the sake of Spain herself, ought to be sought for in measures to be adopted in Spain rather than Abroad; and particularly in the confidence which the People should be taught to feel in the character and measures of the King.

They considered that an interference, with a view to assist the Monarch on the Throne, to overturn that which had been settled, and which He had guaranteed, or to promote the establishment of any other Form of Government or Constitution, particularly by force, would only place that Monarch in a false position, and prevent Him from looking to the internal means of amelioration which might be within his reach.

Such an interference always appeared to the British Government an unnecessary assumption of responsibility; which, considering all the circumstances, must expose the King of Spain to danger, and the Power or Powers which should interfere, to obloquy, certain risks, and possible disasters; to enormous expenses, and final disappointment in producing any result.

Upon these principles His Majesty has advised His Allies, and has acted Himself, from the month of April 1820, to the present day.

The Protocols and other Acts of the Congress at Aix la Chapelle, which established the Union at present existing between the Five Powers, so happily for the World, require the most unlimited confidence and communication on the part of Each; and accordingly, His Majesty has never failed to communicate to His Allies, and particularly to France, every Instruction which he has sent to His Minister at Madrid; and all the Communications made by His Majesty's com-



mands to the Minister of Spain residing in London,—all in the same spirit of good will, towards the King of Spain and the Spanish Nation.

It is impossible to look at the existing relations between France and Spain, advertng to what has passed from the commencement of the year 1820, to the present moment, without being sensible of the unfortunately false position in which the King of Spain is placed; and that the spirit of Party in both Countries, having aggravated the National antipathy which antecedent circumstances had occasioned, is in a great measure the cause of the unfortunate irritation in Spain against France, to which His Excellency the Minister of France has adverted. The great object of His Majesty's Foreign Policy is to preserve Peace among Nations; He feels the most anxious interest for the happiness of His Catholick Majesty, and the honour of his Government; and it would be His sincere desire to allay that irritation.

But the British Government cannot but feel, that to make any Declaration on any of the Three Points referred to by His Excellency, without a previous accurate knowledge of all the circumstances which have occurred between the Two Countries, would be not only premature and unjust, but would probably be unavailing; and would in fact deprive His Majesty of the power of discussing and deciding upon the measures of His own Government in this Affair hereafter, when He should be better informed. His Majesty must either place himself in this painful position, or He must do, what would be equally painful to his feelings, require from His August Friend and Ally, the King of France, that He should submit his conduct to the advice and controul of His Majesty.

His Majesty's Government cannot think either alternative to be necessary; but are of opinion that a review of the obvious circumstances of the situation of France, as well as Spain, will show, that whatever may be the tone assumed towards France by the ruling Powers in Spain, they are not in a state to carry into execution any plan of real hostility. Considering that a Civil War exists in the whole extent of the Frontier which separates the two Kingdoms; that hostile Armies are in movement and in operation in every part of it; and that there is not a Town or Village on the French Frontier which is not liable to insult and injury,—there is no Person who must not approve of the precaution which His Most Christian Majesty has taken in forming a Corps of Observation for the protection of his Frontier, and for the preservation of the tranquillity of his People.

His Britannick Majesty sincerely wishes that this measure may be effectual in attaining the objects for which it is calculated; and that the wisdom of the French Government will have induced them to explain it at Madrid, in such terms as will satisfy the Government of His Catholic Majesty of its necessity.

Such an explanation will, it is hoped, tend to allay, in some degree, the irritation against France; and, on the other hand, it may be hoped, that some allowance will be made in France for the state of effervescence of men's minds in Spain, in the very crisis of a Revolution and Civil War.

A moment's reflection upon the relative power of the two States will show, that the real evil to which His Most Christian Majesty is exposed, is that resulting from the operations of the Civil War on the neighbouring Frontier of Spain; against which the measure which His Government have adopted is best calculated to preserve him.

Even revolutionary madness could not calculate upon the success of a serious attack by Spain upon France, under any circumstances which it is possible to suppose to exist at present in the latter Kingdom.—But the attention of the Spanish Government is now occupied by a Civil War, the operations of which certainly justify the formation of a Corps of Observation in France; and it is not very probable that they would, at this moment, desire to break with France.

Neither is it to be believed that, in their present situation, they would not desire still to enjoy the advantage of that countenance to their System, which the presence of the French Ambassador at the seat of Government must afford them.

His Majesty therefore considers any rupture by Spain, or any measure on Her part which may render necessary the immediate discontinuance of diplomatick relations by France, very improbable: and as His Majesty is quite unacquainted with what has passed between France and Spain since the month of April 1820; and His Government cannot know upon what grounds His Most Christian Majesty's Government may think proper to discontinue the diplomatick relations of France with Spain; or upon what grounds War may break out between the two Countries; it is impossible for them now to pronounce what advice they should consider it their duty to give to His Majesty, in case either or both of those events should occur.

His Majesty most anxiously wishes that such extremities may be avoided; and he feels convinced that the Government of His Most Christian Majesty will find means of avoiding them.

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*No. 5.—The Duke of Wellington to Mr. Secy. Canning.—(Rec. Nov. 21.)*  
(Extract.) *Verona, November 12, 1822.*

I HAVE little to report as having occurred on the Spanish Question, since I wrote to you on the 5th instant.

But I inclose to you a Memorandum on what is passing here, which I send to Sir Charles Stuart by this occasion.

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(*Inclosure*)—*Memorandum of the Duke of Wellington.*

(Extract.)

*Verona, November 12, 1822.*

ON the 20th of October, the French Minister gave in a Paper, requiring from the Ministers of the Allies to know, whether, if France should be under the necessity of withdrawing her Minister from Spain, the other Allied Powers would do the same? In case France should be involved in War with Spain, what countenance the Allies would give the former? And in case France should require it, what assistance?

To these Questions the Three Continental Allies answered on the 30th of October, that they would act as France should, in respect to their Ministers in Spain, and would give to France every countenance and assistance She should require;—the cause for such assistance, and the period and the mode of giving it, being reserved to be specified in a Treaty.

The Minister of Great Britain answered, that having no knowledge of the cause of dispute, and not being able to form a judgment upon an hypothetical case, he could give no answer to any of the Questions.

The mode of communicating with Spain was considered on the 31st, with a view to prevent a Rupture between France and Spain. It was agreed that the Minister of each of the Four Continental Courts at Madrid should present a separate Note of the same tenour, and drawn up on the same principles; and on the 1st of November it was settled, that the Four Courts should draw up their Notes, and communicate them to the British Minister; who should, upon seeing these Notes, make known the line which his Court would take.

Since that Meeting, it is understood that the plan of proceeding proposed and agreed to, has been altered. Instead of Official Notes to be presented by the several Ministers at Madrid to the Spanish Government, it is now intended that Despatches shall be written to those Ministers respectively, in which the several Courts will express their wishes and intentions: this mode of proceeding is adopted, as affording greater latitude for discussion and explanation than that by Official Notes.

Accordingly, Monsieur de Montmorency has prepared the Draft of his Despatch; and it is understood that the Ministers of the Continental Powers are preparing theirs.

These are the facts which have occurred at the existing Congress.

In the course of the Discussions which have taken place upon this occasion, a marked difference of opinion as to the mode of action has appeared between the Continental Courts on the one hand, and England on the other.

The Minister of the latter Power has recommended that France, and the Powers which should interfere in this case, should confine themselves to what may properly be called the *external* Quarrel between France and

Spain ; should not menace ; and above all should not approach Spain in the form of Enemies, bound in a Treaty of Defensive Alliance against her.

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No. 6.—*The Duke of Wellington to Mr. Secy. Canning.*—(Rec. Dec. 6.)  
(Extract.) *Verona, November 22, 1822.*

I INCLOSE the Minute of the Answer which I returned to the Ministers of the Allies on the 20th inst. when they communicated to me the Despatches which they proposed to write to the Ministers of their several Courts at Madrid.

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(*Inclosure.*)—*Minute of the Duke of Wellington.*

*Verona, November 20, 1822.*

WHEN the Ministers of the Five Courts last assembled on the 1st instant, the object of their common solicitude was, to allay the irritation existing in Spain against France, and to prevent a possible rupture between the two Powers.

Although His Majesty's Government did not consider themselves sufficiently informed, either of what had already taken place between France and Spain, or of what might occasion a Rupture, to be able to answer in the affirmative, the Questions submitted to the Conference by His Excellency the Minister of France ; yet, knowing the anxiety of the King my Master, for the honour of His Most Christian Majesty, and for the preservation of the Peace of the World, I was willing to enter into the consideration of the measures proposed, with a view to attain our common object.

It was settled, that the Notes to be prepared according to the Proposition of His Highness the Austrian Minister, and to be presented to the Spanish Government on this occasion, should be communicated to me, in order that I might see, whether, consistently with the view which the King had invariably taken of the Affairs of Spain, and with the Principles which had governed His Majesty's conduct in relation to the internal concerns of other Countries, His Majesty's Government could take any part which might forward the common purpose of preserving the general tranquillity.

The Ministers of the Allied Courts have thought proper to make known to Spain the sentiments of their respective Sovereigns, by Despatches addressed to the Ministers of their several Courts, residing at Madrid, instead of by Official Notes,—as a mode of communication less formal, and affording greater facility of discussion.

These Despatches, it appears, are to be communicated *in extenso* to the Spanish Government.

The origin, circumstances, and consequences of the Spanish Revolution,—the existing state of affairs in Spain,—and the conduct of those who have been at the head of the Spanish Government, may have endangered the safety of other Countries, and may have excited



the uneasiness of the Governments, whose Ministers I am now addressing ; and those Governments may think it necessary to address the Spanish Government upon the topics referred to in these Despatches.

These sentiments and opinions have certainly been entertained by the Three Cabinets of Austria, Prussia, and Russia, for a considerable period of time ; and the British Government duly appreciates the forbearance and deference for the opinions of other Cabinets, which have dictated the delay to make these communications, to the present moment. But having been delayed till now, I would request those Ministers to consider, whether this is the moment at which such remonstrances ought to be made ; whether they are calculated to allay the irritation against France, and to prevent a possible rupture ; and whether they might not with advantage be delayed to a later period.

They are certainly calculated to irritate the Government of Spain ; to afford ground for a belief, that advantage has been taken of the irritation existing between that Government and France, to call down upon Spain the power of the Alliance ; and thus to embarrass still more the difficult position of the French Government.

The result of these communications will probably be, that the diplomatick relations between the Three Allied Courts and Spain will be discontinued,—whatever may be the state of the Questions between France and Spain : this occurrence cannot assist the cause of France ; as those Questions will stand upon their own ground, and the Government of France must decide them upon their own merits.

But these communications are not only calculated to embarrass the French Government, but likewise that of the King, my Master. His Majesty feels sincerely for the King and the People of Spain ; He is anxious to see a termination of the evils and misfortunes by which that Country is afflicted ; and that it should be prosperous and happy. His Majesty likewise earnestly desires, that the usual relations of amity and good neighbourhood may be re-established between France and Spain ; and His Majesty's Government would have been anxious to co-operate with those of His Allies, in allaying the existing irritation, and in preventing a possible rupture.

But His Majesty's Government are of opinion, that to animadvert upon the internal transactions of an Independent State, unless such transactions affect the essential interests of His Majesty's Subjects, is inconsistent with those Principles on which His Majesty has invariably acted on all Questions relating to the internal concerns of other Countries ; that such animadversions, if made, must involve His Majesty in serious responsibility, if they should produce any effect ; and must irritate, if they should not : and, if addressed, as proposed, to the Spanish Government, are likely to be injurious to

the best interests of Spain, and to produce the worst consequences upon the probable discussions between that Country and France.

The King's Government must, therefore, decline to advise His Majesty to hold a common language with his Allies upon this occasion, and it is so necessary for His Majesty, not to be supposed to participate in a measure of this description, and calculated to produce such consequences, that his Government must equally refrain from advising His Majesty to direct, that any communication should be made to the Spanish Government, on the subject of its relations with France.

His Majesty, therefore, must limit his exertions and good offices, to the endeavours of His Minister at Madrid to allay the ferment which these communications must occasion, and to do all the good in His power.

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*No. 7.—Mr. Secretary Canning to the Duke of Wellington.*

(Extract.)

*Foreign Office, December 6, 1822.*

THE latest date of Your Grace's Despatches from Verona is the 19th ultimo.

The French Mail due yesterday, has, from some unaccountable accident, failed to arrive; and we are left in an uncertainty, as to every thing that has passed at Verona for more than a fortnight. In this state of things, however difficult it may be to shape Instructions to a case not ascertained, it has nevertheless been felt by His Majesty's Advisers, that we should be wanting to our duty, if we did not submit to His Majesty the course which it would be expedient to pursue, in that which is understood to be the present situation of the Question of Peace or War between France and Spain.

M. de Villèle has taken several opportunities of expressing to Sir Charles Stuart, his own earnest desire for the preservation of Peace; and his wish to receive, not only the support but the advice of the British Government, in his endeavours to preserve it.

I have the King's Commands to signify to your Grace His Majesty's pleasure, that your Grace should seek a conversation with M. de Villèle; and after referring to His Excellency's Communications through Sir Charles Stuart, should offer to that Minister the Mediation of His Majesty, between their Most Christian and Catholic Majesties.

It will not escape your Grace's observation, that in order to afford a prospect of success in our Mediation, if France should be willing to employ it, there should be some reasonable hope of a similar acceptance on the part of Spain.

I inclose to your Grace an Extract of a Despatch from the Spanish Government to its Chargé d'Affaires in London, which was read and delivered to me by M. de Colomb, in a Conference the day before yesterday.

The remaining part of the Despatch to M. de Colomb (with which I do not trouble your Grace on this occasion) relates to the Questions pending between the Two Governments, respecting Commercial Grievances, and the Piracies in the West Indian Seas.

(*Inclure*)—*Mons. de San Miguel, Minister for Foreign Affairs at Madrid, to the Chev. de Colomb.—November 15, 1822.*

(Extract.)

[Communicated by Mons. de Colomb to Mr. Secy. Canning, Dec. 4.]

TRANSLATION.

EL Gobierno de S. M. ha recibido con gratitud, pero sin sorpresa, la comunicacion tambien verbal, relativa á que el Gabinete de S. M. B. respetando la independencia y las instituciones politicas adoptadas por la Nacion, se halla decidido á no mezclarse en nuestros negocios domesticos.

No podia esperarse otra cosa del Gob<sup>o</sup> de una Nacion, que como la Britanica, conoce sus derechos y los principios primordiales del derecho publico; y solo debe admirar que no crea conveniente dar á una declaracion de tan obvia justicia la solemnidad que merece.

Los lazos de intima inclinacion, los principios de mutua conveniencia, y la analogia de las respectivas instituciones que median entre la España y la Inglaterra, no son titulos positivos para que la primera, abrumada de dificultades pueda esperar de la segunda, cuyo influxo politico es muy importante, algo mas que una simple y abstracta equidad, algo mas que un respeto imposible de Leyes universales, que una fria e insensible neutralidad? Y si algun in-

THE Government of His Majesty has received with gratitude, but without surprise, the verbal communication, purporting that the Cabinet of His Britannick Majesty, respecting the independence and the political Institutions adopted by the [Spanish] Nation, is determined not to interfere in our domestick affairs.

Nothing else could be expected from the Government of a Nation which, like the British, knows its rights and the primordial principles of Public Law; and it is only to be wondered at, that It should not think it expedient to give to a Declaration of such obvious justice, the solemnity which it deserves.

The ties of intimate regard, the principles of mutual convenience, and the analogy of the respective Institutions which exist in Spain and in England,—do they not positively entitle the former, overwhelmed with difficulties, to expect from the latter, whose political influence is of the greatest weight, something more than simple and abstract justice,—something more than a passive respect for universal Laws, than a cold and insensible Neutrality?

teres tierno, qual el que es tan propio de dos Naciones en semejantes circunstancias, se abriga en la Corte de Londres, como es que no se manifiesta en actos visibles de interposicion amical, para impedir á su Aliada unos males, en que simpatizarán la humanidad, la ilustracion y hasta la precavida y proveedora razon de Estado, ó como (si esos actos benevolos existen) no se participan al Gabinete de S. M. Catolica?

Los actos á que aludo en nada comprometerian el sistema neutral mas estrictamente concebido; los buenos oficios, los consejos, las reflexiones de un amigo en favor de otro, no le constituyen en mancomunidad de agresion y defensa, no le exponen á la enemistad de la otra Parte, ya que no merezcan tambien su reconocimiento; no son en una palabra auxilios efectivos, Tropas, Armas, Subsidios, que aumentan la fuerza de uno de los Adversarios. De la razon solo se trata, y con la pluma de la conciliacion es como puede sostenerla una Potencia situada qual la Gran Bretaña, sin exponerse á tomar parte en una guerra que acaso puede prevenir con utilidad general.

Puede obrar de tal suerte la Inglaterra? Debe pudiendo? y debiendo lo ha executado? En las sabias, justas y generosas miras del Gob<sup>o</sup>. de St. James no cabe mas respuesta que la afirmativa. Pues entonces, porque no

And if some tender interest, such as befits two Nations in similar circumstances, exist in the Court of London,—how is it that it does not manifest itself in visible acts of friendly interposition, to save Its Ally from evils, in which humanity, wisdom, and even cautious and provident State Policy, will sympathize? Or how is it that (if these benevolent acts exist) they are not communicated to the Cabinet of His Catholick Majesty?

The acts to which I allude, would in no wise compromise the most strictly conceived system of Neutrality. Good Offices, counsels, the reflections of one friend in favour of another, do not place a Nation in concert of attack or defence with another,—do not expose it to the enmity of the opposite Party, even if they do not deserve its gratitude;—they are not (in a word) effective aid,—Troops, Arms, Subsidies, which augment the force of one of the contending Parties. It is of reason only that we are speaking, and it is with the pen of conciliation, that a Power, situated like Great Britain, might support Spain, without exposing Herself to take part in a War, which She may perhaps prevent with general utility.

England might act in this manner; being able, ought She so to act? and if She ought, has She acted so? In the wise, just, and generous views of the Government of St. James, no other answer can exist than the affir-



se noticia á la España lo que se ha hecho y lo que se piensa hacer en aquel sentido mediador? Hay inconvenientes graves que recomienden la discrecion, que intimen el sigilo? . . . No aparecen á una perspicacia ordinaria.

Como quiera en tal incertidumbre de lo que tiene que agradecer al Ministerio Británico, el de S. M. C<sup>a</sup> se conceptua en la precision de manifestar á la faz del mundo, para que el la estime su profesion de fé, que al paso que respeta los derechos de los demas, no consienta nunca la menor intervencion en sus asuntos interiores, ni hara transaccion que pueda comprometer un apice el libro ejercicio de la Soberania Nacional.

Una vez comunicadas por V. S. estas francas declaraciones al Muy Honble. Jorge Canning, S. E. cuyos talentos, rectitud, elevacion de animo, son notorios á la Europa, no podra menos de hallarlas dignas de su asentimiento lisongero tanto en el fondo como en la forma, y de corresponder cordialmente al espiritu que las ha dictado, y bastará que V. S. termine su discurso recordando á S. E. que la España ha sido casi siempre victima de su probidad y buena fé en sus relaciones politicas, que su amistad ha sido y es util á los demas Naciones y sincera a toda prueba; que el Gob<sup>o</sup> de S. M. desea conservar los vinculos amistosos que existen entre la España y la

mative. Why then does she not notify to Spain what has been done, and what it is proposed to do in that mediatory sense? Are there weighty inconveniences which enjoin discretion, which show the necessity of secrecy? They do not appear to an ordinary penetration.

Nevertheless, in such uncertainty of what She has to thank the British Ministry for, the Government of His Catholick Majesty thinks Itself bound to manifest, in the face of the World, in order that It may regard it as Its profession of Faith, that whilst It respects the Rights of others, It will never admit the least interference in Its internal concerns, nor execute an Act which may compromise in the least the free exercise of National Sovereignty.

When once you shall have communicated these frank declarations to the Right Hon. George Canning, whose talents, rectitude, and elevation of mind, are well known to Europe, H. E. cannot do less than find them worthy of his flattering concurrence, as well in substance as in form, and must correspond cordially with the spirit which has dictated them; and it will be sufficient that you should terminate your discourse, by reminding H. E. that Spain has been almost always, in Her political relations, the victim of Her probity and good faith; that Her friendship has been, and is useful to other Nations, and sincere under every trial; that the Government of His Majesty is desirous



Inglaterra, pero sin menoscabo, sin degradacion de su decoro ; y que si bien lucha con los embarazos que resultan de sus inmensas progresivas perdidas, el Pueblo Español posee siempre sublimidad de sentimientos para conducirse con honor, fortaleza de caracter para suportar sus calamidades, y constancia de resolucion para mantenerse á costa de los ultimos sacrificios, en el puesto que le corresponde en la Europa.

to preserve the friendly ties which exist between Spain and England, but without the diminution, without the degradation of Its dignity, and that, if it has to struggle with the embarrassments that result from Its immense progressive losses, the Spanish People always possesses sublimity of sentiment to conduct Itself with honour, strength of character to support Its calamities, and constancy of resolution to maintain Itself in spite of the last sacrifices, in the Post which belongs to Her in Europe.

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No. 8.—*The Duke of Wellington to Mr. Secy. Canning.*—(Rec. Dec. 11 )  
(Extract.) *Paris, December 9, 1822.*

I ARRIVED here this afternoon, and received your Despatch of the 6th inst.

I have since had an interview with M. de Villèle ; and I have the pleasure to inform you, that he has sent a Messenger to Verona, with orders to the French Ministers at that Place, to express the desire of the French Government, that the transmission of the Despatches to Madrid should be suspended.

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No. 9.—*Mr. Secretary Canning to the Duke of Wellington.*  
(Extract.) *Foreign Office, December 13, 1822.*

YOUR Grace's Despatches of Tuesday have been received and laid before the King.

The step taken by M. de Villèle, in referring back to Verona the consideration of the Despatches proposed to be sent, by the Three Continental Courts to their several Ministers at Madrid, with a view of inducing the Three Courts to suspend the transmission of those Despatches, undoubtedly constituted a Case (wholly unforeseen when the last Instructions of your Government were framed) which made it expedient to suspend, on your Grace's part, the offer to the French Government, of His Majesty's Mediation with Spain.

Upon a full review, however, of the situation in which we stand towards both those Powers, and towards the other Members of the Alliance, and upon an anxious consideration of the several issues to which the Question of Peace or War may come,—all those of His Majesty's Servants, whom I have been able to consult, are of opinion, that it is highly material, for the clear and perfect discharge of the

duty of the British Government, in a Question so deeply affecting the interests, not only of the Powers immediately concerned, but of the World, that your Grace should not leave Paris, without having placed in the hands of the French Government the eventual offer of His Majesty's Mediation.

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No. 10.—*The Duke of Wellington to Mr. Secretary Canning.*—  
(Received Dec. 22.)

(Extract.)

Paris, December 17, 1822.

I WAITED upon Monsieur de Montmorency this day, and presented to him the Note of which I inclose a Copy.

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(Inclosure.)—*The Duke of Wellington to M. de Montmorency.*

Paris, December 17, 1822.

THE Undersigned, His Britannic Majesty's Plenipotentiary, has explained and recorded, in the Conferences of Verona, the sentiments of his Government upon the present critical state of affairs between France and Spain; and the earnest solicitude of the King his Master, to avert a War, of which no human foresight can calculate the consequences.

Upon his arrival at Paris, The Undersigned found Instructions from his Government, to offer to His Most Christian Majesty the Mediation of the King his Master, before the decisive step should have been taken, of transmitting to Madrid the Despatches written at Verona.

The Undersigned rejoiced at the delay which had been interposed to the transmission of those Despatches to Madrid, by the reference to Verona; and his Government have learnt, with the liveliest satisfaction, the determination of the French Government to reconsider a Measure which the Undersigned had so anxiously deprecated.

It is the sincere hope of His Majesty, that this salutary reconsideration may prevent recourse to arms. But, as the issue of the reference to Verona may still be doubtful, the Undersigned is instructed to declare, that, if the answer to that reference should not be such as to preclude all danger of hostilities, His Majesty will be ready to accept the Office of Mediator between the French and Spanish Governments; and to employ His most strenuous endeavours for the adjustment of their Differences, and for the preservation of the Peace of the World.

The Undersigned, &c.

M. de Montmorency.

WELLINGTON.

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No. 11.—*M. de Montmorency to the Duke of Wellington.*

Paris, le 26me Décembre, 1822.

LE Soussigné, Ministre des Affaires Etrangères, a reçu et mis sous les yeux du Roi, la Note que Son Excellence Monsieur le Duc de Wellington lui a fait l'honneur de lui adresser le 17 de ce mois.

Sa Majesté a apprécié les sentimens qui ont porté le Roi d'Angleterre à Lui offrir Sa Médiation pour prévenir une rupture entre Elle et le Gouvernement Espagnol. Mais Elle a dû reconnoître que la situation de La France à l'égard de L'Espagne, n'était pas telle qu'il y eut lieu d'établir une Médiation entre les deux Cours. En effet il n'existe entre Elles aucun différent, aucun point particulier de discussion, dont l'accommodement pût rétablir leurs relations sur le pied où elles devraient être. L'Espagne, par la nature de sa Révolution, par les circonstances qui l'ont suivie, a excité l'inquiétude de plusieurs grandes Puissances. L'Angleterre l'a partagée cette inquiétude : car dès 1820 Elle prévoyait des Cas où l'on ne pourrait conserver avec L'Espagne des rapports de bonne intelligence et de paix.

La France est plus intéressée que toute autre Puissance, aux événemens qui pourront résulter de la situation actuelle de cette Monarchie. Mais ce ne sont point Ses intérêts seuls qui sont compromis et qu'Elle peut avoir en vue dans la circonstance présente ; ce sont ceux du repos de l'Europe, et du maintien des principes qui le garantissent.

Monsieur le Duc de Wellington sait que tel a été le sentiment qui a dicté la conduite de La France à Vérone, et que les Cours qui y ont donné leur adhésion, ont regardé les conséquences de la Révolution et de l'état actuel de l'Espagne, comme leur étant communes ;—qu'elles n'ont pas eu l'idée que ce fut entre La France et L'Espagne seulement, qu'il y eut à régler les difficultés présentes ;—qu'elles ont pensé qu'il s'agissait d'une Question *toute Européenne* ; et que c'est en conséquence de cette opinion, qu'ont été conçues et proposées les démarches qui devaient avoir pour but, d'amener, s'il est possible, une amélioration dans l'état d'un Pays, si digne de l'intérêt de l'Europe ; démarches dont le succès eut été complètement assuré, si l'Angleterre eut crû pouvoir y concourir.

Sa Majesté Très-Chrétienne, qui a dû peser mûrement ces considérations, a donc pensé qu'Elle ne pouvait accepter la Médiation que Sa Majesté Britannique a bien voulu Lui proposer. Elle trouve toutefois avec plaisir dans cette proposition un gage nouveau des dispositions conciliantes du Gouvernement Anglais ; et Elle pense que, dans ces dispositions, Il peut rendre d'éminens services à l'Europe en faisant aussi passer au Gouvernement Espagnol des conseils qui, les amenant à des idées plus calmes, pouvaient influencer heureusement sur sa position intérieure. Sa Majesté apprendrait avec la plus vive satisfaction le succès de ces efforts. Elle y verrait un gage d'espérance pour la conservation d'une Paix dont les Gouvernemens et les Peuples de l'Europe doivent sentir vivement tout le prix.

Le Soussigné, &c.

M. Le Duc de Wellington.

MONTMORENCY.

*No. 12.—Mr. Secretary Canning to The Vicomte de Marcellus.**Foreign Office, January 10, 1823.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has received from the Duke of Wellington, late His Majesty's Plenipotentiary at the Congress of Verona, and has laid before the King his Master, the Answer of the Minister for Foreign Affairs of His Most Christian Majesty, to the Official Note in which the Duke of Wellington, on his return from Verona, tendered to the French Government the Mediation of the King, for the adjustment of Differences between France and Spain.

The Undersigned is commanded to address to M. de Marcellus, Chargé d'Affaires of His Most Christian Majesty, the following observations on the Note of His Excellency the Duke de Montmorency, to be transmitted by M. de Marcellus to his Court.

The King has seen with pleasure, that His Most Christian Majesty does justice to the sentiments which dictated the offer of His Majesty's Mediation : and although the view which is taken in M. de Montmorency's Note, of the nature of the Differences between the French and Spanish Governments, has induced His Most Christian Majesty to decline that Mediation, the King will not the less anxiously employ, in every way that is yet open to Him, those "conciliatory dispositions" for which His Most Christian Majesty gives Him credit, to bring about a state of things less menacing to the peace of Europe, than that which is exhibited in the present position of those two Governments towards each other.

The British Cabinet had not to learn how fearfully the tranquillity of all Europe must be affected by the hostile collision of France and Spain. Accordingly, in the Duke of Wellington's Official Note, the "adjustment" of the supposed "Differences between the French and Spanish Governments," was stated as auxiliary to "the preservation of the Peace of the World." But the British Cabinet certainly did not understand the Questions brought forward at Verona, by the Plenipotentiary of His Most Christian Majesty, with respect to the actual situation and possible conduct of Spain, to be Questions in which the concern of France was so little distinguishable from that of other Powers, as the Duke de Montmorency's Note represents it.

The Plenipotentiary of the King of France solicited from His Most Christian Majesty's Allies a Declaration :

1st. Whether, if France should find herself obliged to recal her Minister from Madrid, and to break off all diplomatick relations with Spain, they would be disposed to take the like measure, and to recal their several Legations?

2d. If War should break out between France and Spain, in what form, and by what Acts, would they afford to France that moral support, which would give to her proceedings the whole force of the Alliance,



and would inspire a salutary fear into the Revolutionists of all Countries?

3d. What were the intentions of the several Powers, both as to the substance and the form of the direct assistance which they would be disposed to give to France, in a Case in which, upon her demand, their active intervention should become necessary?

France, therefore, originated the Discussions upon Spanish Affairs at Verona; and the Answers of the Three Continental Members of the Alliance were addressed to the Cases supposed, and to the support demanded, by France.

In common with the Three Continental Powers, the Plenipotentiary of His Majesty considered the Question of Peace or War with Spain, as a Question peculiarly French. In his Answer (given in simultaneously with those of the Three Continental Powers) to the Queries of the French Plenipotentiary, and in all the Discussions which followed thereupon, the Duke of Wellington uniformly alleged, as one of his reasons for not assenting to the Propositions of M. de Montmorency, the ignorance of the British Government as to the antecedent transactions and communications (during the last two Years) between the Governments of France and Spain.

No objection was stated by the Duke of Wellington, on the part of the King his Master, to the precautionary Measures of France, within her own Frontier; Measures which the right of self-defence plainly authorized, not only against the danger of contagious disease (in which they professedly originated, and to which till the month of September they were exclusively ascribed), but against those inconveniences which might possibly arise to France from Civil Contest in a Country separated from France only by a conventional line of demarcation; against the moral infection of political intrigue, and against the violation of French Territory by occasional military incursions. But it appeared to His Majesty's Plenipotentiary at Verona to be necessary and just, that, before he was called upon to promise eventually the support of his Government to Measures on the part of France which were likely to lead to War with Spain, opportunity should have been allowed to his Government to examine the grounds of those Measures;—that the cause of offence given by Spain to France should have been specifically defined.

It was therefore impossible for His Majesty's Plenipotentiary to "concur" in the decisions of Verona.

It remains for the Undersigned to advert to that part of the French Official Note, which appears to insinuate a reproach against this Country, as if She had abandoned at Verona, opinions which She had formerly declared with respect to the Affairs of Spain.

"England," it is said, "partook in 1820 of the inquietude which the Revolution in Spain occasioned to many great Powers; She



‘foresaw Cases in which it might be impossible to preserve with Spain the relations of good intelligence and peace.’

The Undersigned must be permitted to say, that though Questions were indeed propounded to England in the year 1820, as to possible future contingencies in the Affairs of Spain, so far from “foreseeing Cases,” and deciding upon the conduct which would be applicable to them, in the manner here described, the British Government positively declined to bind Itself, by a contingent opinion, to any conditional course of action.

But there was no indisposition or hesitation to avow the Principles upon which the opinion of England would be formed, and her course of action regulated. It was not only declared that the British Government disclaimed any general Right of Interference in the internal concerns of Independent Nations; but it was specifically stated, that there was, perhaps, no Country of equal magnitude with Spain, whose internal disturbances would be so little likely to menace other States with that direct and imminent danger, which could alone, in exception to the general rule, justify Foreign Interference.

The application of these Principles to the Cases brought forward by France at Verona, was as direct as it was consistent with the former professions of the British Cabinet.—That application was further enforced by other considerations, which, though they had not perhaps been distinctly anticipated in a prospective and hypothetical argument, bore nevertheless with undeniable force upon the Question to be decided at Verona.

Dangers, not necessarily arising from the existence of the internal agitations of Spain, might nevertheless be created by an uncalled for and injudicious interposition in them. The spirit of Revolution, which, shut up within the Pyrenees, might exhaust itself in struggles, trying indeed to Spain, but harmless to her Neighbours, if called forth from within those precincts by the provocation of foreign attack, might find perhaps in other Countries fresh aliment for its fury; and might renew, throughout Europe, the miseries of the five and twenty Years which preceded the Peace of 1815.

For these and abundant other reasons, the voice of His Majesty’s Plenipotentiary at Verona was for Peace.—The preservation of general Peace is the earnest wish and object of His Majesty: And the Undersigned is commanded to repeat, that no means will be left unexhausted by His Majesty’s Government, which the impartial employment of Good Offices can afford, to soothe the irritation at present unhappily subsisting between the Governments of France and Spain, and to prevent, if possible, the commencement of Hostilities, the consequences of which no human foresight can calculate.

The Undersigned, &c.

*The Vicomte de Marcellus.*

GEORGE CANNING.

No. 13.—*The Vicomte de Chateaubriand to Mr. Secretary Canning.*  
(Received January 27.)

Paris, le 23 Janvier, 1823.

Le Soussigné, Ministre des Affaires Etrangères de Sa Majesté Très Chrétienne, a mis sous les yeux du Roi, la Note en date du 10 de ce mois, que son Excellence Monsieur le Principal Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Britannique, avait adressée à M. le Vicomte de Marcellus. Il a reçu l'ordre de faire à son Excellence la Communication suivante :

Le Cabinet de Sa Majesté Britannique tomberait dans une grave erreur, s'il pensait que La France a présenté au Congrès de Vérone, la Question d'Espagne, comme ayant pour Elle un intérêt entièrement séparé de celui des Puissances Alliés; que dès-lors Elle se trouve en contradiction, quand, dans Sa réponse à la proposition de Médiation faite par l'Angleterre, Elle établit que cette Question est "*toute Européenne.*"

La France, depuis les transactions d'Aix la Chapelle, est étroitement unie aux Cours, qui, par leurs efforts, ont rétabli la paix sur le Continent. Pénétée de la sainteté des Traités, Elle accomplira les devoirs qu'ils Lui imposent. Un de ces devoirs de La France, était de faire connaître à Ses Alliés les motifs qui l'avaient forcée à établir une Armée d'Observation sur une de ses Frontières; et de leur expliquer ses inquiétudes, sur un avenir dont il était aisé de calculer les chances. Dans la position où les troubles de l'Espagne l'avaient placée, la plus simple prévoyance l'obligeait de s'enquérir du parti que prendraient les Puissances au cas que la guerre devint inévitable. Cette marche, qu'indiquaient le bon sens et la raison, dut être suivie nécessairement par le Duc Matthieu de Montmorency à Vérone. Les Souverains pensèrent (et le Gouvernement François partagea leur opinion) qu'il y avait péril imminent pour la société dans cette Anarchie Militaire de l'Espagne, où se trouvaient reproduit ces Principes, qui, pendant trentes Années, ont fait les malheurs de l'Europe. De ces Conférences générales, sortirent naturellement des Questions particulières; et l'on spécialisa des Cas qui étaient d'abord enveloppés dans les intérêts communs.

Le résultat de ces communications loyales fut, que La France se trouva en mesure d'agir séparément dans une Cause qui lui était comme appropriée, sans toutefois isoler sa politique de celle de Ses Alliés; de sorte que, selon la manière dont on était frappé, on a pu dire, sans contradiction, que la Question de l'Espagne était à la fois "*toute Française et toute Européenne.*"

Le Soussigné, se flattant d'avoir suffisamment répondu à la première objection du Ministre Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Britannique, passe à l'examen d'un autre point.

Le Cabinet des Tuileries n'a point oublié, que le principal motif

allégué par sa Grace le Duc de Wellington à Vérone, pour ne point s'expliquer sur le *casus foederis*, était l'ignorance où se trouvait son Gouvernement des transactions qui avaient eu lieu entre La France et L'Espagne, depuis 1820 jusqu'en 1822. Cette objection fut écartée au Congrès, comme elle le sera ici, par la seule observation, que les griefs dont La France pouvait avoir à se plaindre, au sujet de la Révolution d'Espagne, étaient malheureusement de notoriété publique ; et c'est ce que le Soussigné aura occasion de développer dans la suite de cette Note.

Le Ministre des Affaires Etrangères de Sa Majesté Britannique, répondant à une observation contenue dans la Note de M. le Duc de Montmorency, en date du 24 Décembre, annonce que le Cabinet de St. James n'a jamais reconnu un Cas d'intervention dans les affaires de l'Espagne ; et qu'ainsi il a pu refuser de se lier pour l'avenir, en émettant une opinion sur des événemens conditionnels et incertains. Le Soussigné croit cependant avoir des motifs de ne pas douter, que, dans un Mémoire rédigé par le Cabinet de Londres, en réponse à une Dépêche de la Cour de Russie, et communiqué le 17 Mai, 1820, par Sir Charles Stuart, au Ministre des Affaires Etrangères de France, se trouvait énoncé l'opinion qu'on aurait le droit de se mêler des Affaires d'Espagne ; 1° Si l'exaltation de ceux qui dirigent les affaires, les portait à une agression contre une autre Puissance. 2° Si l'Espagne cherchoit à s'emparer du Portugal, ou à opérer une réunion des deux Etats. Cette opinion du Cabinet Britannique parut alors aussi conforme aux intérêts généraux de l'Europe, qu'à des intérêts particuliers, dont il est permis à tout Gouvernement de ne pas abandonner le soin.

Le Soussigné regrette de ne pouvoir partager l'opinion du Principal Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Britannique, sur le peu de danger dont la Révolution d'Espagne est pour les divers Pays de l'Europe. L'état de la civilisation moderne, mêt un Peuple en communication avec tous les autres Peuples, quelque soit d'ailleurs son isolement géographique. La France surtout, seul Pays dont la Frontière touche à celle de l'Espagne, souffre considérablement des troubles qui agitent le Royaume de Ferdinand. Une Révolution qui semble avoir pris pour modèle celle dont les traces ne sont point encore effacées, réveille et remue, dans le sein de La France, une foule de passions et de souvenirs. On a les preuves les plus multipliées, que les Révolutionnaires de L'Espagne et ceux de La France sont en relations intimes. Dans toutes les Conspirations militaires, jugées par les Tribunaux Français, on a constamment retrouvé le nom et l'espérance des Cortès. Les coupables, échappés à la justice, ont trouvé un asyle dans la Péninsule, où ils menacent et insultent avec impunité la Monarchie et le Trône des Bourbons. Des libelles écrits en Français et imprimés en Espagne, sont jettés dans l'Armée d'Observation pour la corrompre ; et jusques dans les Journaux Anglais, le Gouvernement Britannique a pû voir que l'on provoquait, au nom

de L'Espagne, nos Soldats à la révolte. Ces faits ont été implicitement reconnus par sa Grace le Duc de Wellington, lorsque, dans ses Notes Diplomatiques, il a donné son approbation à l'établissement de l'Armée d'Observation. La Note même, à laquelle le Soussigné a l'honneur de répondre en ce moment, confirme tout ce qu'il avance ici, en rapportant ces expressions du Noble Duc : " Le Duc de Wellington n'a point établi d'objection, au nom du Roi son Maître, contre les Mesures de précaution prises par La France sur ses propres Frontières, lorsque ces Mesures étaient évidemment autorisées par le droit de sa propre défense, non seulement contre les dangers sanitaires, mais contre la contagion morale des intrigues politiques ; enfin contre la violation du Territoire Français par des excursions militaires fortuites." Cet aveu est remarquable : et d'ailleurs le Piémont, le Royaume des Deux Siciles, ne se sont-ils pas soulevés au nom des Cortès ? Et faudrait-il d'autre preuve que la Révolution d'Espagne peut franchir les Pyrénées ?

Il est donc permis à La France de se défendre contre la *contagion morale* : il lui est également nécessaire de se mettre à l'abri des dangers d'une autre sorte, puisque le Territoire Français a été violé trois fois par les Troupes Constitutionnelles de L'Espagne. Que La France, inquiétée dans son Intérieur, et armée sur ses Frontières pour sa défense, ait un besoin impérieux de sortir d'une position si pénible pour Elle, c'est ce qu'on ne peut s'empêcher de reconnaître. Comme le Gouvernement Britannique, elle désire sincèrement la paix. Elle n'eût pas balancé, de concert avec Ses Alliés, à accepter la Médiation de l'Angleterre, s'il s'était agi de discuter des intérêts matériels ; mais on ne peut établir une base de Négociation sur des théories politiques, et un arbitrage sur des principes.

Pour la même raison, La France n'a pu adopter la proposition que M. de San Miguel a faite, le 12<sup>me</sup> de ce mois, au Ministre de La Grande Bretagne près la Cour de Madrid, afin de l'engager à intervenir dans les Affaires du Gouvernement Français et du Gouvernement Espagnol :—intervention au moins inutile, puisqu'il paraît qu'elle n'aurait eu pour objet que des mesures relatives à l'Armée d'Observation. Si le Cabinet de Madrid est de bon foi dans ses communications, a-t-il besoin d'intermédiaire pour les faire parvenir au Cabinet des Tuileries ? Celui-ci ne craint pas de s'expliquer ; dernièrement encore, il a fait connoître les Conditions raisonnables, au moyen desquelles on pourrait arriver à une prompte conciliation. Le Comte de La Garde a reçu l'ordre de faire part confidentiellement à Sir William à Court, des intentions bienveillantes du Roi. Sa Majesté Très Chrétienne demande que Sa Majesté Catholique puisse apporter, Elle-même et de Sa propre autorité, les modifications nécessaires aux Institutions qui ont été imposées par la révolte de quelques Soldats, à la Couronne d'Espagne. A cette concession libre des Institutions rectifiées par le



Roi Ferdinand, le Roi de France pense qu'il serait bon d'ajouter une Amnestie pleine et entière, pour tout acte politique fait depuis 1822, jusqu'au jour de promulgation de la Concession Royale. Ainsi disparaîtrait de la Constitution Espagnole, le vice de fond et de forme, qui met en péril toutes les Monarchies Légitimes. Le Soussigné ose croire que des Propositions si justes et si modérées obtiendront l'assentiment de tous les Cabinets de l'Europe.

Le Gouvernement Français ayant fait, au désir d'éviter la guerre, tous les genres de sacrifice ; ayant peut-être trop longtems lutté contre l'opinion publique, soulevée par les provocations de l'Espagne,—le Gouvernement Français est arrivé à cette dernière limite de concession, qu'aucun Pouvoir qui se respecte, ne peut impunément dépasser. Blessée dans ses intérêts essentiels, La France ne peut plus fermer les yeux sur les dangers qui La menacent, sans cesser de faire les vœux les plus ardents pour la paix. Elle a déjà pris, et continuera de prendre, les mesures propre à mettre fin à un état d'incertitude qui compromêt à la fois, Sa sûreté, Son honneur, et Sa dignité. Quelque soit l'évènement, La France aimera toujours à compter sur les Bons Offices dont le Gouvernement Anglais veut bien lui renouveler la proposition. Elle mettra Elle-même tous ses soins à resserrer les liens qui unissent si heureusement les deux Monarchies et les deux Peuples.

*Son Excellence M. Canning.*

CHATEAUBRIAND.

No. 14.—*Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, January 28, 1823.*

SHORTLY after I had dispatched the Messenger yesterday, M. de Marcellus delivered to me the Official Answer of M. de Chateaubriand to the Note addressed by me to M. de Marcellus on the 10th instant.

As it appears from your Excellency's Despatch of the 24th, which also reached me yesterday, that M. de Chateaubriand, though he stated to your Excellency the substance of this Note, had not furnished you with a Copy of it, I think it right to inclose a Copy for your information.

Upon a first consideration, I am by no means sure that it will be necessary to reply Officially to this Note of M. de Chateaubriand ; since it, in effect, admits all the material propositions of the Note to which it is an answer.

The Questions brought forward by France at Verona are acknowledged to have been *French* Questions, in the sense in which they are in my Note described to have been such ; that is to say, the interest of France is stated in those Questions, not as distinct from the interest of Europe, but as more immediate:—and it is not denied that the refusal of His Majesty's Plenipotentiary to concur in the decisions of Verona, was founded on the omission by France to substantiate any specifick ground of complaint against the Spanish Government.



In the subsequent part of M. de Chateaubriand's Note, while the assertion of my Note of the 10th instant,—that Great Britain had in 1820 declined anticipating hypothetical Cases in which it might be impossible to remain at peace with Spain,—is disputed ; the only two Cases which are cited in exception to that assertion, are Cases wholly independent of the principle of interference in the internal Concerns of other Nations.

It is averred, that we admitted the necessity of War against Spain ; first, if Spain herself should be guilty of aggression against other States, and secondly and specifically, if she should attempt to possess Herself of Portugal.

Unquestionably, with respect to either of those Cases, Great Britain would admit, not only prospectively and hypothetically, and as to Spain, but positively and directly as to any Power whatever, that aggression against any of its neighbours would justify War ; and that aggression against Portugal would impose upon Great Britain the duty of protecting Her Ally.

But these admissions leave the Question as to the right of interference in the affairs of Spain, where it was.

With respect to that part of M. de Chateaubriand's Note which describes the nature of the Demands intended to be made by France upon Spain, and takes credit for the moderation of them ; your Excellency will not fail to observe, that our difference with France and the Allies throughout, is not as to the Arrangements which it might be desirable to obtain from Spain, but as to the principle upon which France and the Allies propose to require them.

We disclaim for Ourselves, and deny for other Powers, the right of requiring any Changes in the internal Institutions of Independent States, with the menace of hostile attack in case of refusal. The moderation of such demands in no degree justifies in our eyes such a mode of enforcing them ; and this distinction it is the more important to keep steadily in view, and to impress upon the French Government at a moment when, for their sake and at their desire, we are suggesting to Spain, in a tone of friendly counsel, alterations similar to those which France is proposing as the alternative of hostilities.

Your Excellency will speak in this sense to M. de Chateaubriand, when you acknowledge on my part the receipt of his Official Note ; from the general tone of which, and from the friendliness of its expressions towards this Country, you will inform M. de Chateaubriand that His Majesty's Government derives the liveliest satisfaction ; at the same time that It views with deep regret the tendency of that part of the Note which appears to indicate an expectation of hostilities with Spain.

I am, &c.

*H. E. The Rt. Hon. Sir Charles Stuart.*

GEORGE CANNING.

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## PARIS AND MADRID.

*No. 1.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 3, 1822.*

IN order that you may be fully informed of the manner in which the Question of Interference in the Affairs of Spain has been treated at the Conferences at Verona, I have directed Copies of the principal Communications received from the Duke of Wellington on that Question, to be prepared for you; and I herewith transmit them to you for your information.

*No. 2.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 9, 1822.*

ON the day after I had dispatched my last Messenger to you, M. de Colomb, the Spanish Chargé d'Affaires, requested a Conference; at which he first read, and then delivered to me, the Extract of a Despatch from his Court, of which I inclose a Copy.\*

*No. 3.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 9, 1822.*

I HAVE received this morning, the Duke of Wellington's final Dispatches from Verona.

No argument will be left unemployed on the part of His Majesty, which may tend to allay a warlike disposition in His Most Christian Majesty's Councils. His Majesty's Mediation between France and Spain, if solicited by Spain and accepted by France, would be gladly given and earnestly exerted, to settle the Disputes between those Powers, and to preserve the Peace of the World.

If Spain be disposed to solicit that Mediation, She will entitle Herself to it, First, by redressing our grievances,—and, Secondly, by a confidential and spontaneous assurance, that His Catholick Majesty and His Family are altogether safe from violence.

Upon this latter Point, it is not intended that you should make any direct demand to the Spanish Government. It could not properly find its place in a diplomatick Communication to the Minister of His Catholick Majesty. But M. de San Miguel may be easily led to understand, how important an aid would be afforded to any interposition of ours in behalf of Spain, if We could accompany it with the declaration of our entire conviction, that on this point Europe has nothing to fear.

*No. 4.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 17, 1822.*

I TRANSMIT to you an Extract† of a Despatch which has been received from the Duke of Wellington at Paris.

\* See Enclosure in No. 7, Verona and Paris, page 13.

† See No. 8, Verona and Paris, page 16.

You may confidently assure the Spanish Minister, that no effort has been, or will be left untried, on the part of His Majesty, to prevent a War against Spain.

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*No. 5.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 28, 1822.*

I RE-DISPATCH your Messenger with the inclosed Copy of an Official Note\* presented to the French Government by the Duke of Wellington, the day before his departure from Paris.

You will communicate it to M. de San Miguel; and if desired, will furnish him with a Copy of it.

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*No. 6.—Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, December 29, 1822.*

SIR CHARLES STUART has transmitted the Answer of the French Government to the Official Note presented by the Duke of Wellington, at Paris. In that Answer (of which I enclose a Copy†), the French Government, while it declines accepting the proffered Mediation of His Majesty, on the ground that there is no specifick Point of difference, to the removal or explanation of which, Mediation can be distinctly applied, expresses nevertheless the pleasure with which it views the "conciliatory dispositions" of the British Government, and the hope which it derives from those dispositions, of the continuance of Peace in Europe.

Sir C. Stuart, at the same time, reports to me, the Instructions which have been transmitted by the French Government to ‡ their Minister at Madrid. M. de Marcellus has been with me this morning for the purpose of making, by order of his Government, a similar Communication.

As the object at Verona was to induce us to make common cause with all; so the object of France, since she has to a certain degree reconsidered for Herself the measures framed at Verona, appears to be to induce us to concur in Her separate and mitigated measure.

The truth is, as you are aware, that our objection to joining in the measures settled at Verona was an objection of principle not of degree; an objection not capable therefore of being overcome by a mere modification of the execution of them.

It would have been idle to offer our Mediation to France, if we had been prepared to unite with Her in the conditional menace contained in the Despatch which she has now addressed to Her Minister at Madrid,—a menace softened perhaps in its terms, and less precise as to the conditions on which it depends, than those of the other Continental Powers, but still vicious in principle, as at once demanding of

\* See Enclosure in No. 10, Verona and Paris, page 17.

† See No. 11, Verona and Paris, page 17.

‡ M. de Villèle to M. de Lagarde, Paris, Dec. 25, 1822.



Spain something to be done in the arrangement of Her internal concerns, and denouncing (in however comparatively distant and obscure a manner) War as the consequence of refusal.

In speaking to M. de San Miguel upon the subject of those Instructions, you will disclaim for your Government any participation in this proceeding of the French Government. But you will avow the deep interest which the King, our Master, feels in the agitations now prevailing in Spain; His Majesty's anxious hope that the Spanish Government and Nation may avoid any excess, either in action or in language; and His Majesty's unabated desire, to employ His Good Offices, in whatever way may be most useful to Spain, for averting the dangers with which She is threatened, and for reconciling Her to France and to all Europe.

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*No. 7.—Mr. Secretary Canning to Sir William d Court,  
(Extract.) Foreign Office, December 29, 1822.*

It may be of so much use to you, in the present critical state of things, to have with you some Person, in the Duke of Wellington's entire confidence, and capable of communicating in His Grace's name with Individuals whom he has personally known, and who are now in the Spanish Government or Councils, that Lord Fitzroy Somerset has agreed to undertake a Journey to Madrid, for the purpose of affording you such assistance.

He will set off in the course of next week, and will remain at Madrid as long as you think he can be useful to you.

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*No. 8.—Sir W. d Court to Mr. Secy. Canning,—(Rec. Jan. 2, 1823.)  
(Extract.) Madrid, December 24, 1822.*

MR. JACKSON is arrived, and has delivered to me your Despatches of the 9th ultimo.

I am now really inclined to believe, that we shall come to an amicable and satisfactory termination of our Discussions with the Spanish Government.

My conversation with M. San Miguel this morning, began by his pulling from his pocket a large roll of papers, with which, he said, he was going down immediately to the Cortes, with the view of requesting authority from that Body, to settle every Question at issue between England and Spain.

“We are sure of England, he said, and satisfied with Her Position; and We hope that the Cortes will enable us to make Her satisfied with Spain.—We cannot expect Her to range herself on our side, nor to send Troops or Fleets to assist us; but we are persuaded that she will never assist our Enemies, nor furnish them with the means of invading us. It is, moreover, so much Her Interest to prevent War breaking out between us and France, that it is quite unnecessary to ask for Her Mediation.—There is certainly nothing to induce us to



ask for such a Mediation at present ; but we are at sea, surrounded by dangers, and menaced by storms, and it is impossible to say, that we may not yet require a friendly hand. But we see nothing yet to make it necessary for us to ask any Mediation, nor have we at present any intention to solicit one."

I have thought it adviseable, Sir, to repeat to you this conversation, that you may be able to draw from it your own conclusion as to the probability of our Mediation being solicited.—I am myself of opinion that such a step will never be resorted to, till every other hope has failed : and certainly there is nothing in the Despatches from Paris, nor in the conversations or conduct of General La Garde, to make this Government despair of avoiding a War without our Mediation.

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No. 9.—*Mr. Secretary Canning to Lord Fitzroy Somerset.*

MY LORD,

*Foreign Office, January 6, 1823.*

IN returning to your Lordship the *Memorandum* which the Duke of Wellington has put into your hands, of the Points upon which it may be advantageous to The King's service, that your Lordship should communicate verbally his Grace's sentiments to such of the Persons now taking a leading part in the Affairs of Spain, as may be likely to be influenced by a Communication of this confidential nature, I have very little to add to the contents of the *Memorandum* ; and that little relates rather to the mode of your acting upon it, than to the substance of the Paper itself.

Important as the aid which your Lordship will bring to Sir William à Court must be, you will, I am sure, be aware of the absolute necessity of not appearing to be invested with any Separate Mission, which might detract in the eyes of the Spanish Ministers from that Gentleman's official or personal authority.

Your Lordship will be so good as to consult Sir William à Court's wishes and opinions as to the occasions on which, and as to the Persons with whom, you should enter upon the topics entrusted to your discretion ; and you will report to him your several conversations, not disguising from the Individuals with whom those conversations are held, that you are to do so.

At the same time, however, that you will be thus careful to mark your relation to His Majesty's established Minister, it will be essential to avoid creating the impression, that the suggestions which your Lordship has to offer on the part of the Duke of Wellington, as the friend and well-wisher of Spain, are only in another shape *demands* on the part of your Government. A voluntary adoption of the suggestions of the Duke of Wellington would enable us to mediate for Spain with France, with an effect infinitely more powerful. But we do not, like France, demand any thing of this sort, as the price of our forbearance to break with Spain.

What is necessary to enable us to mediate for Spain with honour, is the redress of the grievances which we have against Her. But that matter is in Sir William à Court's hands; and is, I hope, in a train of settlement.

With regard to the length of your stay at Madrid, I have only to refer you to your own and Sir William à Court's joint discretion.

I shall hope to hear from your Lordship soon after your arrival, and as often as there is a safe opportunity of writing.

I have the honour to be, &c.

*The Rt. Hon. Lord F. Somerset.*

GEORGE CANNING.

*(Inclosure.)—Memorandum of The Duke of Wellington, for Lord Fitzroy Somerset.*

*London, January 6, 1823.*

It is important to make the Spaniards feel, that a King being necessary for the government of their Country, and a part of their System, as established by themselves,—it follows, as a matter of equal necessity, that the powers and prerogatives assigned to the King in the System, should be such as to enable Him to perform His duties, and such as, in reason, a King ought to be satisfied with.

If the situation of the King is not what it ought to be;—if He has not the power to protect Himself, and those employed under Him, in the performance of their duty in the service of the Public; and if the King has not reason to be satisfied that the power allotted to Him by the Law is sufficient,—the Country will never be in a state of tranquillity, be the System of Government what it may.

There will be perpetual, successive, Royalist Insurrections in one part of the Country or the other; and the King and His Government will be objects of never ceasing jealousy and distrust.

The Family connection between His Catholick Majesty and the King of France,—and the interest which the latter naturally feels for the welfare of the former,—will occasion a perpetual irritation between the two Countries, so long as the situation of the King in Spain is not what it ought to be; which it may be expected will, sooner or later, occasion War, and the invasion of the weaker Country.

Thus, then, those Spaniards who really desire the peace and welfare of their Country, must look to an alteration of their Constitution, which shall have for its object, to give the King the power of executing His office. I confess that I do not see any objection to this alteration, either in the antecedent conduct of the King, or in the apprehension that His Catholick Majesty will abuse the power thus confided to Him. The King will feel the advantages of the position in which He shall find Himself, and will have no motive for wishing to overthrow the System established, particularly if the alteration is made in concert with Him; and, moreover, the spirit of the People, and the exertions

of those Individuals who have prevented the existing System from being overthrown, will preserve that to be established, even though the King should be desirous of overthrowing it, by the abuse of the power entrusted to Him.

This will be the case particularly, if the proposed alterations of the System are concerted with the King. Indeed, no other mode of making those alterations can have the desired effect: as, if they are not made in concert with the King, His Catholick Majesty will not cordially carry into execution the System proposed; and, both King and People being dissatisfied, there will still be the same causes for internal disturbance and for external War as exist at present. The concert with the King on the alterations, must be a real one: and the King must be satisfied, that the Constitution, as altered, will secure the foundations of His power over the Executive Government, and will give him the means of protecting Himself, His Family, and His Servants

Neither do I see any reason for deferring to make these alterations in the recent transactions of Foreign Powers. Those transactions are all professedly defensive. France professes, by her Army of Observation, to be defensive; and declares that She will not pass the Frontier, excepting on the occurrence of certain Cases. The alterations of the Constitution, on the principles proposed, would render those Cases so improbable, as that the continuance of the Army of Observation would be an useless expense; and there is no doubt that it would be immediately withdrawn.

Then, another advantage which would result from this alteration in aid of internal tranquillity is, that France would most probably immediately adopt some efficient measure to prevent the assembly of the Royalists within the French Frontier. All Spaniards who pass the Frontier, might be ordered to reside at such a distance from the Frontier, as to render their intrigues or their operations within the Spanish Frontier nearly impossible; and thus the asylum given in France to Persons of this description, would not be inconsistent with the peace and tranquillity of Spain.

But this is not all. The Spaniards must see that all the sources of the prosperity of their Country are nearly destroyed; and that the very foundations of social order and government are in a state of risk. There is no Trade, no private or publick Revenue: the National Property cannot be sold: the interest of the National Debt cannot be paid; nor can the Army, or any of the public Servants or Establishments; and no Money can be borrowed.

I happen to know that the principal monied people in Europe, will not lend their money to Spain, till they shall see a System prevail in that Country, which shall afford some hope of the re-establishment and permanence of peace and good order.

If all this be true—if it be true, besides, that the best chance that Spain has of coming to some Arrangement with her Colonies, is to be found in some settlement of her internal dissensions and distractions, it is impossible that any reasonable Spaniard can doubt that the time is come, to effect those Alterations, which the common sense of mankind points out to be necessary.

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No. 10.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, January 6, 1823.*

THIS Despatch will be delivered to you by Lord Fitzroy Somerset, who has the goodness to undertake a Journey to Madrid, (without any Official Character,) in the hope of being useful to you in the very difficult and complicated state of your present Negotiations, through his acquaintance with some of the prominent Characters among military and other publick men in Spain; and through the knowledge which he possesses, and is known to possess, of the views and opinions of the Duke of Wellington.

There may be those among the leaders of the Cortes, or in Offices of the Executive Government, who would listen to friendly counsels, coming from a Man to whom Spain is so deeply indebted as the Duke of Wellington, and to whom her welfare is naturally so dear, from the very services which he has had the glory of rendering to Her, though they might turn a deaf ear to any other suggestions.

The object of England is to preserve the Peace, of which her exertions have prevented the immediate interruption. But it is much to be feared that Peace cannot be preserved, if things remain in their present state, both at Madrid and on the Frontier of Spain.

France can hardly be expected to withdraw her Army of Observation, without some assurances from Spain, which she may plead as satisfactory. We ask no such assurances for ourselves, and we annex no penalty to the refusing or withholding them: but it would enable us to do much, that such assurances should voluntarily be given to us; and perhaps they may be given less reluctantly through the confidential Friend of the Duke of Wellington, than directly to yourself, even if you were authorized Officially to receive them. The interval is precious, and it is hoped that it may not be thrown away.

I enclose to you a Copy of a Letter\* which I address to Lord Fitzroy Somerset, and of a Memorandum with which he is furnished by the Duke of Wellington.

You will see that he is to consult your judgment as to the occasions on which, and the Individuals with whom, it may be expedient that he should enter into communication; that he will repeat to you whatever

\* See No. 9, page 31.



passes in such Conferences; and that the length of his stay and the time of his departure are to be determined with your advice.

I am, &c.

GEORGE CANNING.

*The Right Hon. Sir Wm. d Court.*

*No. 11.—Mr. Secretary Canning to Sir William d Court.*

(Extract.)

*Foreign Office, Jan. 9, 1823.*

ENCLOSED is a Copy of an \* Official Note which I have received the King's Commands to address to the French Chargé d'Affaires in London, in reply to the Duke de Montmorency's Answer to the Note of the Duke of Wellington of the 17th ult. which tendered to the French Government the Mediation of His Majesty for the adjustment of its Differences with Spain.—You will communicate my Note to the Spanish Minister.

Our position between France and Spain is strictly mediatorial, even though neither of the two States should (for different reasons) think fit to avail itself of our formal Mediation: and though We are not invested with the office, We must endeavour practically to perform the duties of it.

I have received the King's Commands to signify to you His Majesty's gracious approbation of the ability, zeal, and perseverance with which you have executed the Instructions heretofore confided to you, with respect to the Commercial and Maritime Claims of His Majesty's Subjects,—the settlement of which, after so long a course of complaint and remonstrance, will be mainly to be attributed to your exertions.

The difficulty of the task imposed upon you by the tenour of those Instructions, contrasted as they are with the more acceptable communications which you have subsequently had to make to the Spanish Government, is fully acknowledged; and your success in reconciling two apparently opposite courses of conduct, and producing (as it is hoped you may do) a favourable result in both, will be proportionably appreciated by your Government.

If any thing of personal indisposition towards yourself, shall appear to have been excited in the mind of those with whom you have had to negotiate, from the pertinacity with which you have been directed to press the unpleasant topics of your late Conferences, you will not scruple to set yourself right, by throwing the whole responsibility upon your Instructions.

It would have been very desirable indeed, if it had been proper, to qualify the unpleasantness of those Instructions, by accompanying them with some distinct intimation of the part which the Plenipotentiary of His Majesty was taking in Spanish Affairs at Verona: but such an intimation of our separate opinion could not be given, in fair-

\* See No. 12, Verona and Paris, page 19.



ness to the Allies, while their deliberations yet continued, and while the result of those deliberations was undetermined or unknown.

Now that the whole of our conduct is before the Spanish Government, you will assuredly find no difficulty in convincing them of the correctness of both parts of it; in shewing them that a determination to vindicate our Rights against Spain was not incompatible with a respect for Her National Independence; and in availing yourself of the removal of that dissatisfaction, which must always have tinged our intercourse with the Spanish Government, while our just Grievances remained unredressed, to impress upon M. de San Miguel our desire to prove, by our Good Offices in Europe, how little any feeling of hostility entered into the Measures to which we were compelled to resort for the defence of our honour and our interests in America.

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No. 12.—*Sir W. d Court to Mr. Secy. Canning.*—(Rec. Jan. 9, 1823.)  
(Extract.) *Madrid, December 26, 1822.*

I saw M. de San Miguel again this morning, who continued to speak in the same friendly tone as during our last Conference, and repeated his assurances that every thing respecting our Claims should be arranged to our entire satisfaction, provided the Cortes granted him the Faculties he demanded.—This I trust will be done.

In the course of this Conference M. de San Miguel said, that he fully understood our position, and our friendly intentions towards Spain; which arose indeed from a conviction of our own Interests. It never could tally with English Policy that France should be in military occupation of Spain.

He then added, that from every report which had lately reached him, he did not believe that any War was likely to take place.—The Congress was over, and the Great Continental Sovereigns had retired to their respective States, leaving every thing to France: and he had reason to believe that France was by no means in those decidedly hostile intentions, which there had once been reason to apprehend.

With respect to the possibility of any future solicitation of British Mediation, he gave me to understand that it was a Question of so delicate a nature, and necessarily so dependent upon contingencies, that he wished, at present, to say nothing upon the subject. If ever such a solicitation took place, it would be done in the most open, frank, and unreserved manner, by an Official written Document, which should leave no doubt upon the mind of one Party, as to the intentions of the Other.

I shall draw no inferences from this conversation, nor argue upon the probability or non-probability of our Mediation being solicited; as you, Sir, will be much better able to judge correctly of this matter, from the communications you receive of what is passing in the Cabinet of the Tuileries.

This Despatch will be forwarded by a Spanish Messenger, who leaves Madrid for London, either this evening or to-morrow morning.

No. 13.—*Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, January 11, 1823.*

I WAS about to send this Messenger to you the day before yesterday, with my Despatch of that date, when yours by the Spanish Messenger arrived.

Its contents, though not conclusive, are highly interesting; and if the hopes which you hold out, with respect to the settlement of our Claims, are realised, you will have rendered a great service to your Country.

You have judged quite correctly, in not pressing the Mediation of His Majesty. The refusal of the French Government puts any *formal* exercise of it now out of the question. But, substantially, our Good Offices may do all that the most regularly accepted Mediation could have done.

The position in which the Spanish and French Governments stand towards each other cannot last. Every day brings with it the hazard of an accidental infraction of peace on the Frontiers; and the smallest such infraction might confound all our hopes and endeavours. Till France shall withdraw her Army of Observation, there is no security against such hazards.—France cannot withdraw her Army (it is fair to admit) without some cause to assign for doing so. The only cause to be assigned must be some satisfactory assurances received from Spain. Spain may be reluctant to give such assurances to France, under the apparent influence of a menace. But she may confide them to Us, who neither require them, nor threaten any consequence of withholding them. If Spain has griefs against France, she may in like manner confide to Us the statement of them, as an inducement to France to be satisfied with less concession.

Such is the summary of the present state of things, on which depends the fearful alternative of Peace or War. We earnestly desire the former; not only for our own interest, as M. San Miguel suggests, but for the larger interests of Europe, (those of Spain herself included,) in which ultimately, if not immediately, our own no doubt may be involved.

We wish for Peace therefore in Europe: but Peace for ourselves we are determined at all events to preserve; and should our efforts to maintain it between France and Spain prove abortive, We shall have the consolation to have discharged the duty towards both, of a faithful and disinterested Ally; and shall retire thenceforth within the limits of a strict Neutrality.

This last topick you cannot state too clearly, nor press too strongly upon M. San Miguel: as there are not wanting those, who may wish

to inspire him with the notion that the anxiety which we manifest to rescue Spain from the War, is an earnest of a determination to join Her in the War, if it should come upon Her.—I have discouraged in the most decisive manner some obscure indications of a wish and hope of this kind, in the Spanish Mission in this Country.

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No. 14.—*Sir William d Court to Mr. Secy. Canning.*—(Rec. Jan. 20.)

SIR,

Madrid, January 7, 1823.

LONG before this Despatch can reach you, the final determination of the Cabinets of Austria, Russia, and Prussia, as well as that of the Cabinet of the Tuileries, will have left little doubt on your mind as to the probable issue of the Negotiations (if Negotiations they may be called) undertaken with the Government here.

It is therefore unnecessary for me to do more than give a succinct statement of events in this Capital, from the period of their arrival to the moment of writing this Despatch.

The French Minister, as might have been foreseen, had the start of his Colleagues, having received his Letters two or three days earlier than they received theirs. He made use of this time to give that favourable impression of the intentions of his Government, to which his attention appears to have been directed by his Instructions; and he had already prepared the Spanish Government thoroughly to understand the position in which France had placed Herself, long before any intimation could be given, by the Representatives of the other Continental Powers, of the intentions of their respective Courts.

The Spanish Government, thus set comparatively at ease with respect to France, and sure of the Neutrality of England, could not be expected to pay any very great attention to the vague suggestions of Three distant Powers, couched in language very far from conciliatory. Instead then of any intimidation being exhibited, or any Point being yielded, the tone adopted by the Spanish Government has been that of conscious security.—No written answer to the several Communications has indeed been given; but it has been promised: and there is every reason to suppose that, when it arrives, it will be found to be in the sense which this feeling would naturally dictate; and that the departure of the Austrian, Russian, and Prussian Representatives must necessarily follow. The French Minister will remain.

I must do the Spanish Government the justice to say, that, so far as I can perceive, It has not assumed any improper manner, or exhibited any extraordinary presumption upon the present occasion. M. de San Miguel, indeed, in his conversations with me, since the arrival of the Despatches above-mentioned, has spoken in a tone of much greater moderation, and has held out much greater hopes for the future, than he ever ventured to express before:—He more than insinuated that

Modifications might be effected, whenever the Country should be relieved from the danger of Foreign Interference.

The contents of the Communications made have not yet been sufficiently digested by the Publick, to allow me to speak with any certainty of the general feeling. Upon the whole, however, I do not observe any very great effervescence; nor do I, as yet, see any reason to fear that any personal insults will be offered to the Representatives of the Allied Sovereigns. The town remains perfectly tranquil.—I have done, and shall continue to do, every thing in my power to allay the irritation which may exist, and to prevent the adoption of violent Measures.—The friendly and cordial footing upon which M. San Miguel and I now stand, makes me hope that my endeavours will not be entirely useless. I have the honour to be, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

*No. 15.—Sir William à Court to Mr. Secy. Canning.—(Rec. Jan. 20.)*

SIR,

*Madrid, January 10, 1823.*

THE Despatches received and communicated to this Government, by the Representatives of the Three Continental Powers, were yesterday presented and read to the Cortes, by M. de San Miguel, in a publick Sitting. He at the same time read the Answer addressed to the Spanish Minister at Paris, but previously communicated to M. Lagarde; and the Despatches addressed to the Spanish Representatives at the Courts of Austria, Russia, and Prussia, in answer to the Communications made by the respective Chargés d'Affaires of those Powers residing here.

The Answer to the French Despatch contains nothing that can be deemed offensive. The Answers to the others will probably be considered in that light. I inclose a Gazette, containing all those Documents, which the immediate departure of the Courier will prevent me from getting translated.

The Cortes exhibited a great degree of temper and moderation, M. M. Arguelles and Galiano immediately moved that no discussion should be entered into for the moment, but the whole be referred to the Foreign Committee; alleging, that a certain time should be given for passion to subside,—it being highly desirable that the Members should come to the discussion of so grave a subject, with the temper and decorum becoming the Spanish Character and Nation. The Papers were consequently referred to the Committee for Foreign Affairs, to report upon the same; and the Committee was also instructed to prepare an Address, to be presented by the Cortes to the King, pledging the Nation to reject all compromise with Foreign Powers, unbecoming the dignity of their Country; and expressing their determination to die, if necessary, in defence of the Constitutional



Throne. The Committee was ordered to report in forty-eight hours.

As it was not very generally known that these Documents were to be publicly read, the House was by no means full. The galleries were disposed to be a little riotous, venting their constitutional ardour in repeated cheers, and a few ill-supported cries of "Death to all Tyrants, &c. &c." Upon the whole, however, the Sitting may be said to have passed over with order and tranquillity.

I cannot help thinking, that some of the moderation exhibited, may be due to the language which I have uniformly held, as well to M. de San Miguel, as to others who have considerable influence. I certainly prevailed in preventing Passports from being sent, unasked, to the Three Chargés d'Affaires, as was at first intended. This is perhaps not gaining much, as they will be immediately applied for by them; but still it prevents what might hereafter be construed into a fresh ground of offence, on the part of this Government.

Not to leave any measures untried for the preservation of Peace, I have also opened myself in the most unreserved manner to the French Minister, offering to co-operate with him by every means in my power for that first of objects. Till within these few days, he appeared to be as anxious as myself to prevent things from coming to extremities; but since the arrival of the last Courier from Paris, I have observed a difference in his tone, which I cannot but attribute to fresh Instructions. He informed me yesterday, that it would be impossible for him, after the departure of his Three Colleagues, to allow the slightest offence or insolence to pass without immediately demanding his Passports. The persuasion upon his mind now seems to be, that a War is inevitable.

If the French Government be determined on War, it will certainly be impossible for us to prevent it from taking place: yet I have very strong reason to believe, that I shall receive from the Spanish Government, within forty-eight hours, an application for our Good Offices, (though I fear not for our Mediation); and I cannot but hope, that if this be the case, it will give a fresh aspect to affairs. If such an application reach me, I shall request Mr. Jackson to set off with it immediately for London: but I cannot assure you positively that it will be made, till I hold the application in my hands.

I have the honour to be, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

No. 16.—*Sir William à Court to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Jan. 21.)

SIR,

*Madrid, January 12, 1823.*

IN my Despatch of the 10th instant, I stated to you, that I had reason to believe that a Note would shortly be addressed to me, re-



questing the Good Offices of England, with the view to prevent the breaking out of a War between this Country and France.

This Note has reached me, and I have the honour to enclose a Copy of it herewith. I have requested Mr. Jackson to proceed with it directly to England; and have selected him the rather, from the persuasion that no one is better qualified to give you, verbally, those further explanations, which, under the present circumstances, I can hardly venture to write.

If France be pacifically inclined, something may yet grow out of this Overture, to prevent that recurrence to arms, the consequences of which it is impossible to foresee. France may state what She wants to Great Britain; who may thus become the medium of Her communications with this Government, in the event of the departure of Her Minister. This appears to me, at all events, to be the last hope that remains for the preservation of Peace; and, therefore, faint as it is, it should not be rejected. I have the honour to be, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

(Enclosure.)—*M. de San Miguel to Sir William à Court.*

TRANSLATION.

*Palacio, 12 de Enero, 1823.*

*Palace, Jan. 12, 1823.*

MUY SR. MIO,

SIR,

CON fecha de 9 del corriente, se remitió al Sr. Don Juan Jabat, Ministro Plenipotenciario de S. M. cerca de S. M. Britanica, Copia Oficial de las ultimas comunicaciones que habian hecho al Gobierno Español por orden de sus Cortes, los Representantes en esta Capital, de Francia, Austria, Prusia, y Rusia, y de las respuestas que se dieron á ellas. Al mismo tiempo se dió orden al espresado Ministro, de que leyese la mencionada correspondencia al Sr. Secretario de Negocios Estrangeros de S. M. Britanica; y que le manifestase que los principios y resoluciones del Gobierno Español, no serian jamás otros que los consignados en dichos Documentos.

UNDER date of the 9th instant, an Official Copy of the late Communications which the Representatives of France, Austria, Prussia, and Russia, at this Court, have made to the Spanish Government, by order of their respective Courts, together with the Answers given to them, was forwarded to M. Jabat, His Majesty's Minister Plenipotentiary in London. At the same time orders were given to the aforesaid Minister, to read the whole of this Correspondence to His Britannick Majesty's Secretary of State for Foreign Affairs, and to declare to him, that the principles and resolutions of the Spanish Government would never differ from those contained in these Documents.

Poco tendrá, en consecuencia,

His Catholick Majesty's Go-

que añadir á V. S. el Gobierno de S. M. Católica en la Nota que tengo la honra de dirigirla de Rl. Orden con la Gaceta adjunta, donde están copiadas oficial y autenticamente las espresadas comunicaciones, que no se remiten á V. S. por la brevedad del tiempo.

V. S. que ha sido testigo ocular de los sucesos ocurridos en esta Corte de tres meses á esta parte, y de las escenas que ha ofrecido en los tres ultimos dias, podrá mejor que nadie informar á su Gobierno de la resolucion en que se halla la España entera de defender á todo trance la Independencia Nacional, y de no reconocer intervencion por parte de ninguna Potencia Estrangera. Es tan obvia la justicia de la causa de la Nacion, y tan sagrados é imprescriptibles sus derechos á ser independiente, que el Gobierno de S. M. créaria hacer un agravio á la ilustracion de V. S. si tratase de insistir en este punto.

Los defectos que pueda tener la actual Constitucion de España, deben ser conocidos y remediados por la misma Nacion libre y espontaneamente. Lo contrario seria establecer un derecho de opresion el mas terrible é insuportable. Los Españoles están identificados con la Constitucion promulgada en 1812; y todos miran al Sr. Don Fernando 7º como la Persona sagrada é inviolable de su Rey Constitucional; no pudiendo ocultarse á V. S. que el respeto profesado al Rey se estiende á las personas de su Real Familia.

vernment will, consequently, have but little to add in the Note which I have now the honour to address to you, by Royal Order, together with the inclosed Gazette; which contains an official and authentick Copy of the Communications in question, which are not forwarded to you for want of time.

You, Sir, who have been an eye-witness of the events which have occurred in this Capital during the last three months, and of the scene which it has presented during the last three days, can inform your Government better than any one else, of the firm determination of all Spain to defend Her National Independence at all hazards, and never to acknowledge a right of interference on the part of any Foreign Power. The justice of the Cause of the Nation is so obvious, and its right to be independent so sacred and imprescriptible, that His Majesty's Government would think it an affront to your judgment, Sir, to dwell any longer upon this point.

Any defect which the present Constitution of Spain may have, ought to be discovered and remedied, freely and spontaneously, by the Nation Itself. The contrary would tend to establish a right of the most terrible and insupportable oppression. The Spaniards are, at present, identified with the Constitution promulgated in 1812.—They all behold in their present Monarch, Don Fernando the Seventh, the sacred and inviolable Person of their Constitutional King; and it cannot be concealed from you, Sir, that this

La España, invariable en sus principios, aguarda tranquila el resultado de las respuestas que se han dado á las Comunicaciones de las quatro Grandes Potencias Continentales; pero se lisongea, sin embargo, de que no se ensangrentará la Europa por cuestiones que son de suyo evidentes; y que la Francia renunciará á su llamado sistema de precaucion, que sin producirla utilidad, ocasiona tantos perjuicios á España.

A la Inglaterra que ha tomado en las Conferencias de Verona un caracter tan moderado y tan pacifico, pertenece el coronar su obra, y evitar la efusion de sangre, que no puede producir utilidad á los intereses de ninguna Nacion: y á ella corresponde hacer ver al mismo tiempo al Gobierno de Francia, el error que comete en tomar medidas y precauciones, que no ocasionan sino contrarios resultados de los que dice proponerse.

La existencia de su Ejército de Observacion del Pirineo, y la proteccion concedida á los Facciosos, son enteramente incompatibles con el estado de tranquilidad que el Gobierno Frances dice desea á España.

El de S. M. C. apetece que desaparezca tal fatal contradiccion, y de nadie se promete mas eficaces resultados sobre el particular, que de la influencia del Gabinete de la Gran Bretaña, y por lo mismo es-

respect professed to The King, is extended to all the Members of His Royal Family.

Spain, unvarying in Her principles, awaits calmly the result of the Answers which have been given to the Communications of the four Great Continental Powers; but She flatters herself, however, that blood will not be shed in Europe, for questions so evident in themselves; and that France will lay aside Her System of Precaution, as She calls it, which, without being of the slightest utility to Her, is the source of so many evils to Spain.

To England, who has taken in the Conferences at Verona so moderate and pacifick a line, it now belongs to crown the work; and to prevent an effusion of blood, which can be productive of no possible advantage to the interest of any Nation. To England too belongs the task of making the French Government perceive the error which it is committing, in taking measures and precautions, which only produce contrary results, to those which it states itself to have in view.

The existence of its Army of Observation on the Pyrenees, and the protection afforded to the Insurgents, are entirely incompatible with that tranquillity, which the French Government says it wishes Spain to enjoy.

His Catholick Majesty's Government hopes that this fatal contradiction will at length disappear:—and, in attaining this object, it feels that it can no where look for more effectual assistance,

pera que su ejercicio no se negará á este objeto.

Al tener la honra de hacer á V. S. esta comunicacion, que espero se servirá elevar á conocimiento de su Gobierno. Aprovecho con gusto esta circunstancia para renovar á V. S. las seguridades, &c.

EVARISTO SAN MIGUEL.  
*Al Ministro Plenipotenciario  
de S. M. B.*

than from the Cabinet of Great Britain, the exercise of whose influence to this effect, will not, it trusts, be denied.

I beg, Sir, that you will be pleased to lay before your Government, the Communication which I have now the honour of making to you, and I embrace this opportunity of renewing to you the assurances, &c.

EVARISTO SAN MIGUEL.  
*The Minister Plenipotentiary  
of H. B. M.*

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*No. 17.—Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, January 24, 1823.*

I ENCLOSE to your Excellency a Copy of a Note \* which M. de San Miguel, the Spanish Secretary of State, addressed to Sir William A'Court on the 12th instant, and requested him to transmit to his Government.

The object of this Note is, as your Excellency sees, to obtain the Good Offices of His Majesty's Government with France, for the purpose of averting hostilities.

It is needless to repeat to your Excellency, how anxiously the King our Master deprecates a War between two Powers, whose collision must so deeply affect the general tranquillity of Europe ; or how confidently His Majesty infers from the desire for Peace, so repeatedly expressed by His Most Christian Majesty's Government, a disposition on their part to avail themselves of every opening for adjustment and explanation with Spain.

I have therefore received His Majesty's commands to direct you to request an audience of M. de Chateaubriand, so soon as this Despatch shall reach you ; to read to him M. de San Miguel's Note ; and to inform him, that Mr. Jackson (who was the bearer of Sir William à Court's last Despatches, and by whom this Despatch will be delivered to you,) will wait at Paris, for the result of the deliberations of His Most Christian Majesty's Cabinet upon M. de San Miguel's Note, in order to convey to Sir William à Court your Excellency's report of that result.

In your conversation with M. de Chateaubriand, your Excellency is not to over-rate the value of the Concessions, implied, rather than distinctly expressed, in the Note of M. de San Miguel ; nor to repre-

\* See Enclosure in No. 16. Page 41.



sent it as completely satisfactory, and as leaving nothing to be desired:—but it is just and reasonable, at the same time, to consider the circumstances under which it was written.

Assuredly the more enlightened part of the Government, or of the Cortes, of Spain, does not believe the Spanish Constitution of 1812 to be, in all its parts, usefully and permanently practicable. But if there exist imperfections in the frame of the Government of France, or of England respectively, should we consent to reform those imperfections on the demand of a Foreign Power, and under the menace of a Foreign War as the penalty of our refusal?

Even by the mode in which the demand was made by France, that part of the Spanish Government or Nation, which might be willing to undertake those ameliorations of the present Constitution of Spain without which It is alleged to be unsafe to her neighbours, has been placed in a situation of great difficulty. Is it not plain, that the same Proposition completely changes its nature, according to the manner in which it is brought forward?—that one, which, if submitted through the regular channels of diplomacy, might be matter of wholesome advice or amicable remonstrance; when addressed to a Nation aloud, and in the presence, as it were, of all the World, becomes a taunt and a defiance? The publication of the Despatch to M. Lagarde, while it was yet on its road to Madrid, is, I know, defended by the alleged necessity of tranquillizing the public mind at Paris. But if the public mind at Paris required to be tranquillized, was not the public mind at Madrid liable to be inflamed?

Your Excellency will not understand these observations to be made with any view of inculcating the proceedings of the French Government, with which, abstractedly, we have no concern.

I would recall M. de Chateaubriand's attention to the situation in which the French Government has placed itself towards Spain; by the manner in which Her first alternative for War has been propounded,—only for the purpose of impressing upon the French Government the necessity of not omitting any fresh opportunity, however little promising they may deem it, for again stating to Spain the grounds of their dissatisfaction and the nature of their demands.

The French Government desires to assure itself of the safety of the Royal Family of Spain, and of a disposition in the leading Members of the Cortes, as well as of the Government, to turn to advantage any occasion that may occur, or that can be created by a prudent and gradual course of measures, for the remedy of the defects in the Spanish Constitution:—a channel is now opened to the French Government for endeavouring to arrive at those assurances. A precipitate removal of the Royal Family from Madrid—would be the instant and infallible consequence of the march of a French Army across the Frontier. If the amendments in the Spanish Constitution are absolutely necessary, and it is hopeless to bring about those amendments otherwise than by

Arms; has the French Government chalked out to itself the course by which a successful invasion is to be made to lead to the desired result? The occupancy of Madrid, as repeated experience shews, is not the dominion of Spain. The King, and the Cortes, will be established elsewhere, and what is then to follow but a continuance of Civil and Foreign War, spreading misery and devastation over the whole Kingdom?

These considerations your Excellency will suggest to Monsieur de Chateaubriand, in a tone of perfect amity and good will; and with the assurance of the most entire persuasion, on the part of His Majesty's Government, that the prosperity and tranquillity of France are objects in which Great Britain has, herself, the deepest concern. It is seen and acknowledged here, and acknowledged with no feelings but those of congratulation and satisfaction, that every year's continuance of Peace to France, must consolidate more and more her Political Institutions, and promote those improvements in her interior condition and resources, which assure to her the high rank that she holds among European Nations. But in proportion as we feel this sentiment sincerely, we deprecate the fearful experiment of a War, in which there is so little to gain by success; and at a hazard which appears to us as imminent as unnecessary.

The immediate object however of your interview with M. de Chateaubriand, is to bring before him the Overture from M. de San Miguel; to offer His Majesty's Minister at Madrid as a channel of communication with the Spanish Government; and to assure the French Government of the anxious desire of His Majesty, to promote, in that or in any other way, the attainment of such a settlement with Spain, as France may deem consistent not only with her Safety but her Honour.

This Despatch will be delivered to your Excellency, I hope, on Sunday; so that you will have an opportunity of communicating to M. de Chateaubriand the Spanish Note, the day before the Meeting of the Chambers.

I trust the new opening which it affords for discussion and possible accommodation, may be felt as some relief to the French Government, under the difficulties of their present position.

I am, &c.

H. E. *The Rt. Hon. Sir Charles Stuart.*      GEORGE CANNING.

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No. 18.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. Jan. 26.)  
(Extract.)      *Madrid, January 15, 1823.*

NOTHING of any material importance has occurred since Mr. Jackson left Madrid.

There is a Party labouring hard at the present moment to bring about the publication of a general Amnesty. I shall do every thing in my power to forward the adoption of this measure, by representing the favourable impression it will not fail to produce throughout Europe.

No. 19.—*Sir Charles Stuart to Mr. Secy. Canning.*—(*Rec. Jan. 26.*)  
(Extract.) *Paris, January 23, 1823.*

I SAW M. de Chateaubriand yesterday. He told me that the Duke of San Lorenzo had communicated to him the Instructions which had been laid before the Cortes;—that he must admit the moderation with which M. de San Lorenzo had spoken, respecting the situation of the two Governments; but that a conciliatory tone is assumed by the Agents of Spain, which does not prevent the adoption of principles the most incompatible with the tranquillity of Europe, by the Government and by the Legislature of that Country;—that at the moment they admit all the defects of their Constitution, their readiness to concur in measures to produce a change, and their wish for the publication of a general Amnesty, their Societies are the most active in their endeavours to organize revolt in France:—in short, that the enormity of the evils resulting from War is not to be compared with the consequences which must result from the success of intrigues which the French Ministers have no means of preventing during the continuance of Peace. Without questioning the sincerity of the efforts of His Majesty's Government to maintain Peace, he is convinced that it is impossible seriously to press the subject on the Spanish Government in sufficient time to lead to the result we desire. The language of the French Ministers shews that they would be glad to avail themselves of the Publication of an Amnesty, accompanied by any Change, however trifling, if brought about by the Authority of the King of Spain, which might enable them to avoid a Declaration of War.

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No. 20.—*Mr. Secretary Canning to Sir William d Court.*

SIR, *Foreign Office, January 26, 1823.*

MR. JACKSON arrived here on Tuesday night with your Despatches to the 12th of this month; and on Friday that Gentleman was re-despatched to Paris with Instructions to Sir Charles Stuart, founded on M. de San Miguel's Note of the 12th instant, requesting the Good Offices of His Majesty for the prevention of War with France. A Copy of these Instructions His Excellency is directed to transmit to you by Mr. Jackson, and to apprise you of the result of his execution of them.

Since Mr. Jackson's departure for Paris, I have received your Despatch of the 15th instant, and therewith Despatches from Sir Charles Stuart, which appear somewhat more favourable to the preservation of Peace, than any of the late Reports from Paris.

As you will receive by Mr. Jackson intelligence from Paris of five or six days later date, and so much the more important as the Meeting of the French Chambers will have taken place in the interval, it is useless for me now to speculate on events, which will be to you, when this Despatch reaches you, matter of positive information.

I shall therefore at once proceed to state the course which you are

to follow, in either of the two possible alternatives,—1st. Of the Government of France having decided for War;—or 2dly. Of Its having consented to avail itself of the opening presented by M. San Miguel's Note; and to make known through you to the Spanish Government, the conditions on which it may be prepared to withdraw its Army of Observation.

In the former case, you have nothing to do, but to profess anew His Majesty's fixed determination, to maintain during the War a strict and impartial Neutrality: always ready at the same time to listen to any call for the renewed interposition of His Good Offices; if balanced success, or a reviving sense of common danger and mutual interests, shall better incline the Contending Parties to accommodation.

In the other case, you will probably receive from Sir Charles Stuart, a statement of the terms which the French Government deem indispensable, either for their honour or for their safety, in breaking up that System of Precaution, the continuance of which operates as a bar to pacification: and the time will then be arrived, at which you can, without the suspicion of a dictatorial or an uncalled-for interference, press earnestly upon M. San Miguel a frank and friendly opinion, in support of such of those terms as appear to you to be not unreasonable. The Amnesty which, if issued in the King's Name, would, as it appears from Sir Charles Stuart's Despatch of the 23d, be satisfactory to the French Government, it is unnecessary for me to instruct you to urge; since you have informed me of your intention to urge it to the utmost of your power. Neither you nor the French Government have over-rated the effect which such an Act would be likely to produce throughout Europe.

To liberate the Person and Family of the King, not only from danger, but from the appearance of restraint,—to give something like force and free-will to the actions of the Executive Power—to rescue the deliberations of the Cortes from the overawing influence of the Clubs—are, next after the Amnesty (which should perhaps precede them all) the alterations the most desirable, and those which would give the greatest confidence to Foreign Nations.

These and any other objects of the same sort and with the same tendency, we are now, after the clear and practical proofs which we have given of our indisposition to claim any thing as of right, or to enforce any thing by menace, for the amendment of the Spanish Constitution, warranted to recommend, with all the earnestness which is prompted by our tried friendship for the Spanish Nation; by our experience of the practice of free Government; and by our conviction of the sufferings and the perils which must be derived to Spain and to Europe from a War.

So long as our voice might have been confounded with those of other Powers, who took a different measure of their right of inter-



ference,—or with that of France, whose exhortation was accompanied with denunciations of hostility, we abstained from advising, rather than incur the imputation of attempting to controul. But, now that the possibility of such misrepresentations is at an end, we cannot see the obvious dangers into which the present course of Spanish affairs is leading a brave and gallant People, and be silent; without abandoning the duty which is prescribed, no less by the obligations which international Law imposes upon friendly States, than by the peculiar ties which connect Great Britain with Spain.

You will keep Sir Charles Stuart constantly informed of the course of your discussions with the Spanish Ministers. I am, &c.

*The Right Hon. Sir W. d Court.*

GEORGE CANNING.

*No. 21.—Mr. Secretary Canning to Sir William d Court.*

SIR,

*Foreign Office, January 28, 1823.*

I INCLOSE to you a Copy of the Official Answer\* from His Most Christian Majesty's Secretary of State, to my Note of the 10th inst. a Copy of which I enclosed to you in my Despatch of the same date.

This Note was delivered to me yesterday by M. de Marcellus. I cannot better explain to you the opinions of His Majesty's Government upon it, than by enclosing to you a Copy of a Despatch† which I this day address to Sir Charles Stuart. I am, &c.

*The Right Hon. Sir W. d Court.*

GEORGE CANNING.

*No. 22.—Sir Charles Stuart to Mr. Secy. Canning.—(Rec. Jan. 30.)*

(Extract.)

*Paris, January 28, 1823.*

I RECEIVED your Despatches of the 24th instant on Sunday evening. I immediately called upon M. de Chateaubriand, for the purpose of communicating to his Excellency the Note from M. de San Miguel, under date the 12th instant; and on the following morning I went over the reasoning contained in your Letter, with a view of pointing out to the French Minister, the necessity of not closing the door against an Overture, which offers the only remaining chance of maintaining the tranquillity of Europe.

The French Minister told me, that the substance of M. de San Miguel's Paper, had already been transmitted to him from Madrid; but that it had not been communicated to him sufficiently at length to show that M. de San Miguel merely demands the dissolution of the Army of Observation, without holding out any hope whatever of a concession upon Points which menace the vital tranquillity of this Country: though he must be well aware that, in the present situation of affairs, no French Minister would be bold enough to propose such

\* See No. 13, Verona and Paris, Page 22.

† See No. 14, Verona and Paris, Page 25.

a measure, unless it should be justified by a corresponding concession on the part of Spain.

He added that, under these circumstances, The King is compelled to assume a decisive tone in His Discourse to the Legislative Bodies; and that in announcing the cessation of the Diplomatic Relations between the Two Governments, it is necessary to show that they cannot be re-established until the origin of the mischief, with which the Spanish Revolution menaces neighbouring Countries, has been removed; by assimilating their Institutions to those of other limited Monarchies, under an Act on the part of the King of Spain declaring the Constitution to emanate from the Crown.

He hoped the anxiety of my Government to maintain Peace would induce you to instruct Sir William à Court to convey these sentiments to the knowledge of the Spanish Government; and to impress upon the Ministers the expediency of not refusing to admit the only measure of which it is possible, in the present situation, to take advantage, with a view to the attainment of that object.

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No. 23.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Jan. 30.)  
 Sir, Paris, January 28, 1823.

I ENCLOSE a printed Copy of the Speech which His Majesty the King of France pronounced from the Throne upon the Assembly of the Legislative Bodies this morning.

I have the honour to be, &c.

*The Right Hon. George Canning.*

CHARLES STUART.

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No. 24.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Feb. 2.)  
 (Extract.) Paris, January 30, 1823.

HAVING sent off a Messenger on Tuesday, at the moment a printed Copy of the Speech from the Throne was put into my hands, I was unable to make any observations upon that subject in my Despatch of the same day.

Monsieur de Villèle, whom I accidentally met on Tuesday evening, appeared surprised to find that I did not consider the language of the Speech perfectly in unison with the tenour of His Excellency's former assurances. He said, that the violent alternative, to which The King refers, is mentioned in a *conditional* sense.

I could not avoid expressing my regret, that this public manifestation of Demands for such Changes in the Spanish Constitution, as the Leaders in that Country would hardly be persuaded to attempt, should not leave His Most Christian Majesty the means of receding from the position in which He has been placed.

Notwithstanding the strong evidence of preparations for Hostilities, I find both this Minister and his Colleague, Monsieur de Chateau-

brind, continue to answer the representation of the consequences which must result from a Rupture, by assurances that they do not participate in my uneasiness upon the subject, because they yet continue to entertain hopes that War will not take place.

No. 25.—*Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, February 3, 1823.*

ON the same day on which your Excellency's Despatches of the 28th, one of them enclosing the Speech of the King of France at the Opening of the Chambers, arrived here, M. de Marcellus called upon me for the purpose of communicating a Copy of that Document.

In making this Communication, M. de Marcellus took occasion to declare the unabated desire of his Government for the preservation of Peace; to renew in a more precise and formal manner their request of His Majesty's Good Offices for that object; and to express their hopes, that our intervention at Madrid might yet avert an extremity, which (it must be confessed) the language of the French Speech, unaccompanied by such a commentary, might have been understood to announce as unavoidable.

Such an intimation from the French Ministry, at the moment when the decision of The King of France for War is the subject of general regret and alarm, places His Majesty's Government in a situation of great embarrassment;—an embarrassment which is the more sensibly felt by them, on account of the necessity of making some disclosure of opinion in the Speech to be delivered from the Throne, at the Opening of the Session of Parliament. On the one hand, His Majesty's Government would not willingly either risk the misfortune, or incur the responsibility, of closing, by any act of theirs, the door which the French Government declare to be still open.—On the other hand, the sense of the suspensive and conditional particle in the Speech of The King of France, on which the possibilities of Peace are supposed to hang, is so much obscured by the ambiguous character of the condition with which it is connected, that it is very difficult to estimate its real value.

It has become necessary on this occasion, to reconsider maturely the position in which His Majesty's Government stands towards that of France.

The Answer which has uniformly been given by the British Government to the Questions put by France, as to the course which His Majesty would pursue in a War between France and Spain, has been, that no opinion could be formed on that point, in the ignorance in which His Majesty's Government were, as to the causes of Complaint which France might have against Spain.—Nothing has even yet been precisely stated to them on that subject. General danger from the nature of the present Political Institutions of Spain;—danger to the

King and Royal Family of Spain;—attempts on the part of the Spanish Government to corrupt the minds of the French People, and to seduce the soldiers of the Army of Observation:—these, coupled with the undeniable facts of three or four occasional violations of the French Territory, constituted the sum of Grievances which have been alleged, at different times, against Spain by the French Government, up to the publication of the Speech of The King of France.

In charges such as these, especially when urged (as some of these were at Verona) only as the grounds of a System of defensive preparation, His Majesty's Government saw nothing which rendered an accommodation hopeless. Spain on Her side has, or professes to have, Grievances to plead against France, of similar intermeddling with Her People and Her Army. She alleges that France has encouraged dissension and disaffection at Madrid; and that She even, by money and other means, fomented and stimulated the Tumult of the 7th of July.

Such mutual recriminations appeared to the British Government to furnish the elements of a Discussion, in which something would be to be explained on either side; and in which reconciliation might at last result from mutual compromise and concession.

In this state of things the Mediation of Great Britain was offered; and, under these impressions, Her Good Offices have been employed. The Question so far turned, principally, if not exclusively, upon facts;—there was no declaration of Principle absolutely precluding Negotiation. But as the nature of the present Political Institutions of Spain was put forward, as being of itself a source of danger to France, and, at the same time, as susceptible of modifications by the voluntary act of Spain herself, which would remove the apprehension of that danger, and consequently open the way to amicable discussion on other Points;—the British Government endeavoured to learn from France, what were the modifications in the Spanish Constitution, which would give to France an assurance of safety and tranquillity; and they have not hesitated to advise, at Madrid, an attempt to bring about some such Modifications; or at least the declaration of a disposition to consider of them when the time should be more propitious for a change.

There is no conclusive reason to apprehend, that, if the influence of British Counsel had been left to its own operation (considering the weight of the authority under which it was offered) it would have been offered in vain. Even after the communication to the Spanish Government of the Despatches of the Continental Powers, the Spanish Minister expressed, distinctly and formally, the wish of his Government, for the Good Offices of Great Britain with France; and we were not without hope of a favourable answer to the Suggestions proposed through Lord Fitzroy Somerset, when we received the Speech of The King of France.



The Principle put forward in that Speech, as the basis of the French demands upon Spain, is liable to a double construction. If, as we are desirous of believing, the sentiment intended to be conveyed is no other, than that, in order to give stability to any modification of the present System in Spain, and to afford sufficient assurance to France to justify Her in discontinuing Her warlike preparations, the King of Spain must be Party and freely consenting to any such Modifications; and if your Excellency shall obtain from the French Minister an avowal that such is the intention of the Speech; the British Government will be most happy to continue at Madrid their amicable and earnest endeavours, to ascertain the means, and to recommend the policy, of accommodation.

But it would not be right to conceal from the French Minister, that a different construction is generally put upon the paragraph to which I refer. It is construed as implying, that the free Institutions of the Spanish People can only be legitimately held from the spontaneous gift of the Sovereign, first restored to His absolute power, and then divesting Himself of such portion of that power as He may think proper to part with.

The Spanish Nation could not be expected to subscribe to this principle; nor could any British Statesman uphold or defend it.

We can conscientiously recommend to Spain to modify her Constitution of 1812. The Law of Nations warrants the suggestion from one friendly Power to another, of Counsels for the melioration of internal Institutions, provided that suggestion be made in good faith, and not in a spirit of dictation; and provided it be not attempted to be supported by force. But the British Government could not advise any People, in adopting Changes, however beneficial, to admit the Principle on which (according to this latter construction) the Speech of the King of France would be understood to prescribe them. It is indeed a principle which strikes at the root of the British Constitution.

The British Government does not presume to hold out its own Political Institutions, as the only practical System of national happiness and freedom.—It does not presume to question the freedom and happiness which France enjoys under Institutions emanating from the will of the Sovereign, and described as *octroyées* from the Throne. But it could not countenance a pretension on the part of France to make her example a rule for other Nations; and still less could it admit a peculiar right in France, to force that example specifically upon Spain, in virtue of the consanguinity of the reigning Dynasties of those two Kingdoms. This latter reason would, on the contrary, suggest recollections and considerations, which must obviously make it impossible for Great Britain to be the advocate of Pretensions founded upon it.

I am, &c.

H. E. The Rt. Hon. Sir Charles Stuart. GEORGE CANNING.

MEM.—A Copy of this Despatch was transmitted to Sir W. à Court, Feb 4.

*No. 26.—Sir William à Court to Mr. Secy. Canning.—(Rec. Feb. 6.)*  
(Extract.) *Madrid, January, 21, 1823.*

LORD FITZROY SOMERSET arrived last night. It has given me the greatest pleasure that a Person so much versed in Affairs, and so intimately acquainted with every thing and every body in this Country, should see with his own eyes, and report directly to His Majesty's Government, the real state of things here. His arrival has been a very great relief to me.

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*No. 27.—Mr. Secretary Canning to Sir William à Court.*  
(Extract.) *Foreign Office, February 9, 1823.*

You will have learnt, by the ordinary modes of intelligence, the Opening of Parliament, and the reception, in both Houses, of that part of The King's Speech which relates to the present position of France and Spain.

What impression may be made on the French Government by this unequivocal disclosure of Public Opinion in England, I cannot pretend to foresee; but it can hardly be other than such, as,—if it were met at the same time with any reasonable facility on the part of Spain, which would afford to France a retreat without dishonour,—might lead to a reconsideration of their Plans, and yet arrest the fatal blow, which is to commence Hostilities.

I trust, however, that the report which the Spanish Government may receive of these proceedings, will not lead them into a false security, by inducing them to place their hopes of extrication from their difficulties, in a War between this Country and France.

Neither the determination nor the means would be wanting, to vindicate, in any case that might arise, either our Honour or our Interests. But this consideration does not affect the immediately impending conflict between France and Spain. It is to the prevention of the commencement of the War, that the anxiety of the British Government is, at this moment, exclusively directed; and that it is desirous of directing the deliberations of the Spanish Government; and the way to defer the present execution of the Project of invasion of Spain is, that Spain should furnish us with some Proposition, such as we could submit to the French Government, with an earnest appeal to its policy, as well as to its justice.

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*No. 28.—Lord F. Somerset to Mr. Secy. Canning.—(Rec. Feb. 10.)*  
(Extract.) *Madrid, January 25, 1823.*

WITH the approbation of Sir William à Court, I communicated to \_\_\_\_\_ on the 22d instant, the nature of the Commission with which I was entrusted; expressing to him my hope, that in a matter so materially affecting the welfare of his Country, I should have the benefit of his assistance and co-operation.

I informed him that His Majesty's Government continued to ad-

here to the determination on which they had hitherto acted, of not interfering in the internal concerns of Spain; but that, deeply alive to the difficulties of Her present situation, and most anxious to prevent Her rupture with France, they had thought proper to try the effect of a Confidential Communication, which should make known to the leading Characters in this Country the sentiments of the Duke of Wellington, who, as the friend and well-wisher of Spain, had consented to state his opinions, on the necessity of some alteration in the existing Constitution.

I, at the same time, begged him to bear in mind, and to impress on those with whom I trusted he would communicate, that England demanded nothing of Spain; that She suggested nothing Officially, and that Her sole object in touching in any way upon so important a Question, was the hope that it might lead to the adoption of a System, which should put an end to civil dissensions, and lessen the probability of a War with France.

I afterwards read to him the Duke of Wellington's Memorandum. ————— was evidently a good deal startled at my Communication, for which he professed himself to be quite unprepared; and he at once declared his conviction, that he could not be instrumental in the attainment of the objects to which I had called his attention.

He gave the British Government full credit for the conduct they had pursued during the Congress at Verona. He was deeply sensible of the value of the Duke of Wellington's exertions on that occasion, and of his constant solicitude to promote the happiness and secure the independence of Spain; but, in the present situation of the Country, he could not disguise from me the difficulty of prevailing upon any Party to act upon the suggestions which were thrown out for their consideration in the Duke's Memorandum.

He acknowledged the defects of the Constitution, and admitted the propriety of taking into consideration the expediency of modifying it hereafter, when such a proceeding should not be illegal.—He felt equally with myself the imminence of the danger to which the Country was exposed, and that War was the inevitable consequence of a refusal to modify the Constitution. Such a measure being, however, out of the question, the Government had, in his opinion, nothing to do, but to await the evil which they could not avert.

Seeing that my reasoning made no impression upon ————— and that his reluctance to become a Party in proposing any Alteration in the present order of things was not to be overcome, I refrained from pressing him further on the subject; having first, however, prevailed upon him, as an act of kindness to me and of duty to his Country, to mention to some of the Gentlemen of the Cortes, in whom he could confide, the nature of the Commission with which I was charged; and

the reasons which induced the Duke of Wellington to think, that the time was arrived when Spain should make an effort to effect such an Alteration in her present System of Government, as might tend to put an end to the disturbances of which she is the theatre, and to satisfy Her Sovereign and His Allies.

I have found several of my old Acquaintances, who are neither in the Cortes, nor in any Situation of responsibility, very ready to enter into conversation with me on the difficulties by which Spain is now surrounded, and on the necessity of some Modification of the Constitution. Some, indeed, are clamorous for such an Amendment, and for the interference of Great Britain; but when asked how the first can be effected, or the latter made available to the exigencies of the moment, they are unable to furnish any satisfactory reply.

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No. 29.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Feb. 13.)  
(Extract.) *Paris, February 10, 1823.*

AFTER receiving your Despatch of the 3d instant, I called upon M. de Chateaubriand, and held a long conversation with that Minister upon the subject to which it refers. Without under-rating the effect of His Majesty's Good Offices to preserve Peace, I found M. de Chateaubriand still extremely prepossessed with the notion, that the tone assumed in the Speech of the King of France, is well calculated to induce the Spaniards to give way; and resolved, in spite of all I could say, to ground hopes of preventing War upon the result of that Speech.

When I questioned His Excellency respecting the interpretation of which His Most Christian Majesty's Speech to the Chambers is susceptible, he admitted that your account of the different constructions which are put upon that Discourse, clearly exposes the doubts which have prevailed in the publick mind upon that important question. He said, that whatever may be the interpretation which is attached to His Majesty's expressions, by those who are determined to consider all the measures recommended by this Court, to be proofs of their desire to re-establish an absolute Government in Spain,—His Excellency never can believe that the communications which have taken place with the British Cabinet, have been misunderstood to a degree which can authorize such suppositions. He does not hesitate to admit that, "in order to give stability to any modification of the present System in Spain, and to afford sufficient assurance to France to justify Her discontinuing Her warlike preparations, the King of Spain must be a Party, and consent to such Modification." Upon this Principle, a change which shall result from a thorough understanding between His Catholick Majesty and the Cortes, will be considered to afford some prospect of the modifications which are indispensable to the security of neighbouring States. The French Government will not only be satisfied with the opening which any Act (such



as the establishment of a Second Chamber,) may offer, to complete, through the intervention of Great Britain, the System which is necessary for the Constitutional Government of Spain; but, without waiting for any further proofs of the sincerity of the Spanish Government, they will consider any such Act as affording reasonable grounds for suspending their armaments, and replacing the relations between the two Countries upon the footing usual in time of Peace;—though, since he cannot suppose that we consider mere fair assurances to be sufficient, we must not be surprized if preparations for War, are, in the mean time, carried on without intermission.

M. de Chateaubriand did not enter into any detail respecting the nature of the Acts to which he alluded; but I understood him to refer to the Project of allowing the King the nomination of Councillors of State, and giving them a deliberative power, upon a similar principle with that of the American Senate; to which might be added, a Regulation fixing the amount of the qualification required, to render a Candidate eligible to the Second, or Representative Chamber.

With a view to avoid the possibility of any misrepresentation, I have read to M. de Chateaubriand that part of this Despatch, which states the expectations entertained by the French Government, and have ascertained that his ideas are correctly reported. The communication of the same Extract to \* ————— enables me to say, that it contains notions which, in the opinion of that Gentleman, will be considered admissible in Spain; and which may afford sufficient grounds for further Communications on the part of Sir William à Court to the Spanish Government.

No. 30.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. Feb. 13.)

SIR,

*Madrid, January 27, 1823.*

THE French Minister received Two Despatches from M. de Chateaubriand by the last Courier, the one to be communicated to M. de San Miguel at the same time that he demanded his Passports; the other to be read to him, as well as to the King, previous to his departure.

The First, which has already been communicated, contains little more than expressions of regret that the answer of the Spanish Government should have been so very unsatisfactory, leaving no other alternative to the French Government than of recalling its Legation.

The Second goes more into detail. It states that, after the fruitless efforts made by the Representatives of the Continental Powers, as well as by Sir William à Court and Lord Fitzroy Somerset (the last of whom, it must be observed, had not left Paris seven days, and was not even arrived at Madrid when the French Despatch was written) to engage the Spanish Government to listen to the suggestions of reason, and to

\* A Spanish Gentleman at Paris.

adopt a line of greater moderation, no other course remains to the Government of His Most Christian Majesty than that of recalling its Minister from Madrid :—that this is the only step left for the maintenance of Peace :—that the Duke of Angoulême is upon the point of placing himself at the head of 100,000 men upon the Frontier :—and that if the King of Spain, released from his present thralldom, and placed at the head of His Army, shall be allowed to advance to the Banks of the Bidassoa, in order to treat with Him, a firm and durable Peace may be established between the Two Countries ;—the ancient intimate connexion between France and Spain restored ; and the Fleets, Armies and Resources of France be placed from that moment entirely at the disposal of His Catholic Majesty :—That France does not pretend to dictate to Spain the precise modifications She ought to adopt in Her Constitution ; but in order not to expose Herself to the charge of having intentionally left Her wishes unexplained, She declares that She will not renew her relations of Amity with this Country, until a System be established, with the consent of, and in concert with, the King, assuring alike the liberties of the Nation and the just privileges of the Monarch ; and until a general Act of Amnesty be passed in favour of every Individual persecuted for political offences, from the promulgation of the Constitution in 1812 down to the present period.

I write this from recollection ; but I am perfectly certain that, though I may not have given in every instant the precise words used, I have in no way varied from the meaning. This Paper has already been read by General La Garde to the King ; and he will probably communicate its contents to M. San Miguel in the course of the morning.

I have the honour be, &c.

*The Rt. Hon. George Canning.*

WILLIAM à COURT.

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No. 31.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. Feb. 17.)  
(Extract.) *Madrid, February 4, 1823.*

MR. JACKSON arrived this morning, bringing me several Despatches from Sir Charles Stuart, and amongst others, a Copy of his Despatch to you, Sir, of the 28th ultimo, detailing his conversation with M. de Chateaubriand, after the communication of M. de San Miguel's Note to me of the 12th January.

I immediately proceeded to make known the contents of this Despatch to M. de San Miguel ; being extremely anxious to prevent the adoption of any violent measures, in consequence of the arrival of the King of France's Speech to the Chambers, which reached Madrid last night.

After I had read the whole to M. de San Miguel (and some parts of it, by his own desire, a second time,) he broke out into exclamations against the general conduct of the French Government ; expressing his conviction that a War was inevitable :—He said, that

Spain would never admit that the Constitution emanated from The King, nor recognize any other Sovereignty than that of the People :— that a Manifesto was preparing, in which His Majesty would speak His Sentiments to Europe, and that these sentiments would be found in unison with the Answer which he had lately delivered to the Cortes :—that Spain was prepared to repel force by force ; and that France would find, that the War would be a much more serious undertaking than She seemed at present to imagine it would be.

He requested me to leave him for an hour the Copy of Sir Charles Stuart's Despatch. I did not hesitate in complying with this request, upon the condition that it was to be considered as a strictly confidential Communication.

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No. 32.—*Sir William d Court to Mr. Secy. Canning.*—(Rec. Feb. 22.)  
(Extract.) *Madrid, February 7, 1823.*

SIR CHARLES STUART has forwarded to me your Despatch to him, inclosing M. de San Miguel's Note, and a Copy of his Despatch to you of the 30th ultimo.

I must await your further Instructions, after the receipt of Sir Charles Stuart's Despatch, announcing the manner in which this Overture has been received by France, before I can venture to advance any further. By Sir Charles Stuart's account, it appears that France has neither quite accepted, nor quite declined, our interference ; and M. de Chateaubriand's statement of the Conditions necessary to the establishment of amicable relations between the Two Countries, is so extremely vague, that I should really be at a loss to inform this Government, if called upon to do so, what are the precise Concessions which would ensure the maintenance of Peace.

I shall, however, not lose sight of the Amnesty, but press it by every argument in my power. I have some reason to believe that such a measure will not be opposed by any Party. One object is already gained, viz. that of the shutting up of the Landaburian Society. If this be followed up by a General Amnesty, I shall not yet despair of arriving at that first of objects, the prevention of a Continental War.

I had written thus far when I was interrupted by the arrival of M. San Miguel.

M. San Miguel observed, that with respect to Modifications, there was neither a Man nor a Party in Spain (were the Ministry to be changed a hundred times) who would venture to propose their adoption, till the time pointed out by the Constitution ; and that, had any hopes been held out to me of an opposite nature, I might depend upon it they never would be realized. M. San Miguel's conversation was nevertheless less war-like than I found it a day or two ago. He would

not, he said, consider all hope of negotiation at an end, but still rely for a successful issue from the present difficulties, upon the friendship and Good Offices of England. He was convinced that She might, and that She would prevent a War.

I told him that England had done, and would continue to do every thing in Her power to prevent matters from coming to such extremities ; but my own opinion was, that War was inevitable, if Spain were really determined to admit no modification in Her present Constitutional System. This would not prevent our endeavouring to avert such a misfortune by every means within our reach, short of involving Ourselves in the Quarrel ; but that I could not flatter him with any hope that our efforts would be successful, unless we were enabled to hold out to France, the prospect of some concession on the part of this Country.

A long and desultory conversation followed, which it will be unnecessary to repeat ; in the course of which, M. San Miguel put very prominently forward, the evident acknowledgement of the intention to establish a permanent French Interest in Spain, contained in certain passages of the King of France's Speech to the Chambers.

*No. 33.—Sir Charles Stuart to Mr. Secy. Canning,—(Rec. Feb. 23.)*

(Extract.)

*Paris, February 21, 1823.*

MONSIEUR DE CHATEAUBRIAND said, that he had turned over the subject in his own mind, with a view to decide upon what terms it might be possible to meet the Proposals they might receive ;—and though he could not state the result of his reflections to be the expression of the sentiments of the French Government,—yet he thought the subject might be taken into consideration, if the Spanish Negotiators should engage, at a future period, to modify their Constitution ; and, in the mean while, prove their good faith, by restoring the King to his physical liberty, and allowing Him to frequent the *Sitios*, and to go to Watering Places ; by a General Amnesty ; by the Establishment of Laws to regulate the Press, and by a change of Ministry ; but that the Military Preparations of the French Government must continue without intermission ; and that their Armies will be ready to take the Field, if a change in the aspect of Affairs does not contribute to remove the pressure and irritation which prevails on both sides, before the season for active operations shall arrive.

*No. 34.—Sir William d Court to Mr. Secy. Canning.—(Rec. March 3.)*

(Extract.)

*Madrid, February 16, 1823.*

THE Debate upon the subject of the removal of the Seat of Government, passed off without any thing being elicited from either



Party, which could give an opening for the discussion of the possibility of an arrangement through the Good Offices of England.

The Extraordinary Cortes will close on the 19th instant, and the Ordinary Cortes will assemble on the first day of March.

The Question of an Amnesty, for all those who shall lay down their Arms before the entry of a Foreign Force, was subsequently brought forward, and referred to a Committee. An extension of this limited Amnesty, I am assured, will be proposed by the Committee, and it will be recommended that it should be made general. If this be done, and the proposal be adopted, it will be a very great point gained.

There is, however, but little hope that any of those further Concessions will be made, which would ensure an amicable arrangement of the Differences that exist between this Country and France. Besides which, the putting forward by France of so extravagant a Proposition, as that the King, restored to His full and absolute power, shall Himself grant a Charter to the Nation, has singularly increased the difficulties of the Question. The Principle upon which this proposition is founded, is one to which it is evident the British Government can never agree; and consequently if such be the *sine quâ non* of France, our Intervention falls to the ground.

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No. 35.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. March 3.)  
(Extract.) *Madrid, February 18, 1823.*

My hopes have been grievously disappointed with respect to the Amnesty; which, I was confidently assured, would embrace every Political Offence, and every Political Offender. But neither by the Committee, nor in the Cortes, has the slightest allusion been made to so general a Measure, notwithstanding the hopes that were held out. The Amnesty voted, is nothing more than an Act of Pardon for any "Faction," who may lay down their Arms before the 1st of April; without any retrospective operation in favour of those already in prison, or any allusion to those confined merely for political opinions. It is a mere Act of Policy, and by no means an Act of Grace; nor can it be expected to produce that favourable effect in France, which might have been insured by a more general Measure.

A Report was circulated a few days since, that the King, with the concurrence of the Council of State, had determined upon a change of Ministers:—From the variety of quarters from whence this Report reached me, I was inclined to believe that it was not without some foundation, and that His Majesty's intention was to have requested the Council of State to choose a new Ministry for him, selected from their own Body. Alarmed by the Reports in circulation, the Ministers obtained from the Cortes this morning, the Repeal of the Decree autho-

rizing the employment of Councillors of State, with the exception of those already employed.—The Repeal of this Decree, though it may not prevent a change of Ministers, effectually puts an end to the Administration which it was proposed to form.

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No. 36.—*Sir W. d Court to Mr. Secy. Canning.*—(Rec. March 3.)

(Extract.)

*Madrid, February 19, 1823.*

SIR CHARLES STUART'S Secretary arrived last night, bringing me your Despatch of the 9th instant.\* He also brought me an Extract of Sir Charles Stuart's Despatch to you of the 10th instant, by which I learn, for the first time, the exact Concessions which will satisfy France, and engage her to put an end to her armaments. What use I shall be able to make of these Communications, I cannot yet foresee.

The Cortes were closed this morning in the usual form, after which the Ministers tendered their resignations.

P. S. The resignations are all accepted, except that of the Minister of Finance. The Heads of the several Departments are to act as Ministers till a new Administration be formed.

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No. 37.—*Sir W. d Court to Mr. Secy. Canning.*—(Rec. March 3.)

(Extract.)

*Madrid, February 20, 1823.*

His Catholick Majesty has been pleased to re-appoint the same Ministers *ad interim*.

I shall endeavour to see Monsieur de San Miguel to-morrow, in order to communicate to him your Despatch of the 9th instant; and the Propositions contained in Sir Charles Stuart's Letter of the 10th of February; but I am perfectly persuaded that all my efforts will be vain.

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No. 38.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. March 9.)

(Extract.)

*Paris, March 6, 1823.*

I CANNOT help thinking that there is in the language of the Ministers a more pacifick colour, than I had observed within the last three weeks; for both to myself, and to all those with whom they converse, Monsieur de Villèle and Monsieur de Chateaubriand express their hopes of averting a War, with a degree of confidence which induced me to observe to the latter Minister, that the insisting upon a direct Negotiation between the Duke d'Angoulême and a Spanish Prince, may be a great obstacle to success. His Excellency answered, that although this mode of settling the Question had been strongly urged, he could assure me the objects of the Negotiation are too important, not to be sought for by the concession, if necessary, of this, or of any other mere Point of form; and that if the Spanish Government will empower

\* See No. 27, Page 54.

any Negotiator to treat, after a change of Ministers at Madrid, he shall be able to look forward with confidence to the continuation of Peace.

I cannot, however, participate in the hopes which the French Cabinet found upon the intelligence they expect to receive from Madrid: I consider late events to be the prelude to War.

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No. 39.—*Sir W. d Court to Mr. Secy. Canning.*—(Rec. March 13.)  
(Extract.) *Madrid, February 23, 1823.*

M. SAN MIGUEL called on me this morning, for the purpose of exchanging the Ratifications of the Articles respecting the Slave Trade.

Having gone through that ceremony, I informed him that I had Communications of some importance to make to him, which the troubled state of the Capital for several days past, and my own continued indisposition, had prevented me from submitting to his consideration at an earlier period.

Having thus drawn his attention to what I was about to say, I produced your Despatch of the 9th February, and an Extract from Sir Charles Stuart's Despatch to you of the 10th February; and proceeded to read to him those parts of each which I thought the most calculated to produce a favourable effect, accompanying my reading with such remarks as the nature of the Communication required.

M. de San Miguel listened with the greatest attention; but as soon as I had concluded, observed, that the British Government was labouring under a delusion, in supposing any sort of Modification possible. It would be a much easier thing to overturn the whole Constitutional System, and to re-establish absolute Despotism, than to concede even the most insignificant of the Points which had been pointed out as the most likely to conciliate.

He was fully aware that England asked no modifications on Her own account. He knew that, We wished to preserve to Spain Her Constitutional System; that our only object in trying to engage Her to yield upon certain Points, was the conviction that if a War did break out, We must be, sooner or later, involved in it ourselves. He knew very well that We should not declare in favour of Spain at first; but nobody could be so blind as not to see, that, if the War was protracted, and other Powers took part in it, England alone could not remain a passive spectator of what might be its results.

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No. 40.—*Sir W. d Court to Mr. Secy. Canning.*—(Rec. March 16.)  
(Extract.) *Madrid, March 5, 1823.*

A SPANISH Gentleman at Paris has written from Paris to ———, that the French Government has declared, that it will suspend hostilities if a General Amnesty be granted, a verbal promise of Modifi-

cations hereafter be given, a change of Ministers take place, and the King be permitted to go to the Waters of Sacedon.

That the Negotiation must be carried on at Paris through the Mediation of the British Ambassador; ———— quotes Sir Charles Stuart as his authority, and refers his friends to me for further information.

Now I have heard nothing from Sir Charles Stuart since the 20th ult. when he still referred me to his Despatch to you of the 10th of February, as containing the final determination of the French Government. That determination is very widely different from the arrangement alluded to by ———.

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*No. 41.—Sir William à Court to Mr. Secretary Canning.—(Received March 18, at Night.)*

(Extract.)

*Madrid, March 9, 1823.*

I SAW Monsieur de San Miguel this morning, and to my great astonishment, he asked me what were the precise Conditions required by France, in case any questions should be asked him in Cortes. I repeated to him the Conditions stated in Sir Charles Stuart's Despatch of the 10th February, and those (hardly to be considered official) contained in the same Ambassador's Despatch of the 21st February;\* and, according to his request I sent him, upon my return home, an Extract from the Despatch of the 10th February. What is in agitation I know not.—He told me he should say nothing upon the subject, unless called upon by the Cortes; and that if any Negotiations were entered into, *he* would not be the Person to negotiate.

I should only mislead you if I were to attempt to give any explanation of this singular conversation.

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*No. 42.—Sir W. à Court to Mr. Secy. Canning.—(Rec. March 25.)*

(Extract.)

*Madrid, March 11, 1823.*

IN a few hurried lines, written as the last Courier was setting off, I communicated to you a singular conversation which had passed between M. de San Miguel and myself.

I forebore to express any opinion upon this conversation; but whatever hopes some of his expressions were calculated to excite, are now entirely at an end.

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*No. 43.—Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, March 31, 1823.*

THE hopes of an Accommodation between France and Spain, which His Majesty has so long been encouraged to cherish in despite of all unfavourable appearances, being now unhappily extinguished, I am

\* See No. 33, a Copy of which was received by Sir William à Court, subsequently to his Letter of the 5th March.



commanded by His Majesty to address to your Excellency, for the purpose of being communicated to the French Minister, the following explanation of the Sentiments of your Government upon the present posture of Affairs between those two Kingdoms.

The King has exhausted His endeavours to preserve the Peace of Europe.

The Question of an interference in the internal concerns of Spain, on account of the troubles and distractions which have for some time prevailed in that Kingdom, was not one on which His Majesty could, for Himself, entertain a moment's hesitation. If His Majesty's Plenipotentiary at Verona did not decline taking part in the deliberations of the Allied Cabinets upon that Question, it was because His Majesty owed to His Allies, upon that as upon every other subject, a sincere declaration of His opinions; and because He hoped that a friendly and unreserved communication might tend to the preservation of general Peace.

The nature of the apprehensions which had induced The King of France to assemble an Army, within His own Frontier, upon the borders of Spain, had been indicated, in the first instance, by the designation of the "Cordon Sanitaire." The change of that designation to that of an "Army of Observation" (which took place in the month of September last) did not appear to His Majesty to imply more, than that the Defensive System originally opposed to the contagion of physical disease, would be continued against the possible inconveniences, moral or political, which might arise to France, from a Civil Contest raging in a Country, separated from the French Territory only by a Conventional Line of Demarcation. The dangers naturally incident to an unrestrained intercourse between two Countries so situated towards each other;—the dangers of political intrigue, or of occasional violation of Territory, might sufficiently justify preparations of military defence.

Such was the state of things between France and Spain at the Opening of the Congress at Verona. The Propositions brought forward by the French Plenipotentiary in the Conferences of the Allied Cabinets, were founded on this state of things. Those Propositions did not relate to any Project of carrying attack into the heart of the Spanish Monarchy, but were in the nature of inquiries: 1st, what countenance France might expect to receive from the Allies, if She should find Herself under the necessity of breaking off diplomattick intercourse with the Court of Madrid? and, 2dly, what assistance, in supposed Cases of outrage to be committed, or of violence to be menaced, by Spain? These Cases were all contingent and precautionary. The Answers of the Three Continental Powers were of a correspondent character.

The result of the Discussions at Verona, was a determination of His Majesty's Allies, the Emperors of Austria and Russia and the

**King of Prussia:**—1st. to make known to the Cabinet of Madrid, through their respective Ministers at that Court, their sentiments upon the necessity of a Change in the present System of the Spanish Government; and, in the event of an unsatisfactory Answer to that Communication, to recall their respective Ministers; and to break off all diplomattick intercourse with Spain. 2dly. To make Common Cause with France against Spain, in certain specified Cases; Cases as has been already observed, altogether contingent and precautionary.—

His Majesty's Plenipotentiary declined concurring in these Measures; not only because he was unauthorized to pledge the faith of his Government to any hypothetical engagement, but because his Government had, from the month of April 1820, uniformly recommended to the Powers of the Alliance, to abstain from all interference in the Internal Affairs of Spain; and because, having been from the same period entirely unacquainted with whatever transactions might have taken place between France and Spain, his Government could not judge, on what grounds the Cabinet of the Tuileries meditated a possible discontinuance of diplomattick relations with the Court of Madrid; or on what grounds they apprehended an occurrence, apparently so improbable, as a commencement of hostilities against France by Spain.

No proof was produced to His Majesty's Plenipotentiary, of the existence of any design on the part of the Spanish Government, to invade the Territory of France;—of any attempt to introduce disaffection among her Soldiery;—or of any project to undermine her Political Institutions: and so long as the struggles and disturbances of Spain should be confined within the circle of her own Territory, they could not be admitted by the British Government to afford any plea of Foreign interference. If the end of the last, and the beginning of the present Century saw all Europe combined against France, it was not on account of the internal Changes which France thought necessary for her own political and civil reformation; but because She attempted to propagate, first Her Principles, and afterwards Her Dominion, by the sword.

Impossible as it was for His Majesty to be Party to the Measures concerted at Verona with respect to Spain, His Majesty's Plenipotentiary declared, that the British Government could only endeavour, through His Majesty's Minister at the Court of the Catholick King, "to allay the ferment which those Measures might occasion at Madrid, and to do all the good in His power."

Up to this period no communication had taken place between His Majesty and the Court of Madrid, as to the discussions at Verona. But about the time of the arrival of His Majesty's Plenipotentiary, on his return from Verona, at Paris, Spain expressed a desire for the "friendly interposition," of His Majesty to avert the calamities of War. Spain distinctly limited this desire to the employment of such "Good Offices,"

on the part of Great Britain, as would not be inconsistent with "the most strictly conceived system of Neutrality."—Nor has any period occurred, throughout the whole of the intercourse of the British Government with Spain, at which the Spanish Government has been for one moment led, by that of Great Britain, to believe, that the policy of His Majesty, in a Contest between France and Spain, would be other than neutral.

In pursuance of this request, and of his previous declaration at Verona, His Majesty's Plenipotentiary received Instructions at Paris, to make to the French Government the offer of His Majesty's Mediation. In making this offer the British Government deprecated, from motives of expediency as well as from considerations of justice, the employment towards Spain of a language of reproach or intimidation. They represented as matter of no light moment, the first breach, by whatever Power, of that general pacific Settlement which had been so recently established, and at the cost of so many sufferings and sacrifices to all Nations. Nor did they disguise from the French Government, the anxiety with which they looked forward to all the possible issues of a new War in Europe, if once begun.

In addition to suggestions such as these, the British Government endeavoured to learn from the Cabinet of the Tuileries, the nature and amount of the specifick Grievances, of which His Most Christian Majesty complained, against Spain; and of such specifick Measures of redress or conciliation on the part of Spain, as would arrest the progress of His Most Christian Majesty's warlike preparations.

The French Government declined the formal Mediation of His Majesty; alleging, in substance, that the necessity of its warlike preparations was founded, not so much upon any direct cause of Complaint against Spain, which might be susceptible of accurate specification and of practical adjustment, as upon the general position in which the Two Kingdoms found themselves placed towards each other;—upon the effect which all that was passing and had been for some time passing in Spain produced upon the peace and tranquillity of His Most Christian Majesty's Dominions;—upon the burdensomeness of that defensive armament which France had thought Herself obliged to establish on Her Frontier towards Spain, and which it was alike inconvenient to Her to maintain; or, without some change of circumstances which would justify such change of counsel, to withdraw;—upon a state of things in short, which it was easier to understand than to define; but which, taken altogether, was so intolerable to France, that open hostility would be far preferable to it.—War would at least have a tendency to some conclusion; whereas the existing state of the relations between France and Spain might continue for an indefinite time: increasing every day the difficulties of Spain, and propagating disquietude and alarm throughout the French Army and Nation.

But although His Most Christian Majesty's Government declined on these grounds, a formal Mediation, they professed an earnest desire for Peace, and accepted His Majesty's "Good Offices" with Spain for that object.

Contemplating all the mischiefs which War might inflict upon France, and through France ultimately perhaps upon all Europe; and which it must inflict, more immediately and inevitably, upon Spain,—whose internal animosities and agitations a Foreign War could not but exasperate and prolong,—the British Government was deeply impressed with the necessity of Peace for both Kingdoms; and resolved, therefore, whether invested or not with the formal Character of Mediator, to make every effort, and to avail Itself of every chance, for the prevention of hostilities. The Question was now become a question simply and entirely between Spain and France; and the practical point of inquiry was, not so much how the relations of those two Governments had been brought into their present awkward complication, as how that complication could be solved, without recourse to arms, and an amicable adjustment produced, through mutual explanation and concession.

Nothing could have induced His Majesty to suggest to the Spanish Nation, a revision of its Political Institutions, as the price of His Majesty's friendship. But Spaniards of all parties and descriptions, admitted some Modifications of the Constitution of 1812, to be indispensably necessary: and if, in such a crisis as that in which Spain now found Herself,—distracted at once by the miseries of Civil War, and by the apprehension of Foreign Invasion,—the adoption of Modifications, so admitted to be desirable in themselves, might afford a prospect of composing her internal dissensions, and might at the same time furnish to the French Government a motive for withdrawing from the menacing position which it had assumed towards Spain, the British Government felt that no scruple of delicacy, or fear of misconstruction, ought to restrain them from avowing an earnest wish, that the Spaniards could prevail upon themselves to consider of such Modifications, or, at least, to declare their disposition to consider of them hereafter.

It is useless now to discuss what might have been the result of His Majesty's anxious endeavours to bring about an Accommodation between France and Spain, if nothing had occurred to interrupt their progress. Whatever might be the indisposition of the Spanish Government to take the first step towards such an accommodation, it cannot be disguised, that the Principles avowed and the pretensions put forward by the French Government, in the Speech from the Throne at the Opening of the Chambers at Paris, created new obstacles to the success of friendly intervention. The communication of that



Speech to the British Government was accompanied indeed with renewed assurances of the pacific disposition of France; and the French Ministers adopted a construction of the passage most likely to create an unfavourable impression in Spain, which stripped it of a part of its objectionable character. But all the attempts of the British Government to give effect at Madrid to such assurances and explanations, proved unavailing. The hopes of success became gradually fainter: and have now vanished altogether.

It remains only to describe the Conduct which it is His Majesty's desire and intention to observe, in a Conflict between two Nations, to each of whom His Majesty is bound by the ties of Amity and Alliance.

The repeated disavowal, by His Most Christian Majesty's Government, of all views of ambition and aggrandizement, forbids the suspicion of any design on the part of France, to establish a permanent Military Occupation of Spain; or to force His Catholick Majesty into any Measures, derogatory to the Independence of His Crown, or to His existing Relations with other Powers.

The repeated assurances which His Majesty has received, of the determination of France to respect the Dominions of His Most Faithful Majesty, relieve His Majesty from any apprehension of being called upon to fulfil the obligations of that intimate Defensive Connection, which has so long subsisted between the Crowns of Great Britain and Portugal.

With respect to the Provinces in America, which have thrown off their Allegiance to the Crown of Spain, time and the course of events appear to have substantially decided their separation from the Mother Country; although the formal recognition of those Provinces, as Independent States, by His Majesty, may be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each State, towards a regular and settled Form of Government. Spain has long been apprised of His Majesty's opinions upon this subject. Disclaiming in the most solemn manner any intention of appropriating to Himself the smallest portion of the late Spanish Possessions in America, His Majesty is satisfied that no attempt will be made by France, to bring under Her dominion any of those Possessions, either by Conquest or by Cession, from Spain.

This frank explanation upon the Points on which perhaps alone the possibility of any collision of France with Great Britain can be apprehended in a War between France and Spain, your Excellency will represent to M. de Chateaubriand, as dictated by an earnest desire to be enabled to preserve, in that War, a strict and undeviating Neutrality: a Neutrality not liable to alteration towards either Party, so long as the Honour and just Interests of Great Britain are equally respected by both.

I am commanded, in conclusion, to direct your Excellency to declare to the French Minister, that His Majesty will be at all times ready to renew the interposition of His Good Offices, for the purpose of terminating those Hostilities, which His Majesty has so anxiously, although ineffectually, endeavoured to avert.

I am, &c.

GEORGE CANNING.

*H. E. The Rt. Hon. Sir Charles Stuart.*

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## SPAIN.

*No. 1.—Confidential Minute of Viscount Castlereagh on the Affairs of Spain.**[Communicated to the Courts of Austria, France, Prussia and Russia, in May, 1820.]*

(Extract.)

THE Events which have occurred in Spain have, as might be expected, excited, in proportion as they have developed themselves, the utmost anxiety throughout Europe.

The British Cabinet upon this, as upon all other occasions, is ever ready to deliberate with those of the Allies, and will unreservedly explain itself upon this great Question of common interest; but as to the form in which it may be prudent to conduct these Deliberations, they conceive, they cannot too early recommend that course of deliberation which will excite the least attention or alarm, or which can least provoke jealousy in the minds of the Spanish Nation or Government. In this view, it appears to them advisable, studiously to avoid any reunion of the Sovereigns;—to abstain, at least in the present stage of the Question, from charging any ostensible Conference with commission to deliberate on the affairs of Spain. They conceive it preferable that their intercourse should be limited to those confidential Communications between the Cabinets, which are, in themselves, best adapted to approximate ideas, and to lead, as far as may be, to the adoption of Common Principles, rather than to hazard a discussion in a Ministerial Conference, which, from the necessarily limited powers of the Individuals composing it, must ever be better fitted to execute a purpose already decided upon, than to frame a course of policy under delicate and difficult circumstances.

There seems the less motive for precipitating any step of this nature in the Case immediately under consideration, as, from all the information which reaches us, there exists in Spain no Order of Things upon which to deliberate; nor as yet any Governing Authority with which Foreign Powers can communicate.

The King's Authority, for the moment at least, seems to be dissolved. His Majesty is represented, in the last Despatches from Madrid, as having wholly abandoned Himself to the tide of events, and as conceding whatever is called for by the Provisional Junta and the Clubs.

The authority of the Provisional Government does not appear to extend beyond the two Castilles and a part of Andalusia:—Distinct Local Authorities prevail in the various Provinces, and the King's Personal Safety is regarded as extremely liable to be hazarded, by any step which might lay Him open to the suspicion of entertaining a design to bring about a Counter-Revolution, whether by internal or external means.

This important subject having been referred to, and considered by, the Duke of Wellington, his Memorandum accompanies this Minute. His Grace does not hesitate, upon his intimate experience of Spanish affairs, to pronounce, that the Spanish Nation is, of all the European People, that, which will least brook any interference from Abroad: he states the many instances in which, during the last War, this distinguishing trait of national character rendered them obstinately blind to the most pressing considerations of public safety: he states the imminent danger in which the suspicion of Foreign interference, and more especially of interference on the part of France, is likely to involve the King;—and he further describes the difficulties which would oppose themselves to any military operations in Spain, undertaken for the purpose of reducing, by force, the Nation to submit themselves to an order of things, to be either suggested or prescribed to them from without.

Sir Henry Wellesley has, in coincidence with this opinion, reported the alarm which the intended Mission of M. de La Tour du Pin had excited at Madrid, the prejudice which, in the opinion of all the Foreign Ministers at Madrid, it was calculated to occasion to the King's interests and possible safety. He also reports the steps which it was in contemplation to have adopted, on the part of the King, to endeavour to prevent the French Minister from prosecuting his journey to Madrid, when the intelligence of the abandonment of the Mission was received from Paris.

At all events, therefore, until some Central Authority shall establish itself in Spain, all notion of operating upon her Councils seems utterly impracticable; and calculated to lead to no other possible result, than that of compromising either the King or the Allies, or probably both.

The present state of Spain, no doubt, seriously extends the range of political agitation in Europe, but it must nevertheless be admitted, that there is no portion of Europe of equal magnitude, in which such a Revolution could have happened, less likely to menace other States, with that direct and imminent danger, which has always been regarded, at least in this Country, as alone constituting the Case which would justify external interference. If the case is not such as to warrant such an interference;—if we do not feel that we have at this moment either the right or the means to interfere with effect by force;—if the semblance of such an Interference is more likely to irritate than to overawe, and if we have proved, by experience, how little a Spanish Government, whether of King or Cortes, is disposed to listen to advice from Foreign States, is it not prudent at least to pause, before we assume an attitude which would seem to pledge us in the eyes of Europe to some decisive proceeding? Before we embark in such a Measure, is it not expedient at least to ascertain with some degree of pre-



cision, what we really mean to do? This course of temperate and cautious policy, so befitting the occasion and the critical position in which the King is personally placed, will in no degree fetter our action, when, if ever, the case for acting shall arise.

In the mean time, as Independent States, the Allied Powers may awaken, through their respective Missions at Madrid, with not less effect than would attend any joint representation, a salutary apprehension of the consequences that might be produced by any violence offered to the King's Person or Family, or by any hostile Measures directed against the Portuguese Dominions in Europe, for the protection of which Great Britain is bound by specifick Treaty.

In conveying any such intimation, however, the utmost delicacy should be observed; and though it is to be presumed that the views and wishes of all the Allied Powers must be essentially the same, and that the sentiments they are likely to express cannot materially differ, it does not follow that they should speak either in their Corporate Character, or through any Common Organ,—both which expedients would be calculated rather to offend, than to conciliate or persuade.

There can be no doubt of the general danger which menaces more or less the stability of all existing Governments, from the Principles which are afloat, and from the circumstances that so many States of Europe are now employed in the difficult task of casting anew their Governments upon the Representative Principle;—but the notion of revising, limiting, or regulating the course of such experiments, either by Foreign Council or by Foreign Force, would be as dangerous to avow, as it would be impossible to execute; and the illusion too prevalent on this subject, should not be encouraged in our intercourse with the Allies.—That circumstances might arise out of such experiments in any Country directly menacing to the safety of other States, cannot be denied, and against such a danger, well ascertained, the Allies may justifiably, and must in all prudence, be on their guard: but such is not the present case.—Fearful as is the example which is furnished by Spain, of an Army in revolt, and a Monarch swearing to a Constitution which contains in its frame hardly the semblance of a Monarchy, there is no ground for apprehension that Europe is likely to be speedily endangered by Spanish Arms.

\* \* \* \* \*

In this Alliance, as in all other human Arrangements, nothing is more likely to impair, or even to destroy its real utility, than any attempt to push its duties and its obligations beyond the Sphere which its original conception and understood Principles will warrant.—It was an Union for the re-conquest and liberation of a great proportion of the Continent of Europe from the military dominion of France; and having subdued the Conqueror, it took the State of Possession, as established by the Peace, under the protection of the Alliance.—It never

was, however, intended as an Union for the Government of the World, or for the Superintendence of the Internal Affairs of other States.

\* \* \* \* \*

We shall be found in our Place when actual danger menaces the System of Europe; but this Country cannot, and will not, act upon abstract and speculative Principles of Precaution. The Alliance which exists had no such purpose in view in its original formation.—It was never so explained to Parliament; if it had, most assuredly the sanction of Parliament would never have been given to it; and it would now be a breach of faith, were the Ministers of the Crown to acquiesce in a construction being put upon it, or were they to suffer themselves to be betrayed into a course of Measures, inconsistent with those Principles which they avowed at the time, and which they have since uniformly maintained both at Home and Abroad.

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*No. 2.—Instructions drawn up by The Marquess of Londonderry; and transferred to The Duke of Wellington, September 14, 1822.*

(Extract.)

WITH respect to Spain, there seems nothing to add to, or vary, in the course of policy hitherto pursued:—Solicitude for the safety of the Royal Family;—Observance of our Engagements with Portugal,—and a rigid abstinence from any Interference in the Internal Affairs of that Country,—must be considered as forming the Basis of His Majesty's Policy.

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*No. 3.—The Duke of Wellington to Mr. Secretary Canning.—*

*(Received November 7.)*

(Extract.)

*Verona, October 29, 1822.*

I SHALL object to every thing, excepting that the Allies should call upon France to explain Herself; and then that they should recommend to Her, if Peace be her object, as it must be that of the other Powers, that She should ask for the Good Offices of one of her Allies, to explain to Spain her desire to remain at Peace.

If the Allies should agree to recommend this Line, and should enter into no Treaty, nor make any Declaration, hostile to Spain, and France should then desire the Good Offices of England, I shall consent to give them. But if there should be any Defensive Treaty, or even Declaration against Spain, on the part of the Allies, I shall consider it my duty to decline to become a Party to either, and shall endeavour to make them feel, collectively, that the Treaty or Declaration will only render useless the efforts of the Power which is to use its Good Offices to maintain Peace; and I shall also decline to consent, on the part of my Government, to use such Good Offices: but if pressed to do so, I shall take the demand *ad referendum*.

No. 4.—*Mr. Secretary Canning to The Duke of Wellington.*

(Extract.)

*Foreign Office, November 8, 1822.*

I AM to signify to your Grace His Majesty's entire approbation of your conduct and language in respect to the Affairs of Spain;—and particularly of the determination not to promise the Good Offices of His Majesty between that Country and France, in any other case than that of a simple and specifick request to that effect on the part of France, unaccompanied by "any Treaty or any Declaration of the Allies hostile to Spain."

No. 5.—*Memorandum relative to the Conduct of Spain, communicated by M. de Jabañ to Mr. Secretary Canning, 18th February 1823.*

Si l'on veut des preuves de la moderation de l'Espagne, et du peu de fondement avec lequel on l'accuse de poursuivre le Système de Propagande Politique, voici trois faits irrecusables : La Junta d'Oporto demande en 1820, des Troupes Espagnoles,—refusé. Le Gouvernement de Naples au commencement de 1821 fait la même pétition,—refusé. En 1822 on fait retirer jusqu'à 30 lieues dans l'intérieur du Pays, sur la demande de La France, les Réfugiés François, Capitaine Nantil, &c. tandis que les Généraux Eguia, Abreu, &c. et la soi-disant Régence, organisoient à Bayonne et à Perpignan les Bandes de la Foi.

En 1822 nous avons refusé les services de trois Regimens François de l'Armée d'Observation. Jusqu'aujourd'hui on ne pourra citer aucun Soldat ou Paysan François que nous avons séduit, armé, soldé et lancé dans le sein de sa patrie pour la déchirer. Nous n'avons pas arboré le Pavillon Tricolore; nous n'avons pas refusé de publier une Amnistie généreuse et salutaire; nous n'avons pas invité à des soirées d'étiquette les François expatriés et conspirateurs; nous n'avons pas toléré qu'un individu à Madrid s'affublât publiquement du titre de Chargé d'Affaires de la Régence de France, tandis que S. E. M. de Lagarde étoit Ambassadeur de S. M. Très Chrétienne près S. M. Catholique : enfin nous n'avons rien fait (car ces Preuves négatives pourroient former un Catalogue trop diffus,)—Nous n'avons rien fait contre les François de ce que les François (c'est à dire le Gouvernement François,) a fait contre nous, et nous avons fait pour les Gouvernemens qui nous excommunient, ce qu'aucun d'eux n'a fait pour nous.

S'il s'agit de désaveux verbaux ou écrits, L'Angleterre en a reçu les plus solennels au sujet du Portugal; L'Autriche au sujet de L'Italie; et l'Europe, surtout dans la Séance mémorable du 11 Janvier, 1823, a entendu les Représentants de L'Espagne déclarer à la fois, en appelant à l'histoire de ce qui s'est passé depuis 1808, jusqu'à 1814, et depuis 1820, jusqu'à 1823,—1°. que leur Patrie ne se mêlera jamais des affaires intérieures d'autres Puissances, et 2°. qu'Elle ne consentira non plus à la dictature scandaleuse qu'on veut Lui imposer.

## FRANCE.

No. 1.—*Mr. Secretary Canning to Sir Charles Stuart.*

(Extract.)

*Foreign Office, March 31, 1823.*

THE Article, of which I enclose a Copy, is contained in the Treaty between His Majesty and the King of Spain of 1814, but has never been published. It was originally a *Secret* Article, but His Majesty having declined agreeing to it as such (from the opinion that it ought to be communicated to His Majesty's Allies), its title was changed from that of a *Secret* to a *Separate* Article. It formed part of the Treaty communicated to the Court of France in 1814, by the Duke of Wellington, then His Majesty's Ambassador at Paris; but it was omitted in the Copy of the Treaty laid before Parliament, at the express desire of the French Government, signified by the Prince de Talleyrand, then Minister for Foreign Affairs.

M. de Chateaubriand will, I have no doubt, at once acknowledge that such an act of compliance with the wishes of the French Government, enhances His Majesty's claim upon France, to respect the solemn obligation of this Article.

Your Excellency will particularly remark to M. de Chateaubriand, that the Treaty of 1814, was not negotiated till after our army had been withdrawn from Spain.

(*Inclosure.*)—*SEPARATE ARTICLE to the Treaty between Great Britain and Spain.—Signed at Madrid, 5th. July 1814.*

HIS Catholic Majesty engages not to enter into any Treaty or Engagement with France, of the nature of that known under the denomination of the *Family Compact*, nor any other which may affect the Independence of Spain, which may be injurious to the interests of His Britannick Majesty, or may be contrary to the strict Alliance which is stipulated by the present Treaty.

The present Separate Article shall form an integral part of the Treaty of Friendship and Alliance signed on the fifth day of July, and shall have the same force and validity as if it was inserted, word for word, and shall be ratified, and the Ratifications shall be exchanged within forty days, or sooner if possible.

In Witness whereof, We, the undersigned Plenipotentiaries have signed, in virtue of our respective Full Powers, the present Separate Article, and sealed it with the Seals of our Arms.

Done at Madrid, this fifth day of July, 1814.

(L.S.) M. EL DUQUE DE SAN CARLOS. (L.S.) H. WELLESLEY.



No. 2.—*Sir Charles Stuart to Mr. Secretary Canning.*—(Rec. April 10.)

(Extract.)

*Paris, April 7, 1823.*

M. DE CHATEAUBRIAND assured me, that the French Government are quite resolved to respect the obligations of the Article which I communicated to him.

## PORTUGAL.

No. 1.—*Mr. Secretary Canning to Sir Charles Stuart.*

(Extract.)

*Foreign Office, December 3, 1822.*

YOUR Excellency will take an opportunity of obtaining from M. de Villèle some information respecting the nature of the recent Communications between the French and the Portuguese Governments.

No. 2.—*Sir Charles Stuart to Mr. Secretary Canning.*—(Rec. Dec. 15.)

(Extract.)

*Paris, December 12, 1822.*

IN answer to the enquiries I have been authorized to bring forward, respecting the nature of the Communications which have taken place between this Government and the Court of Portugal, the Duke Mathieu de Montmorency has shewn me the Correspondence of the French Ministers with Monsieur de Lesseps.

It appears from this Correspondence, that Monsieur Oliveira, the Portuguese Chargé d'Affaires at this Court, called upon Monsieur de Villèle in the course of the Summer, for the purpose of representing the anxiety to which the assembling of a French Force on the Pyrenees had given rise at Lisbon, and of expressing a hope that his Excellency would give him a full explanation of the views entertained by the French Government, with respect to Portugal. Monsieur de Villèle assured him, that nothing could warrant any feeling of uneasiness on the part of the Portuguese Government; that the distance of that Country had not permitted him to contemplate the possible effect, which the concentration of troops in France could produce upon a Nation, with whose Institutions or Government the French Ministers could have no desire to interfere.

No. 3.—*The Vicomte de Chateaubriand to the Portuguese Chargé d'Affaires at Paris.*

[Communicated by the Vicomte de Marcellus to Mr. Secretary Canning, March 7, 1823.]

(Extrait.)

LE Gouvernement Portugais croit devoir protester contre le Prin-

cipe énoncé dans le Discours prononcé par S. M. le 28 Janvier, à l'Ouverture de la présente Session. Le Roi de France est le maître de tenir à Son Peuple le langage qu'il Lui convient, et il seroit difficile de comprendre comment le Gouvernement Portugais se trouve offensé d'un Discours adressé aux Deputés de La France.

Si l'Armée Française doit pénétrer sur le Territoire Espagnol, M. le Chargé d'Affaires de Portugal sera parfaitement libre de quitter le Territoire François comme il en a reçu l'ordre de son Gouvernement.

Si le Gouvernement Français est forcé de déclarer la Guerre au Gouvernement Espagnol, ce n'est point pour soutenir des Théories Politiques, mais parceque Sa sureté immédiate et Ses intérêts essentiels sont compromis par les transactions domestiques de l'Espagne. La France n'étant pas dans la même position avec le Portugal ne voit aucun motif plausible pour que le Gouvernement de S. M. T. Fidèle renonce à des relations de paix et d'amitié. La France espère qu'Elle n'aura point à repousser une agression non provoquée ni à soutenir une guerre défensive, qui n'aurait pour base et pour prétexte de la part de ceux qui la déclareroient, que l'énonciation d'un Principe sur lequel repose le droit politique de La France.

Quant aux dispositions futures relatives à la résidence des Consuls, le Gouvernement François n'a aucun besoin d'entrer en arrangement à cet égard, puisque l'intention de Sa Majesté Très Chrétienne n'a été de rappeler du Portugal ni Son Chargé d'Affaires ni Ses Consuls. Elle prendra pour l'avenir conseil de Sa Dignité.

Le Soussigné, &c.

CHATEAUBRIAND.

*No. 4.—M. de Chateaubriand to the French Chargé d'Affaires at Lisbon.*

[Communicated by Vicomte Marcellus to Mr. Secretary Canning,  
February 3, 1823,]

(Extrait.)

*Paris, le 30 Janvier, 1823.*

LA Lettre que j'ai eu l'honneur de vous écrire le 13 Janvier courant, confirme toutes celles que mon Prédécesseur vous avait adressées sur les dispositions amicales de La France envers Le Portugal.

Vous avez été constamment chargé de donner à ce Gouvernement l'assurance, qu'aucun de nos armemens n'était dirigé contre lui; que l'entretien d'un corps de Troupes Françaises vers les Pyrenées n'avait pour bût que de nous mettre en état de défense, si notre Territoire, ou nos Institutions, étoient menacées par l'Espagne, et si la conduite de cette Puissance rendait une rupture inévitable:—mais que nous séparions la Cause de l'Espagne du Portugal, contre lequel nous n'avions aucun grief; et que nous désirions ne pas voir altérer nos relations avec Lui.

*No. 5.—Sir Charles Stuart to Mr. Secretary Canning.—(Rec. April 20.)*  
*SIR,* *Paris, April 17, 1823.*

THE Portuguese Chargé d’Affaires at this Court has addressed a Note to the Vicomte de Chateaubriand, stating that, in virtue of the Instructions he has received from his Government, he considers the relations of Amity between the two Countries to have been interrupted, from the moment the French Army crossed the Frontier of Spain, and that he must, therefore, demand his Passports.

This Communication has been answered by a Note from Monsieur de Chateaubriand, referring to his former declarations, that it is the desire and intention of His Most Christian Majesty’s Government to continue at Peace with Portugal;—that if, however, the manifestation of these friendly sentiments will not induce Monsieur de Sampaio to suspend the execution of his orders, until the result of a reference to Lisbon shall be known, his Passports will be delivered to him; but that the French Ministers do not think it necessary, on that account, to withdraw the Chargé d’Affaires, or the Consular Agents, who are actually employed in Portugal to maintain the usual relations between the Two Courts.

I have the honour to be, &c.

*The Rt. Hon. George Canning.*

CHARLES STUART.

### *CORRESPONDENCE between Don Victor Saez and Mr. Secretary Canning.*

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#### *No. 1.—Don Victor Saez to Mr. Secretary Canning.*

MONSIEUR,

*Madrid, le 7 Juin, 1823.*

J’AI l’honneur de transmettre à Votre Excellence la Lettre, par laquelle Son Altesse Sérénissime La Régence d’Espagne et des Indes a l’honneur de communiquer à Sa Majesté Britannique Son Installation, qui vient d’avoir lieu dans cette Capitale, de la manière la plus solennelle, et qui a été suivie de la reconnaissance de Son Altesse Royale Monseigneur Le Duc d’Angoulême, au Nom de Sa Majesté Très Chrétienne.

Son Altesse Sérénissime en me chargeant de prier Votre Excellence de présenter à Sa Majesté Le Roi de La Grande Bretagne la dite Lettre (dont j’ai l’honneur d’accompagner une Copie, ainsi que des Documens relatifs à la nomination de La Régence), m’a ordonné de vous exprimer en même tems, son vif désir de cultiver les relations d’Amitié qui ont toujours subsisté entre Nos Augustes Souverains.

Je me croirai heureux de contribuer à remplir les vœux de Son Altesse Sérénissime à cet égard; et en attendant, j'ai l'honneur d'assurer Votre Excellence de la haute considération avec laquelle j'ai l'honneur, &c.

*Son Excellence M. Canning.*

VICTOR SAEZ.

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(*First Enclosure.*)—PROCLAMATION.

*Son Altesse Royale Le Duc d'Angoulême, Général en Chef de L'Armée Française, aux Espagnols.*

ESPAGNOLS :

AVANT que l'Armée Française franchit les Pyrénées, j'ai déclaré à votre généreuse Nation que La France n'était point en guerre avec Elle. Je lui ai annoncé que nous venions comme amis et comme auxiliaires, l'aider à relever ses autels, à délivrer son Roi, à rétablir dans son sein la justice, l'ordre et la paix. J'ai promis respect aux propriétés, sûreté aux personnes, protection aux hommes paisibles. L'Espagne a ajouté foi à mes paroles. Les Provinces que j'ai parcourues ont reçu les Soldats Français comme des frères, et la voix publique vous aura appris s'ils ont justifié cet accueil, et si j'ai tenu mes engagements.

Espagnols, si votre Roi était encore dans Sa Capitale, la Noble Mission que le Roi mon Oncle m'a confiée, et que vous connaissez *toute entière*, serait déjà prête à s'accomplir ; je n'aurais plus, après avoir rendu le Monarque à la liberté, qu'à appeler Sa paternelle sollicitude sur les maux qu'ont soufferts Ses Peuples, sur le besoin qu'ils ont de repos pour le présent et de sécurité pour l'avenir.

L'absence de Sa Majesté m'impose d'autres devoirs.

Le commandement de l'Armée m'appartient, mais quelque soit le lien qui m'attache à votre Roi, et qui unit La France à L'Espagne, les Provinces délivrées par nos Soldats alliés ne peuvent ni ne doivent être gouvernées par des Etrangers.

Depuis la Frontière jusqu'aux Portes de Madrid, leur administration a été provisoirement confiée à d'honorables Espagnols, dont le Roi connaît le dévouement et la fidélité, et qui ont acquis dans ces circonstances difficiles, de nouveaux droits à Sa reconnaissance et à l'estime de la Nation.

Le moment est venu d'établir, d'une manière solennelle et stable, la Régence qui doit être chargée d'administrer les Pays, d'organiser une Armée régulière, et de concerter avec moi les moyens de consommer notre grand ouvrage, la délivrance de votre Roi.

Cet établissement offre des difficultés réelles que la franchise et la loyauté ne permettent pas de dissimuler, mais que la nécessité doit vaincre.

Le choix de Sa Majesté ne peut être connu. Il n'est pas possible,



sans prolonger douloureusement les maux qui pèsent sur le Roi et sur la Nation, d'appeler les Provinces à y concourir.

Dans ces conjonctures difficiles, et pour les quelles le passé n'offre pas d'exemple à suivre, j'ai pensé que le moyen le plus convenable, le plus national et le plus agréable au Roi, était de convoquer l'Antique Conseil Suprême de Castille et le Conseil Suprême des Indes, dont les hautes et diverses attributions embrassent le Royaume et ses Possessions d'outre-mer, et de confier à ces grands Corps, indépendans par leur élévation et par la position politique de ceux qui les composent, le soin de désigner eux mêmes les Membres de la Régence.

J'ai, en conséquence, convoqué ces Conseils, qui vous feront connaître leur choix.

Les hommes sur qui se seront réunis leurs suffrages exerceront un pouvoir nécessaire jusqu'au jour désiré où votre Roi, heureux et libre, pourra s'occuper du soin de consolider Son Trône, en assurant, à Son tour, le bonheur qu'il doit à Ses Sujets.

Espagnols : Croyez en la parole d'un Bourbon. Le Monarque bienfaisant qui m'a envoyé vers vous, ne séparera pas dans ses vœux la liberté d'un Roi de Son Sang, et les justes espérances d'une Nation grande et généreuse, Alliée et Amie de La France.

Au Grand Quartier Général de Alcobendas, le 23 Mai, 1823.

LOUIS ANTOINE.

Par Son Altesse Royale Le Prince Généralissime.

Le Conseiller d'Etat, Commissaire Civil de Sa Majesté Très Chrétienne,  
DE MARTIGNAC.

(Second Inclosure.)

M. LE DUC,

Madrid, le 23 Mai, 1823.

Le premier soin de Son Altesse Royale en arrivant dans la Capitale de l'Espagne, est d'y établir une Régence chargée d'Administrer le Royaume pendant la captivité du Roi, d'organiser une Armée régulière et de se concerter avec Le Prince Général en Chef pour la délivrance de Sa Majesté. La nomination des Membres de cette Régence ne pouvant être faite par le Roi, ni par les Provinces, et Son Altesse Royale ne voulant pas y prendre part, Elle a pensé que le moyen le plus convenable, et le plus national, était de charger de ce soin le Conseil Suprême de Castille, et le Conseil Suprême des Indes. En conséquence, Son Altesse Royale a arrêté que ces Deux Conseils seraient convoqués sans délai, pour procéder de concert à l'élection des Cinq Membres dont la Régence lui paraît devoir être composée.

J'ai l'honneur, M. le Duc, de donner communication à Votre Excellence de cette décision de Son Altesse Royale, et de vous prier, en Son nom, de convoquer, le plutôt possible, les Membres du Conseil que Votre Excellence préside. Je prie également Votre Excellence

de me faire connaître les opérations qui auront été faites par les Con-  
seils réunis. J'ai l'honneur, &c.

DE MARTIGNAC.

*Son Excellence Le Duc d'Infantado, President  
du Conseil Suprême de Castille.*

[Pareil Lettre a été adressé à M. le Président du Conseil Suprême des  
Indes.]

(Third Inclosure.)

TRANSLATION.

*Madrid, 23 de Mayo, de 1823.*

*Madrid, May 23, 1823.*

EXMO SENOR,

MOST EXCELLENT SIR,

LUEGO que recibimos los Ofi-  
cios de este dia, que Vuestra Ex-  
cellencia se servió pasarnos de  
orden de Su Alteza Real el Prin-  
cipe Géneralísimo, relativos al  
nombramiento de Personas para  
Regentes del Reyno, dispusimos  
la reunion de los Individuos de los  
dos Consejos de Castilla é Indias,  
y habiendolos hecho presentes,  
despues de meditado su contenido,  
y conferenciado sobre el asunto  
con la premura del tiempo que se  
dexa discurrir, se acordó á plura-  
lidad de votos, se conteste á Vues-  
tra Excellencia para que se sirva  
elevantarlo á noticia de Su Alteza  
Real, que los Consejos de Castilla  
é Indias, con arreglo á las Leyes  
de España, á las praticas y usos  
observados en ella, nunca han  
tenido ni tienen la facultad de pro-  
poner, ni menos de nombrar para  
Regentes del Reyno, en ninguno  
de los casos que sabiamente esta-  
blecen sus Leyes, pues estas tie-  
nen prevenido el modo y orden  
con que deben hacerse tales nom-  
bramientos; y por lo mismo, que  
de ninguna manera pueden propo-  
ner ni nombrar legalmente, según  
lo encarga Su Alteza Real; pero

As soon as we received the  
Letter, dated this day, which  
Your Excellency was pleased, by  
order of His Royal Highness  
The Prince Generalissimo, to ad-  
dress to us, respecting the Ap-  
pointment of the Persons who  
should constitute the Regency of  
the Kingdom, we proceeded to  
convene the Individuals of the  
Two Councils of Castile and the  
Indies, and having deliberated on  
the contents of your Letter, and  
discussed the subject with all con-  
venient speed, it was decided by  
a majority of votes, to reply to  
Your Excellency, with the view of  
your being pleased to convey it  
to the notice of His Royal High-  
ness,—that the Councils of Castile  
and the Indies, according to the  
Laws of Spain, and the practice  
and custom observed in the King-  
dom, have never possessed, nor  
do possess, the power of propos-  
ing or appointing to the Offices of  
Regents of the Kingdom, in any  
of the Cases wisely anticipated by  
its Laws,—for the latter have  
specified the mode and the order  
to be observed in regard to such  
Appointments,—and that, there-

que deseando por una parte darle una prueba del justo aprecio que merecen sus resoluciones, y haciéndose cargo del estado de cautividad en que se halla El Rey nuestro Señor, y de las críticas circunstancias de la Nación, y por otra del benéfico deseo que manifiesta Su Alteza Real, para asegurar el acierto en materia de tanta consecuencia para la Nación, y en que los Individuos de ambos Consejos no pueden menos de secundar sus loables intenciones, han acordado igualmente manifestar á Vuestra Excellencia que si Su Alteza Real lo tuviese por conveniente, remittiran para su conocimiento la lista de los Sugetos que crean mas á proposito para Regentes interinos del Reyno durante la ausencia y cautividad de ñro. Rey y Señor Don Fernando Septimo, á los fines indicados en el apreciable Oficio de Vuestra Excellencia á que contestamos.

Sírvase Vuestra Excellencia recibir la expresion de nuestros sentimientos y de ñra. distinguida consideracion. Exmo Señor,

EL DUQUE DEL INFANTADO.

M. EL DUQUE DE MONTEMAR.

— CONDE DE GARCIEZ.

*Exmo Señor de Martignac,  
Comisario Regio.*

fore, they are not competent by any means lawfully to propose or nominate those Members, as desired by His Royal Highness: but, being solicitous on the one hand, to afford Him a proof of the just estimation in which they hold His Resolutions, and taking into consideration the state of captivity in which the King, our Lord, is kept, as also the critical circumstances of the Nation,—and, on the other, the beneficent wish manifested by His Royal Highness, to insure success in a matter of such importance to the Nation, and in which the Individuals of both Councils cannot but second His laudable intentions,—they have agreed to state to Your Excellency, at the same time, that, if His Royal Highness should deem it proper, they will transmit for His approval the list of Persons whom they think the best fitted to be invested with the Offices of Regents, *ad interim*, of the Kingdom, during the absence and captivity of our King and Lord, Don Ferdinand VII., for the purposes mentioned in Your Excellency's esteemed Letter, which we hereby answer.

Please to receive the expression of our sentiments and of our distinguished consideration.

Most Excellent Sir,

THE DUKE DEL INFANTADO.

M. THE DUKE DE MONTEMAR.

— CONDE DE GARCIEZ.

*His Excellency Señor de Martignac, Royal Commissioner.*

(Fourth Inclosure.)

M. LE DUC,

Madrid, le 24 Mai, 1823.

J'AI communiqué à Son Altesse Royal Monseigneur Le Duc d'Angoulême, la Note que Votre Excellence m'a fait l'honneur de m'adresser ce matin, de concert avec Son Excellence Le Duc de Montemar, Président du Conseil Suprême des Indes.

Son Altesse Royale a vu avec une vive peine que les Deux Conseils réunis, avaient jugés que la Mission qui leur était confié ne rentrait pas dans leurs attributions, et qu'il n'était en leur pouvoir de procéder eux mêmes à l'élection des Membres de la Régence. Son Altesse Royale désirait vivement demeurer entièrement étrangère à cette élection et se conformer ainsi aux Instructions réitérées qu'elle a reçues du Roi de France. Cependant comme il importe avant tout que le Gouvernement soit établi, Monseigneur me charge de faire connaître à Votre Excellence :

1<sup>o</sup> Qu'elle désire que la Liste que les Conseils se proposent de Lui présenter ne contiennent qu'un nombre égal à celui des Membres de la Régence à élire.

2<sup>o</sup> Que dans tous les cas les Conseils indiquent dans leurs délibérations les causes de leur refus d'élire eux-mêmes.

3<sup>o</sup> Qu'ils demeurent chargés de proclamer et de faire reconnaître les Membres de la Régence que Son Altesse Royale aura désignés sur la Liste qui lui aura été proposée.

J'espère M. Le Duc, que les Conseils se prêteront autant qu'il sera en leur pouvoir aux vues que Son Altesse Royale m'ordonne de leur manifester, et qu'ils se hâteront de faire cesser un état d'incertitude qui pourrait avoir des suites facheuses. J'ai l'honneur, &c.

S. E. Le Duc d'Infantado.

DE MARTIGNAC.

[Pareil Lettre a été adressée à M. Le Duc de Montemar, Président du Conseil Suprême des Indes.]

(Fifth Inclosure.)

TRANSLATION.

Madrid, 24 de Mayo, de 1823.

Madrid, 24th May, 1823.

EXMO. SENOR,

MOST EXCELLENT SIR,

A CONSECUENCIA del Oficio de Vuestra Excellencia de esta fecha reunidos los Individuos de los Consejos de Castilla é Indias, han estimado aptos para Regentes del Reyno á los Sugetos que comprehende la adjunta Lista.

THE Individuals of the Councils of Castile and the Indies, having assembled in consequence of Your Excellency's Letter of this day, came to the Resolution that the Persons comprehended in the subjoined List were proper Persons for discharging the Office of Regents of the Kingdom.



Lista de los Sugetos que se han estimado aptos para Regentes del Reyno.

EL DUQUE DEL INFANTADO.

EL DUQUE DE MONTEMAR.

EL BARON DE EROLES.

EL OBISPO DE OSMA.

D. ANTONIO GOMEZ CALDERON.

No se creen dichos Individuos autorizados para hacer por si el nombramiento por las razones expresadas en nuestro Oficio del dia de ayer, ni prodran expedir la Cedula ordinaria para su publicacion por no estar instalados los Consejos; pudiendo entretanto anunciarse por medio de una Proclama como la que se ha fixado en este dia con fecha de ayer por S. A. R., á quien se servirá V. E. hacerlo presente.—Dios guarde á V. E. m. a.

Exmo. Señor,

EL DUQUE DEL INFANTADO.

M. EL DUQUE DE MONTEMAR.

—CONDE DE GARCIEZ.

*Exmo. Senor de Martignac.*

List of Individuals judged to be qualified for Regents of the Kingdom.

THE DUKE OF INFANTADO.

THE DUKE OF MONTEMAR.

THE BARON DE EROLES.

THE BISHOP OF OSMA.

DON ANTONIO GOMEZ CALDERON.

The Individuals first-mentioned, do not think themselves justified in proceeding, of their own authority, to the nomination, for the reasons specified in our Letter of yesterday; nor can they issue the usual Order [*Cedula*] for its Publication, inasmuch as the Councils are not installed. It may in the mean time be announced by means of a Proclamation, like that which was published to-day, under date of yesterday, by His Royal Highness, to whom Your Excellency will be pleased to communicate this Letter. God preserve Your Excellency many years. Most Excellent Sir,

THE DUKE DEL INFANTADO.

M. THE DUKE DE MONTEMAR.

—CONDE DE GARCIEZ.

*H. E. Senor de Martignac.*

(*Sixth Inclosure.*)—DECLARATION.

Nous, Louis Antoine d'Artois, Fils de France, Duc d'Angoulême, Général-en-Chef de l'Armée Française en Espagne.

Vu notre Arrêté en date du 23 courant, portant que les Conseils de Castille et des Indes seront convoqués à l'effet de procéder à l'élection des Membres qui devront composer la Régence du Royaume;

Vu la délibération prise par les Conseils réunis sous la date du même jour, portant que les Conseils ne se jugent pas autorisés par les Lois du Royaume, à élire eux-mêmes la Régence, mais qu'ils croient de leur devoir de nous présenter la Liste des Sujets qui leur paraissent les plus propres à ces hautes fonctions;

Vu la Liste à nous présentée le 24, en exécution de cette délibération, et portant les noms suivants :

LE DUC DE L'INFANTADO.

LE DUC DE MONTEMAR.

LE BARON D'EROLE.

L'EVEQUE D'OSMA.

D. ANTONIO GOMEZ CALDERON.

Déclarons, au nom de Sa Majesté Le Roi de France, notre Seigneur et Oncle, reconnaître comme composant la Régence du Royaume, pendant la captivité de Sa Majesté Le Roi Ferdinand VII,

*Président*, NOTRE COUSIN LE DUC DE L'INFANTADO.

*Membres*: NOTRE COUSIN LE DUC DE MONTEMAR.

LE BARON D'EROLE, *Lieutenant-Général*.

M. L'EVEQUE D'OSMA.

M. ANTONIO GOMEZ CALDERON.

Donné en Notre Quartier Général, à Madrid, le 25 Mai 1823.

LOUIS ANTOINE.

Par Son Altesse Royale Le Prince Généralissime,  
Le Conseiller d'Etat, Commissaire Civil de Sa Majesté Très Chrétienne,  
DE MARTIGNAC.

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*No. 2.—Mr. Secretary Canning to Don Victor Saez.*

SIR,

*Foreign Office, June 19, 1823.*

I HAVE the honour to acknowledge the receipt of the Letter which Your Excellency did me the honour to address to me on the 7th instant, announcing the Installation of a New Regency at Madrid, and inclosing a Letter, addressed (as you inform me) by that Body to The King, my Master.

The Regency of Urgel, some months ago, and more recently that which was instituted after the entrance of the French Army into Spain, successively addressed Letters to me, announcing, in like manner, their assumption, respectively, of the Government of Spain.

To neither of these Communications has it been thought necessary to return any Answer: and, if I now deviate from the course pursued in those two instances, it is only because I would not appear to be guilty of incivility, in sending back your Messenger without a written acknowledgement of your Letter.

I have, however, nothing to add to that acknowledgement. The King, my Master, having a Minister resident near the Person of His Catholick Majesty, cannot receive a Communication of this description;—and it is, therefore, not consistent with my duty to lay before The King, the Letter addressed to His Majesty; which I have the honour herewith to return. I have the honour, &c.

*His Excellency Don Victor Saez.*

GEORGE CANNING.

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**EXPLANATORY and ADDITIONAL ARTICLES to the Treaty between Great Britain and Spain, for the Prevention of the Traffic in Slaves.—Signed at Madrid, December 10, 1822.**

<p><b>EXPLANATORY ARTICLE</b> to the Treaty between His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains.—Signed at Madrid, Sept. 23, 1817.</p>	<p><b>ARTICULO DECLARATORIO</b> del Tratado existente entre Su Magestad El Rey del Reyno Unido de La Gran Bretana é Irlanda, y Su Magestad El Rey de las Espanas.—Firmado en Madrid, á 23 Setiembre de 1817.</p>
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WHEREAS it is stated in Article I. of "Instructions intended for the British and Spanish Ships of War employed to prevent the illicit Traffic in Slaves," that "Ships on board of which no Slaves shall be found, intended for purposes of Traffic, shall not be detained on any account or pretence whatever." And whereas it has been found by experience, that Vessels employed in the illegal Traffic have put their Slaves momentarily on shore, immediately prior to their being visited by Ships of War, and that such Vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned:—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a Slave or Slaves has or have been put on board a Vessel for

ESTANDO estipulado en el Artículo I. de "las Instrucciones para los Buques de Guerra Españoles é Ingleses, empleados en impedir el ilícito comercio de Esclavos," Que "los Buques á cuyo bordo no se hallaren Esclavos destinados para el Tráfico, no serán detenidos bajo ningun pretexto ó motivo;" y habiendo acreditado la experiencia, que algunos Buques empleados en dicho ilegal Tráfico, han desembarcado momentaneamente los Esclavos que tenian á su bordo, inmediatamente antes de ser visitados por los Buques de Guerra, logrando por este medio evadirse de la confiscacion, y continuar impunemente sus ilegítimos procedimientos, contra el verdadero objeto y espíritu del referido Tratado:—

Las Altas Partes Contratantes creen necesario declarar, como por el presente Artículo declarán, Que si constare por una prueba clara é irrefragable, que hubiesen sido embarcados uno ó mas Esclavos en cualquier Buque con

the purpose of illegal Traffic, in the particular voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof, the Undersigned, furnished with Full Powers to that effect, have hereunto signed their Names and affixed their Seals. Done at Madrid, December 10, 1822.

(L. S.)

WILLIAM A COURT.

objeto de Comercio ilegítimo, durante el viage particular en que fuere apresado, en tal caso, y en virtud de esta causa, segun el verdadero espiritu y sentido de las Estipulaciones del Tratado, el mencionado Buque será detenido por los Cruceros, y condenado por los Comisionados.

El presente Artículo Declaratorio tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se considerará como parte del mismo.

En fé de lo cual, los Infra-scriptos, autorizados con Plenos Poderes al efecto, han firmado y sellado el presente Convenio, en Madrid, á 10 de Diciembre de 1822.

(L. S.)

EVARISTO SAN MIGUEL.

**ADDITIONAL ARTICLE** to the Treaty between His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains.—Signed at Madrid, September 23, 1817.

THE High Contracting Parties hereby agree, That in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators, under the above mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their Posts shall be

**ARTICULO ADICIONAL** al Tratado existente entre Su Magestad El Rey del Reyno Unido de La Gran Bretana é Irlanda, y Su Magestad El Rey de las Españas.—Firmado en Madrid á 23 Setiembre, 1817.

LAS Altas Partes Contratantes estipulan por el presente Artículo, Que en caso de ausentarse por enfermedad ú otra causa inevitable, uno ó mas Comisionados, Jueces, Arbitros, establecidos con arreglo al referido Tratado, ó sea que proceda esta ausencia de permiso dado por su Gobierno, y notificado en debida forma al Tribunal de Comision formado en virtud del mencionado Tratado, serán substituidas sus Plazas del



supplied in the same manner in which, by the Article XIV. [XIII.] of the "Regulations" for the Mixed Commissions, those Vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above mentioned Treaty, and shall be held to form part of the same.

In witness whereof, the Undersigned, duly furnished with Full Powers to that effect, have signed the present Additional Article, and have affixed thereunto the Seal of their Arms. Done at Madrid, December 10, 1822.

(L. S.)

WILLIAM à COURT.

mismo modo en que, con arreglo al XIV. [XIII.] Artículo del Reglamento para las Comisiones Mixtas, se deben suplir las Vacantes que ocurran en la Comision por muerte de uno ó mas de dichos Comisionados.

Este Artículo tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se tendrá por parte del mismo.

En fé de lo cual, los Infra-scriptos, autorizados con Plenos Poderes al efecto, han firmado y sellado el presente Convenio, en Madrid, à 10 de Diciembre de 1822.

(L. S.)

EVARISTO SAN MIGUEL.

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*No. 1.—The Duke of Wellington to Mr. Secy. Canning.—(Rec. Sept. 24.)*  
(Extract.) *Paris, September 21, 1822.*

I HAVE taken an opportunity of talking to the French Minister respecting the Slave Trade, and of urging him to adopt some effectual Measures for its repression.

He stated that The King and the French Government were sincerely anxious to put an end to this Traffick; but that they could devise no Measures to produce that effect which they could hope would be adopted; that the Measure so often recommended to their attention by the British Ambassador at this Court,—that of attaching a *Peine Infamante* to the conviction of this Crime,—would be inefficient, even if passed into a Law. He said that he could not conceal from me the fact, that the Abolition of the Slave Trade was unpopular in France; and he begged me to observe, that the existing Law for the Abolition of the Slave Trade, was the only Law that had ever passed the Legislature without Discussion.

I replied that I did not think we were called upon to point out to them the Measures which they ought to adopt, in order to carry into execution their own Engagements. That we stated the Measures which had been found most effectual in England and elsewhere, and we certainly had reason to complain, if no Measures were adopted by France, to carry into execution Her Engagements, the Decree of the King, and the Law of the Country.

The French Minister said, that they had done, and would do, all in their power; that they maintained Cruizers on the Coast of Africa, and off Madagascar, for no purpose, excepting to check this Traffick, to which they were sincerely desirous to put an end.

I told him that I should certainly draw the attention of the Allied Courts to this subject at the Congress; as they, equally with ourselves, were anxious for the total Abolition of this Traffick.

*No. 2.—Mr. Secretary Canning to the Duke of Wellington.*  
(Extract.) *Foreign Office, October 1, 1822.*

SINCERE as is the anxiety of His Majesty and His Government to devise all means which may tend in any way to the extirpation of that scandal of the Civilized World, the Slave Trade; and confident as I am, that your Grace will exert yourself, with the utmost alacrity and zeal, to impress upon the minds of the Allied Sovereigns and their Ministers, the duty of perfecting the Work of the Abolition, I confess that the Report which I have received from your Grace at Paris, has greatly damped the expectation of any decisively favourable result from the approaching Conferences.

The refusal of France, not only to enter into any new Engagements, or to pass any new Laws for the Suppression of the Slave Trade, but

*Her* neglect and apparent repugnance even to execute those by which *She* has already bound *Herself*, notwithstanding the too notorious continuance of that Traffick by *Her* Subjects, leave little hope that the authority of France will be employed otherwise at Verona than to prevent the adoption of any effectual Resolution.

Every effort must, nevertheless, be made to bring the influence of the Congress to bear upon this most momentous Subject; and from the other Three Members of the Alliance, we may hope to obtain such a manifestation of opinion, as may show that their feelings, as declared in 1815, have undergone no change.

The difficulty under which this Country now labours, in pressing the accomplishment of the Abolition, beyond what it experienced in 1815, arises partly from the lowered tone of sentiment throughout Europe, upon subjects appealing to the feelings of mankind, compared with that which prevailed at a moment of general excitement and enthusiasm; and partly from the notion, sedulously inculcated by other Powers having Colonies, that self-interest now mingles with our humanity; and that by our persevering efforts to bring about the Abolition in these Countries, we are only seeking to inflict upon the Colonial Possessions of our Rivals, a portion of the evils which the partial Abolition is alleged to have brought upon our own.

Your Grace may confidently affirm, in reply to such insinuations, that among the causes which have contributed to the depression of Colonial Produce in this Country, so far is the Abolition of the British Slave Trade from being one, that its continuance would unquestionably have aggravated that depression, and its revival would be deprecated by no class of men, more than by the Colonists of Great Britain.

But in proportion as the interests of that class of His Majesty's Subjects have been exposed to hazard, by the Legislature of this Country, in setting the example of the unqualified renunciation of a practice originally incorporated with the System of Colonies, and long supposed, however falsely, to be necessary to their existence (a renunciation dictated by considerations of a higher Order than have usually guided the conduct of States); in the same proportion is the British Government called upon to leave no effort untried to give effect to that example, and to take care that it shall not have been set in vain.

At present, whatever may have been the advantage or disadvantage to the British Colonies, it is much to be feared that to Africa the Abolition by Great Britain has been injury rather than gain. The Slave Trade, so far from being diminished in extent, by the exact amount of what was in former times the British demand, is, upon the whole, perhaps, greater than it was at the period when that demand was the highest: and the aggregate of human suffering, and the waste

of human life, in the transport of Slaves from the Coast of Africa to the Colonies, are increased in a ratio enormously greater than the increase of positive numbers. It would seem as if those who continue this abominable Traffick, had a malicious pleasure in defeating the calculations of benevolence, and in visiting upon the innocent victims of their avarice, the fruitless endeavours to rescue those victims from their power.

Unhappily it cannot be denied, that our very attempts at prevention, imperfect as they yet are under the Treaties which now authorize our interference, tend to the augmentation of this evil. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to a Cargo, with respect to which it hardly ever seems to occur to its remorseless Owners, that it consists of Sentient Beings. The numbers put on board in each venture, are so far from being proportioned to the proper capacity of the Vessel, that the probable profits of each voyage are notoriously calculated only on the survivors; and the mortality is, accordingly, frightful to a degree unknown, since the attention of mankind was first called to the horrors of this Traffick.

To these enormous, and I am afraid, even growing evils, we have nothing to oppose, but the Declaration of the Congress at Vienna; our Treaties with Spain and The Netherlands, abolishing the Trade definitively and totally; and that with Portugal, restricting the Portuguese Slave Trade to the South of the Line.

The provisions of those Treaties are about to receive a beneficial extension, by an Article which those Governments, respectively, have agreed to add to them; inflicting the same penalties of capture and confiscation on Vessels on board of which Slaves may *have been*, as on those on board of which Slaves are actually found at the time of visiting them.

I inclose a Copy of this proposed Article to His Majesty's Missions at the Courts of The Hague, Madrid, and Lisbon.

I inclose also a Copy of the proposed Article, the object of which is to procure a further extension of the same principle, by admitting the peculiar fitting up of a Slave Ship, as evidence of the purpose, and proof of the criminality of its voyage.

It is, in truth, absurd to talk of *prevention*, if the Vessel must actually have completed the purpose of its voyage, before that purpose, however evident, can be suspected; and if, while the having on board a single Negro is to be conclusive proof of guilt, manifest preparations for the reception of hundreds are not to be considered as leading to a presumption of it.

But even when all this is done, little, very little way is made towards the accomplishment of our Great Work, so long as Portugal



continues the Trade with half the Continent of Africa,—and so long as France is determinately opposed to any further Measures of restriction.

As to France, I fear, that so far from any advantage being likely to be obtained by the separate urgency of the British Government with that of His Most Christian Majesty, every fresh representation does but irritate and confirm the spirit of resistance, and tend to convert more and more, a Question of moral duty and political obligation, into one of national pride.

It is necessary to take this plain, though discouraging view of the situation of this great Question, because neither the past efforts of His Majesty's Government, nor those which your Grace is directed to make at the present Congress, can be viewed in their just light; if it is supposed that they have been, or are to be, employed altogether upon willing or even upon unprejudiced minds; or that the failure to produce the desired effect, is to be attributed to want of zeal or of importunity on our part.

It is the truth (however lamentable or incredible) that by the testimony of the French Government itself, there is no Publick Feeling, —none, on this subject in France, which responds in the smallest degree to the sentiment prevalent in England;—that no credit is given to the People, or to the Legislature of this Country, for sincerity in those sentiments; that our anxiety upon the matter is attributed to a calculation of National Interest; and that a new Law, formed on a proposition from England for new Restrictions on the illicit Slave Trade, would, at this moment, infallibly be thrown out in the Legislature of France.

It has been recommended by Persons, laudably anxious for the attainment of the great object in view, that the Congress should declare the carrying on of the Slave Trade to be Piracy. But does there appear the slightest probability that the French Plenipotentiaries would concur in a position, qualifying as acts of Piracy, acts which the French are committing every day, and laying open the Ships and Properties of those Subjects, not merely to a right of visit to be mutually exercised, but to sweeping uncompensated capture by the Cruizers of Great Britain?

Would such a Declaration by Powers who have no Colonies of their own, carry great weight? and would not an assumption on the part of the Congress, of a pretension to legislate on matters of Publick Law, and to establish a new Principle of Maritime Police, excite, in other Powers, a disposition to demur to its jurisdiction?

There is a minor degree of coercion, which is undoubtedly within the right, as well as the power of the Sovereigns, which has been more than once pressed upon their attention. It is that they should, each in their Dominions, whether severally, or by joint compact, pro-

hibit the introduction of Colonial Produce from the Colonies of States which have not legally and effectually abolished the Slave Trade.

This would be attended with some immediate, and perhaps with greater ultimate good effect; and this would be done in the exercise of an undoubted and legitimate Authority, which even those who might suffer by it, could not call in question.

The principal advantages then to be derived from the union of Sovereigns to the cause of the Abolition, appear to resolve themselves into these two:—

1st, An Engagement on the part of the Continental Sovereigns to mark their abhorrence of this accursed Traffick, by refusing admission into their Dominions of the produce of Colonies belonging to Powers who have not abolished, or who notoriously continue the Slave Trade.

2d, A Declaration in the names, if possible, of the whole Alliance, but, if France shall decline being a Party to it, then, in the names of the Three other Powers, renewing the denunciation of the Congress of Vienna, and exhorting the Maritime Powers, who have abolished the Slave Trade, to concert Measures among themselves for proclaiming it, and treating it, as Piracy;—with a view to founding upon the aggregate of such separate Engagements between State and State, a general Engagement to be incorporated into the Publick Law of the Civilized World.

Such a Declaration, as it assumed no binding force, would not be obnoxious to the charges which would attach to a Declaration of new Publick Law, by an incompetent Authority; while at the same time its moral influence might materially aid us in our Negotiations with other Maritime States.

We could have no difficulty in consenting, that Subjects of The United Kingdom found trading in Slaves should be treated as Pirates, upon a reciprocal admission of the same Principle by other Powers.

*No. 3.—The Duke of Wellington to Mr. Secy. Canning.—(Rec. Dec. 9.)*  
(Extract.) *Verona, Nov. 29, 1822.*

I INCLOSE you the Procotols of the Conferences, and the several Papers annexed, on the Slave Trade.

You will observe that what I intended should be a General Declaration, is in the shape of Resolutions; and that there is no Separate Declaration upon any of the Points, by the several Powers who agree to them.

(*First Inclosure.*)—PROCES VERBAL de la Conférence relative d  
l'Abolition de la Traite des Nègres, &c.

(Extrait.) *Vérone, le 24 Novembre, 1822.*

MESSIEURS les Plénipotentiaires d'Autriche, de France, de La Grande Bretagne, de Prusse et de Russie, se sont réunis ce jour, pour

prendre connaissance de la Communication que M. le Duc de Wellington a faite au nom du Gouvernement Britannique, telle qu'elle se trouve ci-annexée.

Elle avait pour objet la continuation déplorable du Commerce des Nègres, en dépit des Déclarations, des Lois et des Traités, qui ont interdit et condamné ce Commerce depuis 1815. M. le Duc de Wellington a présenté dans son Mémoire des observations sur ce qu'il regarde comme les causes du mal, et il a indiqué différentes Mesures qui pourraient y mettre un terme.

M. Le Comte de Nesselrode a déclaré au nom de Sa Majesté l'Empereur de Toutes les Russies, que Sa Majesté Impériale ne désavouerait jamais les principes et les sentimens, qui Lui avaient fait envisager de tout tems la Traite des Nègres comme un Commerce réprouvé par la religion, la justice et l'humanité ; et qu'Elle était prête à concourir aux Mesures, que Ses Alliés jugeraient exécutables pour assurer l'Abolition totale et définitive de ce Commerce.

Messieurs les Plénipotentiaires d'Autriche, de France et de Prusse, ont également déclaré, que leurs Souverains persistaient dans les principes en faveur desquels Ils s'étaient prononcés dès le Congrès de Vienne ; et on est convenu de consacrer de nouveau ces principes, par une Déclaration analogue à celle du 8 Février 1815.

Quant aux Mesures particulières proposées par M. le Duc de Wellington, Messieurs les Plénipotentiaires de France se sont réservés d'en faire l'objet de leurs réflexions, et de soumettre les résultats de ces réflexions à une Conférence prochaine.

METTERNICH.	CARAMAN.	WELLINGTON.
HATZFELDT.	NESSELRODE.	LEBZELTERN.
FERRONAY.	LIEVEN.	CHATEAUBRIAND.
TATISCHEFF.		

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*(Annexed to First Inclosure.)—MEMORANDUM of The Duke of Wellington.*

THOSE Ministers who had the honour of representing His Britannick Majesty at the Conferences at Vienna, at Paris, and at Aix-la-Chapelle, called the attention of the Sovereigns and of their Ministers, upon each of these occasions, to the state of the Slave Trade ; but there never was a moment, at which it was more important that their attention should be drawn to this subject, than the present.

In the year 1815, after a solemn deliberation, in which the Ministers, representing the Eight Powers which signed the Treaty of Paris, of May, 1814, took a part, they unanimously expressed their desire to put an end to a scourge which had so long desolated Africa, degraded Europe, and afflicted Humanity.

Of these Eight Powers, Seven have passed Laws, having for their

object entirely to prevent the Subjects of their several States from engaging in this Traffick :—One only (Portugal) still permits it in its own Territories and Factories, South of the Equator, but has prohibited the Trade by Its Subjects, North of the Equator ; and all the Maritime Powers of Europe, and The United States of America, as well as the South American Governments, with the exception of Brazil, have equally, by Law, prohibited their Subjects and Citizens from carrying it on.

Yet I have the means of proving that this Traffick has been, since the year 1815, and is at this moment, carried on to a greater extent, than it had been at any former period ; that in seven months of the year 1821, not less than 38,000 human beings were carried off from the Coast of Africa in hopeless and irremediable Slavery, and that not less than 352 vessels entered the Rivers and Ports of Africa, North of the Equator, to purchase Slaves between July 1820, and October 1821. Each of these was calculated to carry off from 5 to 600 Slaves.

Surely then, it is time that the Sovereigns, whose Ministers assist at this Conference, should mark their continued sense of the horrors of this Trade, and should take some Measures, which shall be effectual to put an end to a Traffick so revolting, as that the very mention of its result is sufficient to afflict humanity, without adverting to any of its disgusting details, which are but too well known to all those to whom this Paper is addressed.

It is obvious that this crime is committed in contravention of the Laws of every Country of Europe, and of America, excepting only of one, and that it requires something more than the ordinary operation of Law to prevent it.

Portugal is the only Country in the World, which now, by Law, permits a Trade in Slaves, and that only in its own Factories and Territories South of the Equator ; and as there is no legal sale for Slaves, imported in Slave Ships, excepting in the Portuguese Colonies, which are generally South of the Equator, the whole trade North of the Equator, whether in the purchase, sale, or transport of Slaves, is forbidden by the Law of every Country in Europe, and is contraband.

But it is not carried on with the usual secrecy of a Contraband Trade. This Contraband Trade is carried on generally under the protection of the Flag of France. The reason is obvious.—France is the only one of the great Maritime Powers of Europe whose Government has not entered into the Treaties, which have been concluded with His Britannick Majesty, for giving to certain of the Ships of each of the Contracting Parties, a limited power of search and capture of Ships engaged in this horrible Traffick ; and those employed in this service have too much respect for the Flag of France, to venture, excepting in cases of extraordinary suspicion, to search the vessels which sail under its protection.



An endeavour has recently been made to improve these Treaties with Spain, The Netherlands, and Portugal ; but no improvement of the measures to be carried into execution under these Treaties, however well calculated under other circumstances to effect the object in view, can be effectual, so long as contraband traders in men can carry on their trade by assuming any Foreign Flag, particularly one in every view so respectable as that of France.

The consequence of this state of things is, that this contraband trade is attended by circumstances much more horrible, than any thing that has ever been known in former times. It is not necessary here to enumerate all the horrors respecting it, which have come before the publick, in the different discussions which have taken place, as well in France as in England ; but it cannot be denied that all the attempts at prevention, imperfect as they have been found to be, have tended to increase the aggregate of human suffering, and the waste of human life, in the transport of Slaves from the Coast of Africa to the Colonies, in a ratio far exceeding the increase of positive numbers carried off in Slavery. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to a cargo, with respect to which it hardly ever seems to occur to its remorseless owners, that it consists of sentient beings.

The numbers put on board in each venture, are far from being proportioned to the proper capacity of the vessel ; and the mortality is frightful to a degree unknown, since the attention of mankind was first drawn to the horrors of this Traffick.

There is no hesitation in declaring, that it would have been far more consoling to humanity, and that by far a smaller number of human beings would have lost their lives by cruel and lingering sufferings, if the Trade had never been abolished by the Laws of any Country. In this case, Christian Sovereigns and Legislatures would have considered it their duty to provide, that those of their subjects, who carried on a Trade in human creatures, should take care of those whom they carried off in perpetual captivity,—that the space in which they should be confined, whether in their Settlements on the Coast of Africa, previous to embarkation, or in their ships on passage to the place of sale, should be sufficient to give such human beings the faculty of breathing, and the chance of life,—that the water and food supplied to them should be sufficient in quantity at least, if not wholesome in quality, for the sustentation of life,—that measures should be adopted for the restoration and preservation of the health of those who should have shared the common fate of mankind, and should have become sick,—and, above all, there would have been no necessity for the destruction of men for the purpose of concealing that a Traffick in Slaves was carried on.

This contraband trade is, in many, too many instances, carried on in vessels fitted out in France, and commanded and manned by Frenchmen. It is a known fact that, although the profits of a voyage, of which two, or even three, may be made in a year, are three hundred *per cent.* the risks are so small, the chances of detection, so as to become liable to the punishment which the French Law inflicts upon conviction, so few, and so little is the punishment commensurate with the offence, even after conviction, that the insurance upon each voyage is not more than fifteen *per cent.*

His Most Christian Majesty, having in the year 1815, voluntarily abolished the Slave Trade, by His Declaration: having subsequently engaged Himself by Treaty with the Four then Allied Courts to abolish that Traffick; having since recommended to the French Legislature, that Laws should be passed to carry into execution His Royal Declaration, and the stipulation of His Treaty; having besides employed a squadron to cruize off the Coasts of Africa, with a view to prevent a contraband Trade in Slaves by the use of His Flag; it cannot be supposed that His Most Christian Majesty is not sincere in His desire to effect the abolition. But there exists no public sentiment in France on this subject; and the real miseries entailed upon the whole Continent by the continuance of the Slave Trade, principally by the fraudulent use of the Flag of France, and the cruelties to which such use gives cover, are generally unknown in that Country.—It is believed, certainly erroneously, that the views of Great Britain in the abolition are interested, and quite distinct from those of humanity.

To these unfortunate circumstances must be attributed the failure to produce any effect, of all the Measures hitherto adopted in France, and the disinclination of the French Government to propose any new or stronger Measure to the Legislature, however well inclined to endeavour to put down this evil.

His Majesty's Government cannot but feel, that, notwithstanding the Declaration of the Congress of Vienna of 1815, they still stand alone on this Question in Europe. Upon them has fallen the burden of the execution of all the Treaties with the Maritime Powers for putting down the Slave Trade, and upon them the task of soliciting those Powers to put those Laws into execution.

These importunities are erroneously attributed to some selfish commercial Interest, and to a desire to bring the Colonies of other Countries to the state of distress in which those of Great Britain are supposed to be.

Under these circumstances, I should wish those to whom this Paper is addressed, to consider whether it is now desirable, that they should adopt some measure to manifest to the World that their sentiments are unchanged—that they still consider the Slave Trade, as “a scourge which had too long desolated Africa, degraded

"Europe, and afflicted humanity ;"—and that they will persevere in their endeavours to effect its total abolition.

It is at present obviously carried on to the northward of the Equator solely by contraband, and in a considerable degree, under the French Flag, and by a fraudulent use of that Flag, notwithstanding the Measures adopted by His Most Christian Majesty to carry into execution His Treaty with His Allies, His Own Royal Declaration, and the Law of France.

There is no Article or Stipulation of the Treaties with the King of France, whether regarding the political or pecuniary Interests of any Power in Europe, or even of any Individual, which has not been strictly carried into execution.

Shall it then be said, that the Powers of Europe are indifferent to the complete execution of those Stipulations alone, which regard the Interests of Humanity, and that rather than urge His Most Christian Majesty to adopt those Measures which are necessary, effectually to put down the Slave Trade, they will suffer this disgrace to human nature to exist ?

The Additional Article of the Treaty of Paris of November 20th, 1815—does not describe any particular Measure, or set of Measures to be adopted to effect its purpose, but states that " the Contracting Parties engage to renew conjointly their efforts, with the view of securing final success, and to concert the *most effectual measures* for the entire and definite abolition of a Commerce so odious and so strongly condemned by the Laws of Religion and Nature."

The following appear to be the Measures, which the Allied Powers might adopt or recommend, which would have the effect of checking, if not of entirely putting down, the Slave Trade.

A Declaration on the part of the Powers whose Ministers are now assembled at Verona, renewing the denunciation of the Slave Trade of the Congress of Vienna, and exhorting the Maritime Powers, who have abolished the Trade, to concert measures among themselves for proclaiming and treating it as Piracy, with a view of founding upon the aggregate of such Separate Engagement between State and State, a General Law to be incorporated into the Publick Law of the Civilised World.

A Declaration on the part of the Powers, whose Ministers are here assembled, that they withdraw the protection of their Flags from those persons, not natives of their Dominions respectively, who shall be found making use of such Flag to cover a Trade in Slaves.

A Declaration on the part of the Allied Sovereigns, that they would refuse admission into their Dominions of the produce of Colonies belonging to Powers who should not have abolished the Slave Trade. This Measure will apply entirely to Portugal, and the now revolted Colony of the Brazils, where alone the Laws allow the Trade

to be carried on. By these Countries it ought to be carried on only South of the Equator; but it is notorious, that the Governors and Officers in the Portuguese Settlements on the Coast of Africa, North of the Equator, encourage the Trade, and assist by every means in their power the Slave Traders, who resort, contrary to Treaty and to Law, to that part of the Coast.

These Traders, when likely to be detected with Slaves on board, show the French Flag, and thus escape the penalties which the Law would inflict upon them.

To join with His Majesty in entreating His Most Christian Majesty to adopt some of those Measures for putting down the Slave Trade, which had been found effectual in other Countries.

The Measures which depend upon His Most Christian Majesty's Government, independently of the Legislature, are,

1st. The establishment in the Colonies of a strict Registry of Slaves, whereby to ascertain at all times, whether any newly imported Slaves have been purchased on any plantation. The effect of this measure would not be confined to the check it would give to the importation of Slaves,—it would manifest in a still stronger degree the determination of the King to put an end to the Traffick; and it would stimulate the Governors and Officers to attend to the strict execution of the Laws on the subject. It must be observed, that the Measure was suggested at the late Congress of Aix-la-Chapelle, by the late Minister of France, but has not yet been ordered by an "*Ordonnance*."

2d. That His Most Christian Majesty should encourage the capture of Slave Ships, fraudulently carrying on a Contraband Trade under the French Flag, by the grant of the vessel and equipments, in the way of prize, to the Captors, and of head-money for the Negroes captured.

This measure would have the same effect in stimulating to the performance of their duty, those charged with the task of putting down this Trade, by shewing them His Most Christian Majesty's continued determination that it should be put down.

His Most Christian Majesty's Government might then propose to the Legislature, that the Law might be improved, and its severities against persons engaged in carrying on the Slave Trade be increased. Those improvements might be, first, to make the proof of Slave-trading consist, not alone in having Slaves on board, but in having on board those means of coercion, and that description of equipment and fitting up of the vessel, which is known to be necessary for a vessel so employed, and for no other.

The Penalties of the Law might be increased to "*Peines Infamantes*," which with the forfeiture of the Ship and Cargo, and the more active check upon the Trade, might, it may be hoped, put an end to it entirely in France.



(*Second Inclosure.*)—*PROCES-VERBAL* de la Conférence du 28 Novembre.

(Extrait.)

On s'est occupé dans cette Conférence des Communications de M. le Duc de Wellington faites à celle du 24 Novembre, relative à l'Abolition de la Traite des Nègres.

Messieurs les Plénipotentiaires d'Autriche, de France, de Prusse, et de Russie, on fait lecture de leurs réponses à la dite Communication; ces réponses se trouvent ci-annexées, sub Litt. A. B. C. D.

A la suite de cette lecture, M. le Duc de Wellington a cru devoir relever une observation qui se trouve dans la réponse de MM. les Plénipotentiaires de France, portant, " qu'une délibération qui obligerait tous les Gouvernemens à appliquer à la Traite des Nègres les châtimens infligés à la Piraterie, ne pouvait pas, selon leur avis, être de la compétence d'une réunion politique."—M. le Duc de Wellington en se référant aux termes de son Mémoire, a remarqué, " que sa proposition n'avait absolument eu pour objet que d'engager les Puissances Maritimes, qui ont aboli le Commerce en Esclaves, à se concerter entr'Elles sur des mesures à prendre, pour déclarer et traiter ce Commerce comme la Piraterie."

M. le Vicomte de Chateaubriand a répliqué, " que les Plénipotentiaires de S. M. Très Chrétienne avaient bien compris que M. le Duc demandait de chaque Gouvernement en particulier, une Loi assimilant la Traite des Nègres à la Piraterie, mais qu'ils ne pourraient signer une Déclaration où ce voeu serait exprimé, vû qu'ils ne pouvaient prescrire à leur Gouvernement le nom, les formes, la teneur, et l'étendue d'une Loi."

Sur l'observation de plusieurs de M.M. les Plénipotentiaires, qu'il serait difficile de prendre des mesures contre le Commerce avec le Portugal et ses Colonies, par rapport à la non-abolition de la Traite des Nègres, sans en avoir prévenu le Gouvernement Portugais, et sans l'avoir entendu à ce sujet, M. le Duc de Wellington a remarqué, qu'il n'avait point eu l'intention de proposer une marche différente, et qu'il admettait de même la nécessité d'entrer en explication avec le Gouvernement Portugais, avant de se porter à une pareille mesure.

Il a été lu ensuite un Projet de Déclaration Générale, ayant pour bût de manifester, que les Puissances Alliées persistaient toujours, relativement à l'abolition définitive de la Traite, dans les Principes proclamés par la Déclaration de Vienne du 8 Février 1815. Ce Projet a été adopté, tel qu'il se trouve ci-joint sub Lit. E.; et on est convenu de le consigner au Procès-Verbal sous le titre de *Résolutions*.

M. Le Duc de Wellington a exprimé en outre le désir, que pour se concerter ultérieurement sur les Mesures proposées pour effectuer l'Abolition définitive de la Traite des Nègres, les Cours Alliées établissent une Conférence à Londres. MM. les Plénipotentiaires

d'Autriche, de Prusse, et de Russie se sont énoncés en faveur de cette proposition, et MM. les Plénipotentiaires de France se sont réservés d'en faire référer à leur Cour.

METTERNICH.	CARAMAN.	WELLINGTON.
HATZFELDT.	NESSELRODE.	FERRONAY.
LIEVEN.	CHATEAUBRIAND.	TATISCHEFF.

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(A. in Second Inclosure.)—*REPONSE du Cabinet d'AUTRICHE au Mémoire de Monsieur Le Duc de Wellington, relativement à la Traite des Nègres.*

LE Ministre d'Autriche a ordre de l'Empereur son Maître, de déclarer :

Que Sa Majesté Impériale rend la plus entière justice à la noble persévérance avec laquelle le Gouvernement Britannique a soutenu l'honneur des Gouvernemens Chrétiens et la cause de l'humanité souffrante, dans l'importante Question de l'Abolition de la Traite des Nègres; Que, loin de consentir à ce que Sa Majesté Britannique fût chargée seule en Europe de ce qu'il pourrait y avoir d'embarrassant et de pénible dans cette Question, Sa Majesté Impériale, ne se refusera pas à concourir, autant qu'il sera en Son pouvoir, à toute mesure qui pourroit en faciliter et accélérer le succès.

Conformément à ces sentimens Sa Majesté Impériale est prête :

A se joindre à une nouvelle Déclaration Générale annonçant l'intention invariable des Puissances de mettre un terme à la Traite des Nègres :

A prendre part aux démarches par lesquelles on engagerait les Puissances Maritimes, qui ont aboli la Traite, à Se concerter entr'Elles pour la déclarer *Piraterie* :

A retirer l'usage et la protection de Son Pavillon, aux individus nés hors de Son Territoire, s'il devait en exister, qui serviraient de ce Pavillon pour couvrir un Commerce en Esclaves.

Quant à celles des mesures proposés par Monsieur le Duc de Wellington, qui regardent particulièrement le Gouvernement de Sa Majesté Très Chrétienne, Sa Majesté Impériale se réserve, aussitôt que ces mesures pourront former l'objet d'une délibération commune, de les faire appuyer par Son Ministre à Paris, dans telle forme qui serait jugée convenable.

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(B. in Second Inclosure.)—*REPONSE de Messieurs les Plénipotentiaires de FRANCE au Mémoire de Monsieur Le Duc de Wellington, relativement à la Traite des Nègres.*

LE Mémoire dont Sa Grâce le Duc de Wellington a donné connaissance au Congrès, dans la Séance du 24 de ce mois, a été pris en considération par les Ministres Plénipotentiaires de Sa Majesté Très Chrétienne.

Ils commencent par déclarer, que le Gouvernement Français partage toute la sollicitude du Gouvernement Britannique, pour faire cesser un Commerce également réprouvé de Dieu et des hommes. Le nombre des Esclaves Africains transportés depuis quelques années dans les Colonies, fût-il moindre que ne le calcule l'Angleterre, il serait toujours beaucoup trop grand. L'accroissement de la souffrance des victimes d'une infâme cupidité, inspire une profonde horreur. Les Nations Chrétiennes ne feront jamais trop d'efforts pour effacer la tâche que la Traite des Nègres a imprimée à leur caractère ; et on ne saurait trop louer le zèle que l'Angleterre a mis dans la poursuite de ses desseins bienfaisans.

Mais si les Puissances Alliées sont d'accord sur la Question morale et religieuse ; si Elles font des vœux unanimes pour l'Abolition de la Traite des Nègres, cette Abolition renferme des Questions de fait, qui ne sont pas d'une égale simplicité. Les Ministres de Sa Majesté Très-Chrétienne vont les parcourir, en suivant le Mémoire présenté par Sa Grâce le Duc de Wellington.

Toutes les Lois des Nations Civilisées, le Portugal excepté, prohibent aujourd'hui la Traite des Nègres ; il s'ensuit que ce crime, autrefois légal, est devenu un crime illégal, et qu'il est doublement condamné par la Nature et par les Lois.

Selon le Mémoire Anglais, cette détestable contrebande d'hommes, est surtout exercée sous le Pavillon Français, soit que ce Pavillon flotte sur des vaisseaux appartenant à La France, soit qu'il protège des bâtimens étrangers.

Des Pirates peuvent arborer des couleurs respectables ; La France ignore si quelques brigands n'ont point emprunté les siennes : ce ne sera jamais qu'à son insçu, que le déshonneur et le crime trouveront un abri sous le Pavillon Français.

On fait observer encore, que les bénéfices de la Traite des Nègres sont si grands, et les pertes si petites, que le prix d'assurance en France pour chaque course, ne s'élève pas au delà de 15 pour cent.

Ceci n'est ni un cas particulier à La France, ni un résultat singulier du genre de contravention dont il s'agit.—En Angleterre les marchandises les plus sévèrement prohibées, sont importées moyennant l'assurance de 26 pour cent. Quand le Commerce est parvenu, comme de nos jours, à une précision mathématique, toute contrebande a son tarif ; et plus le système prohibitif multiplie les entraves, plus il augmente la fraude en accroissant les profits.

Le Mémoire reconnoît que Sa Majesté Très-Chrétienne a rempli religieusement toutes les Stipulations de son Traité avec les Quatre Cours Alliées ; qu'Elle a promulgué une Loi contre la Traite de Nègres ; qu'Elle a fait croiser ses flottes dans les parages de L'Afrique pour maintenir l'exécution de cette Loi : mais le Mémoire ajoute, que le public en France ne paroît pas porter le même intérêt à la cause que

soutient le Gouvernement ; que ce public suppose au fond de la Question, des vues mercantiles et un dessein hostile contre le Commerce Français. Il se peut, que quelques classes commerçantes de la Société en France, nourrissent des soupçons que toute rivalité d'industrie fait naître : cependant on ne peut croire raisonnablement, que le peu de Colonies que la guerre a laissé à la France soit un objet de jalousie pour une Puissance Européenne, qui possède des Iles florissantes dans toutes les mers, de vastes territoires en Afrique et en Amérique, et un Continent tout entier en Asie.

Si l'opinion est moins fixée en France qu'en Angleterre sur l'objet qui nous occupe, cela tient à des causes qu'il est de notre devoir de développer : un Peuple aussi humain, aussi généreux, aussi désintéressé que le Peuple Français, un Peuple toujours prêt à donner l'exemple des sacrifices, mérite qu'on explique ce qui semblerait une anomalie inexplicable dans son caractère.

Le massacre des Colons à St. Domingue, et l'incendie de leurs habitations, ont d'abord laissé des souvenirs douloureux parmi des familles qui ont perdu parens et fortune dans ces sanglantes révolutions. Il doit être permis de rappeler ces malheurs des Blancs, quand le Mémoire Anglais retrace avec tant de vérité, les souffrances des Nègres, afin de faire comprendre comment tout ce qui excite la pitié exerce une puissance naturelle sur l'opinion. Il est évident que l'abolition de la Traite des Nègres eût été moins populaire en Angleterre, si elle eût été précédée de la ruine et du meurtre des Anglais dans les Antilles.

Ensuite, l'Abolition de cette Traite n'a point été prononcée en France par une Loi Nationale discutée à la Tribune ; elle est le résultat de l'Article d'un Traité par lequel La France a expié ses victoires. Dès lors elle s'est associée, dans les idées de la foule, à des considérations étrangères : par cela seul qu'on l'a cru imposée, elle a été frappée de cette impopularité qui s'attache aux actes de la force ; il en fut arrivé ainsi dans tout pays où il existe un esprit public et un juste orgueil national.

Une Motion Parlementaire, à jamais honorable pour son auteur, a finalement été couronnée de succès en Angleterre ; mais combien d'années ne fut-elle pas repoussée avant d'être convertie en Loi, quoique soutenue par l'un des plus grand Ministres que L'Angleterre ait produit ? Pendant ces longs débats, l'opinion eut le temps de se mûrir et de se fixer ; le Commerce qui prévoyait l'événement prit ses précautions ; un nombre de Nègres, surpassant le besoin des Colons, fut transporté dans les Iles Anglaises, et l'on prépara des générations permanentes d'Esclaves, pour remplacer le vuide laissé par la servitude casuelle, lorsqu'elle viendrait à s'abolir.

Rien de tout cela n'a existé pour La France ; la fortune et le temps lui ont manqué. La première Convention entre La France et



L'Angleterre après la restauration, avait reconnu la nécessité d'agir avec une prudente lenteur dans une affaire d'une nature si complexe ; un Article Additionnel de cette Convention accordait un délai de cinq années pour l'entière Abolition de la Traite des Nègres. La Déclaration de Vienne du 8 Février 1815, s'exprimant sur la même matière, porte : " que quelque honorable que soit le bût des Souverains, ils ne le poursuivront pas sans de justes ménagemens pour les intérêts, les habitudes et les préventions mêmes de leur Sujets." Un louable et vertueux empressement a fait depuis dépasser ces termes, et a peut être multiplié les délits, en froissant trop subitement les intérêts.

Le Gouvernement Français est déterminé à poursuivre sans relâche des hommes engagés dans un négoce barbare ; des nombreuses condamnations ont eu lieu, et les Tribunaux ont puni dèsqu'on a pu atteindre les coupables. " Il serait affreux," dit le Mémoire Anglais, " que la nécessité de détruire des hommes ne fût que devenue la suite de celle de cacher un Trafic proscrit par les Loix." Cette remarque trop juste, démontre que la Loi Française a été rigoureusement exécutée, et l'excès des précautions cruelles prises par les fauteurs de la Traite pour cacher leurs victimes, prouve d'une manière péremptoire la vigilance du Gouvernement.

Une Loi qui porte à de tels excès pour soustraire le Délinquant, à l'action même de cette Loi, pourrait paroître assez forte. Néanmoins la résolution du Gouvernement Français est de faire augmenter les pénalités légales, aussitôt que les esprits seront préparés dans la Nation, et par conséquent dans les Chambres Legislatives, à revenir sur le sujet de la Traite des Nègres. Sous ce rapport il est fâcheux, mais utile, de faire remarquer que toute insistance étrangère ajoute aux difficultés du Gouvernement Français, et va contre le bût que se proposent les sentimens les plus généreux.

Il reste à dire quelques mots sur les moyens coërcitifs que Sa Grace le Duc de Wellington propose dans son Mémoire.

Les Ministres Plénipotentiaires de Sa Majesté Très Chrétienne sont prêts à signer toute Déclaration collective des Puissances, tendante à flétrir un commerce odieux, et à provoquer contre les coupables la vengeance des Loix. Mais une Déclaration qui obligeroit tous les Gouvernemens à appliquer à la Traite des Nègres les châtimens infligés à la Piraterie, et qui se transformeroit en une Loi Générale du Monde Civilisé, est une chose qui ne paraît pas aux Ministres Plénipotentiaires de Sa Majesté Très Chrétienne être de la compétence d'une réunion politique. Quand il s'agit d'établir la peine de mort, ce sont, selon la nature des Gouvernemens, les Corps Judiciaires, ou les Corps Legislatifs qui sont appelés à statuer.

Retirer l'usage et la protection du Pavillon Français aux individus étrangers qui se serviroient de ce Pavillon pour couvrir le Commerce

des Esclaves, rien n'est plus juste : mais La France n'a pas besoin de défendre ce qu'Elle n'a jamais permis.

L'engagement de prohiber l'entrée des Etats des Alliés, aux produits des Colonies appartenant à des Puissances qui n'auroient pas aboli la Traite des Nègres, est une résolution qui frapperait uniquement Le Portugal : or, Le Portugal n'a point de Représentant au Congrès, et il est de droit avant de passer outre, de L'entendre dans Sa cause.

Les Mesures indiquées relativement à La France sont bornées, mais elles sont toutes matière de Loi, et par conséquent elles doivent attendre cette faveur de l'opinion qui assure le succès. Le Gouvernement de Sa Majesté Très Chrétienne prendra conseil de Lui-même, quand le temps sera venu : il sera possible qu'il admette l'enregistrement des Esclaves ; cependant il ne se dissimule pas que cette intervention de l'autorité porteroit une espèce d'atteinte au droit de propriété,—droit le plus sacré de tous, et que les Lois de La Grande Bretagne respectent jusques dans ses écarts et ses caprices.

Le Mémoire du Gouvernement Britannique exprime le regret “ que La France soit la seule des Grandes Puissances Maritimes de L'Europe, qui n'ait pas pris part aux Traités conclus avec Sa Majesté Britannique, dans l'objet de conférer à certains bâtimens de chacune des Parties Contractantes, un droit limité de visite, et de confiscation, sur les vaisseaux engagés dans la Traite des Nègres.”

La Constitution que Sa Majesté Très Chrétienne a octroyée à Son Peuple, abolit la confiscation.—Quant au droit de visite, si le Gouvernement Français pouvait jamais y consentir, il aurait les suites les plus funestes : le caractère national des deux Peuples, Français et Anglais, s'y oppose ; et s'il était besoin de preuves à l'appui de cette opinion, il suffirait de rappeler, que cette année même, en pleine paix, le sang Français a coulé sur les rivages de l'Afrique. La France reconnaît la liberté des mers pour tous les Pavillons Etrangers, à quelque Puissance légitime qu'ils appartiennent ; elle ne réclame pour Elle, que l'indépendance qu'Elle respecte dans les autres, et qui convient à Sa Dignité.

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(C. in Second Inclosure.)—*REPONSE de Messieurs les Plénipotentiaires de PRUSSE au Mémoire de M. le Duc de Wellington, relativement à la Traite des Nègres.*

*Vérone, le 28 Novembre, 1822.*

LES Plénipotentiaires de Sa Majesté le Roi de Prusse, n'ayant été mis qu'hier tard dans la journée en possession du Mémoire de Sa Grace M. le Duc de Wellington, relatif à la Traite des Nègres, qui a été lu à la Conférence du 24 de ce mois, doivent se borner aujourd'hui à déclarer préalablement :—

Que le Roi, leur Maître, reste invariablement fidèle au principe d'humanité qui a porté les Puissances signataires de l'Acte du Congrès de Vienne, à prononcer l'Abolition de la Traite des Nègres, et qu'ils sont pleinement autorisés à concourir, au nom de Sa Majesté, à toute nouvelle Déclaration, que les Cours Alliées jugeraient nécessaire, pour manifester encore une fois Leurs sentimens à cet égard :

Que quant aux Mesures politiques et législatives, que le Gouvernement Britannique juge les plus propres à l'effet de voir reprimer les abus qu'il dénonce, ils ne sauraient que prendre, *ad referendum*, une position, dont l'adoption excéderait leur pouvoir : et

Qu'ils pensent, qu'avant de se prononcer sur ce que le Gouvernement Anglais demande à La France, il sera convenable d'attendre les explications, que Messieurs les Plénipotentiaires de Sa Majesté Très Chrétienne vont donner à ce sujet.

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(D. in *Second Inclosure*.)—*REPONSE des Plénipotentiaires de RUSSIE au Mémoire Britannique, sur la Traite des Nègres.*

Le Mémoire par lequel Son Excellence Monsieur le Duc de Wellington vient de rappeler à l'attention des Cours Alliés l'objet important de la Traite des Nègres, et d'indiquer les Mesures que le Gouvernement de Sa Majesté Britannique croit les plus capables d'anéantir les restes de cet odieux Commerce, a été porté à la connaissance de L'Empereur, qui charge son Cabinet d'y faire la réponse suivante.

Depuis long temps, Sa Majesté Impériale a prouvé toute l'horreur que Lui inspire un Trafic, qui fait la honte de la Civilisation.

Il était certainement digne d'une époque, qui a vu les principes de la morale religieuse présider enfin aux combinaisons de la politique, et les droits légitimes reprendre leur salutaire empire, de frapper d'interdiction un Commerce que réprouve hautement le culte professé par tous les États de L'Europe, et que leur intérêt bien entendu ne doit pas moins réprouver, s'il est vrai que jamais la violation des premières loix de l'humanité et de la nature n'ont assuré d'avantages réels ni aux Peuples ni aux Gouvernemens.

Convaincu de ces grandes vérités, L'Empereur se fit un devoir de les reconnaître solennellement, dès que la conclusion d'une paix glorieuse offrit aux Puissances Européennes l'occasion de consacrer comme bases de leurs relations nouvelles, toutes les maximes de sagesse, d'équité et de bienveillance réciproque. En 1814, Sa Majesté Impériale s'empressa de donner Son approbation aux Clauses qui devaient préparer l'abolition définitive de la Traite des Noirs. En 1815, Ses Représentans signèrent la Déclaration publiée au nom du Congrès de Vienne. Depuis lors, les soins de Son Cabinet ont eu pour objet constant, d'accélérer la réalisation franche et complète de ces honorables promesses. Les Actes des Conférences de Londres prouvent qu'à cet égard sa sollicitude ne s'est jamais démentie. Ceux de la ré-

union d'Aix-la-Chapelle l'attestent également, et le Gouvernement Britannique devait être sûr de trouver Sa Majesté Impériale prête à le seconder dans les efforts qu'il renouvelle, pour amener la cessation totale de la Traite des Nègres.

Parmi les Mesures proposées à cet effet, il en est quelques-unes qui concernent directement La Russie, et au sujet desquelles ses Plénipotentiaires vont exprimer l'opinion de L'Empereur. Il en est d'autres qui regardent plus spécialement les Alliés de Sa Majesté. Au nombre des premières doit être rangé le projet d'une Déclaration qui annoncerait à L'Europe que les Puissances persistent dans la ferme résolution d'empêcher ce Trafic si condamnable partout où la cupidité ose le continuer encore. Les Plénipotentiaires de Sa Majesté Impériale ont ordre de signer une telle Déclaration. Ce sera avec la satisfaction la plus vive que L'Empereur donnera cette garantie de la persévérance avec laquelle Il s'efforce d'accomplir les Engagemens qu'il a contracté, et Sa Majesté Impériale est prête à faire connaître en même temps de concert avec ses Alliés, qu'Elle ne souffrira jamais, que des individus nés hors de Son Territoire se servent de Son Pavillon et abusent de la protection qu'il leur garantirait, pour couvrir un Commerce d'Esclaves.

A la catégorie des Mesures qui concernent directement L'Empereur, appartient aussi la proposition d'interdire le Commerce de denrées coloniales, avec les Etats qui refuseraient d'abolir le Commerce des Noirs.

En reconnaissant la nécessité d'avoir recours à des moyens efficaces envers ces Etats, Sa Majesté Impériale pense, que si les Cabinets Alliés se bornaient à prendre la détermination indiquée par le Cabinet de Londres, ils seraient encore loin d'atteindre l'objet qu'ils ont en vue, et qu'une suspension générale de tout Commerce quelconque, avec la seule Puissance qui n'ait point encore défendu la Traite des Nègres au midi de la Ligne, conduirait bien plus promptement au résultat désiré. Quelque préjudiciable que dût être à La Russie l'interruption des rapports commerciaux, qu'une longue série d'années a établis entr'Elle et Le Portugal, si les Alliés de Sa Majesté Impériale consentaient à prendre cette Mesure, L'Empereur n'hésiterait pas de S'imposer le même sacrifice ; mais il Lui semble que, dans tous les cas, il serait juste de prévenir d'avance la Cour de Lisbonne des suites qu'entraînerait le refus d'abolir totalement la Traite des Nègres. Les Cabinets Alliés conviendront sans doute, que l'équité exigerait cette démarche préalable.

Quant aux autres Propositions faites par Son Excellence Monsieur le Duc de Wellington, et qu'intéressent plus particulièrement les Puissances Maritimes, le Cabinet de Sa Majesté Impériale exprimera constamment les vœux que forme L'Empereur pour qu'il puisse s'établir entre ces Puissances un accord qui fournirait à chacune d'Elles



les moyens de réprimer, parmi leurs Sujets respectifs, la continuation de la Traite, en la déclarant Acte de Piraterie ; et comme, parmi ces propositions, il y en a qui concernent spécialement le Gouvernement de Sa Majesté Très Chrétienne, L'Empereur est prêt à les faire appuyer dans les Négociations qui pourront s'ouvrir à ce sujet.

(E. in Second Inclosure.)—*RESOLUTIONS relatives à l'Abolition de la Traite des Nègres, adoptées à la Conférence, du 28 Novembre 1822.*

LES Plénipotentiaires d'Autriche, de France, de La Grande Bretagne, de Prusse, et de Russie, réunis en Congrès à Vérone—Considérant—Que Leurs Augustes Souverains ont pris part à la Déclaration du 8 Février, 1815, par laquelle les Puissances réunis en Congrès de Vienne ont proclamé à la face de L'Europe leur Résolution invariable de faire cesser le Commerce connu sous le nom de la Traite des Nègres d'Afrique :

Considérant de plus —que malgré cette Déclaration, et en dépit des Mesures Législatives dont Elle a été suivie dans plusieurs Pays, et des différens Traités conclus depuis la dite époque entre les Puissances Maritimes, ce Commerce solennellement pros crit, a continué jusqu'à ce jour, qu'il a gagné en intensité ce qu'il peut avoir perdu en étendue, qu'il a pris même un caractère plus odieux et plus funeste par la nature des moyens aux quels ceux qui l'exercent sont forcés d'avoir recours :

Que les causes d'un abus aussi revoltant se trouvent principalement dans les pratiques frauduleuses, moyennant lesquelles les Entrepreneurs de ces spéculations condamnables éludent les Lois de leurs Pays, déjouent la surveillance des batimens employés pour arrêter le cours de leurs iniquités, et couvrent les opérations criminelles dont les milliers d'êtres humains deviennent, d'année en année, les innocentes victimes :

Que les Puissances de L'Europe sont appelées par leurs engagements antérieurs, autant que par un devoir sacré, à chercher les moyens les plus efficaces pour prévenir un Trafic, que déjà les Lois de la presque totalité des Pays Civilisés ont déclaré illicite et coupable, et pour punir rigoureusement ceux qui le poursuivent, en contravention manifeste de ces Lois ;—

Ont reconnu la nécessité de vouer l'attention la plus sérieuse à un objet d'aussi grande importance pour le bien et l'honneur de l'humanité, et déclarent en conséquence, au nom de Leurs Augustes Souverains :

Qu'ils persistent invariablement dans les principes et les sentimens, que ces Souverains ont manifesté par la Déclaration du 8 Février, 1815—Qu'ils n'ont pas cessé, et ne cesseront jamais de regarder le Commerce des Nègres comme—“ Un Fléau, qui a trop long-tems désolé L'Afrique, dégradé L'Europe, et affligé l'humanité,” et Qu'ils

sont prêts à concourir à tout ce qui pourra assurer et accélérer l'Abolition complète et définitive de ce Commerce.

Qu'àfin de donner effet à cette Déclaration renouvelée, leurs Cabinets respectifs se livreront avec empressement à l'examen de toute Mesure compatible avec leurs droits et les intérêts de leurs Sujets, pour amener un résultat, constatant aux yeux du Monde la sincérité de leurs vœux, et de leurs efforts, en faveur d'une Cause digne de leur sollicitude commune.

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**CORRESPONDENCE of the FOREIGN OFFICE,**  
RELATING TO  
*The SLAVE TRADE.—1822—1823, viz.*

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**CLASS A.—CORRESPONDENCE BETWEEN GREAT  
BRITAIN AND FOREIGN POWERS.**

**CLASS B —CORRESPONDENCE WITH THE BRITISH  
COMMISSIONERS.**

*Presented to Parliament, July, 1823.*

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**Class A.**

*CORRESPONDENCE with Foreign Powers, with Whom His Majesty has concluded Treaties relative to the Slave Trade.*

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No. 1.—*The Marquess of Londonderry to The Earl of Clancarty.*  
(Circular.) *Foreign Office, February 22, 1822.*

It appears by a reference to the Treaty for preventing illegal Traffick in Slaves, signed between this Court and the Court of . . . . . that no provision is made for supplying, temporarily, the *Vacancies* occurring in the Mixed Commissions from any other cause than death. As it has already happened at Sierra Leone, and as it may probably happen elsewhere, that a Commissioner, from illness, is unable to perform his functions, I am commanded by His Majesty to direct that you will suggest to the Government of His . . . . . Majesty, the expediency of extending to the cases,—of absence of the Commissioners from illness, or from the permission, regularly notified, of their respective Governments—those provisions of the Treaty which apply to the temporary Vacancy occasioned by the death of one or more of the Commissioners.

By the provisions of the Treaty, the disadvantage, if any should arise, will always fall on the side of the Contracting Party who neglects or delays to supply the vacancy; and, while a sufficient

guard is thus placed against the abuse of this extension of the stipulations in case of vacancy, the arrangement of it will, possibly, prevent much serious inconvenience, occasioned by an omission in the Treaty which could not have been intended.

If the Government of . . . . . shall view this matter in the same light in which it is here placed, you are authorised to sign a Declaration to the effect proposed, and you will give me notice of the same, that the necessary Instructions may be given to His Majesty's Commissioners, respectively.

I am, &c.

*His Majesty's Ambassador at The Hague, &c.* LONPONDERRY.

*No. 2.—The Earl of Clancarty to The Marquess of Londonderry.*

(*Rec. March 14.*)

MY LORD,

*The Hague, March 5, 1822.*

I HAVE had the honour of receiving Your Lordship's Despatch of the 22d of February.

By this I am directed, in consequence of an alleged omission in the Treaty signed with this Court on the 4th May, 1818, to suggest to them the expediency of rectifying the same by a Subsidiary Declaration, which I am thereby authorized to sign to the effect proposed.

Your Lordship will perceive from the inclosed Copy of a Note, Officially addressed by me to His Excellency the Baron de Nagell on the 2d instant, that I have lost no time in obeying your Instructions in this respect.

I have the honour to be, &c.

*The Marquess of Londonderry, K. G.*

CLANCARTY.

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

*The Hague, March 2, 1822.*

THE Undersigned, &c., has received instructions to call the attention of this Court to the following statement:

By reference to the Treaty for preventing Traffick in Slaves, signed between the Two Crowns on the 4th May, 1818, it appears that no provision is *specifically* made for supplying, temporarily, such *Vacancies* as might occur in the Mixed Commissions from any other cause than that of death.

It is obvious, as has indeed already happened at Sierra Leone, that a Commissioner may, from illness, become unable to perform his functions, by which much, and possibly serious, inconvenience might be occasioned.

By the Ninth Article of the Regulations for the Mixed Courts annexed to and incorporated with the Treaty, "The Two High Contracting Parties have agreed, that in the event of the death or *legal impeachment* of one or more of the Judges or Arbitrators composing the above-mentioned Mixed Courts, their Posts shall be supplied, *ad interim*, in the following manner," &c. :—



Now, though the temporary absence, from duty, of one or more of the Commissioners, from sickness or from the permission of their respective Governments, regularly notified, would certainly fall directly within the meaning of *legal impeachment*, against which both Parties have already engaged themselves to provide, in the manner described in the remaining part of the said Ninth Article, yet, as neither of these causes of absence have been specifically mentioned in the Treaty, and as some inconvenience has, and more may arise, from the omission,—the Undersigned has been directed to suggest to the Government of His Netherlands Majesty, the expediency of extending *specifically* to the cases of absence of the Commissioners from illness, or from the permission regularly notified of their respective Governments, those Provisions which, in expressed terms, apply to the temporary supply of Vacancies occasioned by the *death* of one or more of the Commissioners.

By the provisions of the Treaty, the disadvantage, if any should arise, will always fall on the side of the Contracting Party who may delay or neglect to supply the Vacancy ;—inasmuch as the reciprocity, so desirable to maintain on this subject, will for the time be suspended, with reference to the equal participation of that Power, through its Commissioners, in such adjudications as may occur within the period of such vacancy.

It seems, therefore, to be desirable that this matter should be specifically rectified, and, if The King of The Netherlands shall view this matter in the same light, the Undersigned has been authorized and instructed to sign on the part of his Court a Declaration to the effect proposed, with such Person as shall be equally authorized on the part of His Netherlands Majesty.

The Undersigned requests Monsieur Le Baron de Nagell will have the goodness to lay this proposal before his Court, and to make known to him the decision that shall be taken thereon, and he avails himself, &c.

*The Baron de Nagell.*

CLANCARTY.

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No. 3.—*G. W. Chad, Esq. to The Marquess of Londonderry.*  
(*Rec. May 12.*)

MY LORD,

*The Hague, May 10, 1822.*

I HAVE the honour to transmit to Your Lordship Copy of a Note from the Baron de Nagell, in which His Excellency desires that I will communicate to His Majesty's Government, and to the Earl of Clancarty, that he is now empowered to sign, conjointly with his Lordship, a Declaration in explanation of the 9th Article of the Regulations for the Mixed Courts, annexed to the Treaty of the 4th of May, 1818, for the Suppression of the Slave Trade.

I have, &c.

*The Marquess of Londonderry, K. G.*

G. W. CHAD.

(*Inclosure.*)—*The Baron de Nagell to G. W. Chad, Esq.*

*La Haye, le 7 Mai, 1822.*

PAR son office du 2 Mars dernier, Son Excellence Le Comte de Clancarty, &c. a proposé, au nom de sa Cour, de pourvoir réciproquement par une disposition ultérieure aux Vacances temporaires éventuelles dans les Cours de Justice Mixtes, pour la répression de la Traite des Nègres, et pour cet effet, à stipuler par une Déclaration spéciale que l'Article 9 du Règlement, qui se rapporte au cas de décès et d'empêchement légal des Juges ou des Arbitres composant les Cours sus-mentionnées, est entendu s'étendre et être rendu applicable aux absences des Membres de ces Tribunaux occasionnées soit par maladie, congé temporaire, ou telle autre *cause légitime*.

D'après les motifs allégués à l'appui de cette proposition, Sa Majesté le Roi des Pays-Bas ne trouve aucune difficulté à y consentir, et le Soussigné a été autorisé à signer une Déclaration, *ad hoc*, avec l'Ambassadeur de Sa Majesté Britannique, qui d'après son office, a pareillement été qualifié par son Gouvernement à la signature d'un Acte qui règle définitivement cet objet.

Il prie M. Chad de faire part de cette disposition à sa Cour, et d'en prévenir également Son Excellence Le Comte de Clancarty, tandis qu'il saisit cette occasion, &c.

*M. Chad.*

A. W. C. DE NAGELL.

*No. 4.—The Earl of Clanwilliam to G. W. Chad, Esq.*

(Circular.)

*Foreign Office, May 14, 1822.*

I AM directed by the Marquess of Londonderry to transmit for your information and guidance, a printed Copy of certain Papers, relative to the Traffick in Slaves, which have lately been laid before both Houses of Parliament.

I am, &c.

*His Majesty's Minister at The Hague, &c.*

CLANWILLIAM.

*No. 5.—The Marquess of Londonderry to G. W. Chad, Esq.*

(Circular.)

*Foreign Office, May 17, 1822.*

I FURNISH you, herewith, with a Copy of a Letter, dated the 2d of April 1822, from the Secretary to the Admiralty to one of the Under-Secretaries for this Department, by which you will perceive that there will be in future only *two* Signatures of the Lords Commissioners of the Admiralty to the Instructions issued, in conformity to the Treaties, for preventing the illicit Traffick in Slaves.

I have to desire that you will make a communication of this fact to the Government to which you are accredited.

I am, &c.

*His Majesty's Minister at The Hague, &c.*

LONDONDERRY.

No. 6.—*The Marquess of Londonderry to G. W. Chad, Esq.*

SIR,

*Foreign Office, June 11, 1822.*

In reference to the third Article of the Treaty with The Netherlands for the prevention of the Slave Trade, I am to desire that you will make known to The Netherlands Government, that the Instructions therein alluded to have been issued to the following Vessels of His Majesty's Navy, viz :—

The *Bann*.....twenty guns, C. Phillips.....Commander.

.. *Cyrene*...twenty guns, Percy Grace.....Commander.

... *Driver*...eighteen guns, Thomas Woolridge, Commander.

And that the Dutch Instructions issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, will be recalled and cancelled.

I am, &amp;c.

G. W. Chad, Esq.

LONDONDERRY.

No. 7.—*The Marquess of Londonderry to G. W. Chad, Esq.*

(Extract.)

*Foreign Office, July 29, 1822.*

I TRANSMIT to you the Copy of a Despatch, dated the 1st of May last, and of its Inclosures, which I have received from His Majesty's Commissary Judge at Surinam,\* complaining of the continued indifference and supineness of the Dutch Authorities, both Civil and Military, at that Colony, in co-operating with the British Commissioners to carry into execution the Stipulations of the Treaty of the 4th of May 1818, for the Abolition of the Traffick in Slaves.

It appears that no Process, with respect to the forms of proceeding of the Mixed Court, has hitherto been adopted or agreed to by the Dutch Commissioners; that the Dutch Ships of War, furnished with the Instructions under the Treaty, permit Slave Vessels to land their cargoes even within sight of their anchorage; and it further appears from Mr. Lefroy's Despatch, that no Successor has, as yet, been named in the place of the late Dutch Commissary Judge, Mr. Chagnion.

I have received His Majesty's Commands, therefore, to desire you will lose no time in stating these circumstances to the Dutch Ministers, and that you will again urge them, in the strongest manner, to cause immediate and effectual instructions to be sent to the Dutch Authorities at Surinam; not only for the adoption of the Forms of Practice with regard to the proceedings of the Mixed Courts, furnished to the British Commissioners, which were founded upon general principles of Law, and which have been agreed to, and acted upon by the Commissioners of Spain and Portugal, but that every assistance should be given by the Governor and Military Officers for the most effectual execution of the Stipulations of the Treaty.

His Majesty sees with pain and regret that this indifference and neglect of the Conditions of the Treaty on the part of the Dutch Authorities, is likely to lead to the extension of the abominable Traf-

\* See No. 78, Class B.

pick in human flesh, and He relies with confidence, on the principles of justice and humanity which actuate The King of The Netherlands, that so soon as His Majesty shall be made acquainted with these circumstances, His Majesty will direct measures to be taken for causing the Orders He has already given to be obeyed, and that He will no longer suffer His Subjects to violate the Conditions of the Treaty which he has solemnly entered into with this Government for the Abolition of this detestable Traffick.

G. W. Chad, Esq.

LONDONDERRY.

No. 8.—G. W. Chad, Esq. to The Marquess of Londonderry.  
(Received August 9.)

MY LORD,

The Hague, August 6, 1822.

IN obedience to the Instructions contained in Your Lordship's Despatch of the 29th ultimo, I addressed a Note to the Baron de Nagell, of which I have the honour herewith to transmit a Copy.

I have, &c.

The Marquess of Londonderry, K. G.

G. W. CHAD.

(Inclosure.)—G. W. Chad, Esq. to The Baron de Nagell.

The Hague, August 4, 1822.

IT is with great regret that the Undersigned, &c. is compelled, in obedience to the orders of his Court, to call the attention of the Government of The Netherlands to a subject which has already been the cause of many painful representations.—Confident hopes were entertained that the Instructions issued to the Dutch Colonial Magistrates would have prevented any further evasions of the Treaty of May 4th 1818.

These hopes, however, have proved unfounded. The British Commissary Judge at Surinam has reported to his Government, various instances in which the late Governor of that Colony, and his Successor have refused their assistance for the attainment of the humane object of that Treaty, and the Documents in support of this statement exhibit sufficient proof of the justness of the complaint.

It appears that the Commissary Judge deemed it expedient to offer a reward for such information as should lead to the detection of British Subjects engaged in the Slave Trade. The late Governor, Mr. Vaillant, and his Successor Mr. de Veer, refused to permit this advertisement to appear in the newspapers, and thus prevented its publication.

A similar prohibition was extended to a Despatch of Baron Portal of the 17th July 1821, to which it was essential to the interests of the Abolition that publicity should be given.

The Correspondence which has taken place between the Commissary Judge and the Governor, far from betraying any marks of irrita-



tion, affords proof that a general good understanding existed between these Persons.

The conduct of the Governor, therefore, cannot be ascribed to personal hostility,—it can only be attributed to a desire to evade the object of the Treaty. This disposition seems not confined to the operations of the interior of the Colony.

The *Thetis*, Brig of War, belonging to Surinam, has permitted Vessels laden with Slaves to approach the mouths of the rivers without opposition; nay, the *Comet*, Frigate, and the *Swallow*, Brig, both Commissioned under the Treaty for the prevention of the Slave Trade, have betrayed equal supineness.

The Naval Commanders may, however, be free from reproach, for it appears by the Baron de Nagell's Note of the 9th November 1820, that in the Dutch Colonies these Officers are subject to the Colonial Authorities.

The Undersigned is further directed to represent to The Netherlands Government, that notwithstanding the repeated remonstrances of the Commissary Judge, and of his late Colleague, the Mixed Court is still at this moment without any Process by which it can act.

The English Forms of Practice which, in obedience to the Instructions of the Marquess of Londonderry, were recommended for adoption, have been rejected, and a Note of the 17th April last from the Governor, Mr. Vaillant, shews that, up to that date, nothing had been done towards the substitution of any other.

Lastly, no Successor has as yet been appointed in the place of the late Dutch Commissary Judge, M. Chagnion, who died in Nov. 1820.

The Undersigned has received the commands of The King, his Master, to state these circumstances, without loss of time, to the Court of The Netherlands, and to urge The Netherlands Government, in the strongest manner, to direct that those Forms of Practice which have been accepted and are used by the Commissioners of Spain and Portugal, be adopted in the Mixed Court at Surinam, and that cordial assistance be given by the Civil and Military Authorities for the complete execution of the Treaty.

His Majesty sees with pain and regret that the indifference of the Dutch Colonial Authorities, their neglect of the Stipulations of that Treaty, and their disregard of the Orders already given by The Netherlands Government, will tend to perpetuate and extend the abominable Traffick in Slaves.

His Majesty relies, however, with confidence on the justice and humanity of The King of The Netherlands, is convinced of the sincerity of His wishes for the extinction of this detestable Trade, and trusts that He will no longer suffer the execution of His own Commands, and the Conditions of a solemn Treaty, to be evaded with impunity.

The Undersigned, &c.

*The Baron de Nagell.*

G. W. CHAD.

No. 9.—*Joseph Planta, jun. Esq. to G. W. Chad, Esq.*

*Foreign Office, August 21, 1822.*

MR. PLANTA presents his compliments to Mr. Chad, and, in reference to Lord Londonderry's Despatch of the 29th of July last, is directed to acquaint him that, by a Despatch just received from His Majesty's Commissary Judge at Surinam, under date of the 4th of June last\* it appears that Mr. Lammens has been appointed Commissary Judge of the Mixed Court at Surinam by The King of The Netherlands, and that Mr. Lammens has since duly taken the Oath prescribed by the Treaty of the 4th of May 1818, for such Appointment.

No. 10.—*Earl Bathurst to G. W. Chad, Esq.*

(Circular.)

*Foreign Office, September 6, 1822.*

AN Humble Address having been presented by the House of Commons to His Majesty, pursuant to a Resolution of the House, dated the 27th of June last, upon the subject of the Traffick in Slaves, in which Address allusion is made, particularly, to the existing state of the Negotiations between this Country and Foreign Powers, upon this important and interesting matter; I have the honour to forward to you herewith a Copy of the Address for you information; and I have to direct your especial attention to the purport of it, in any communication which you may have with the Ministers of the Court at which you reside, upon the subject of the Traffick in Slaves.

I am, &c.

*His Majesty's Minister at The Hague, &c.*

BATHURST.

No. 11.—*Mr. Secretary Canning to The Earl of Clancarty.*

(Circular.)

*Foreign Office, September 30, 1822.*

REFERRING you to the Circular Despatch of His Majesty's Secretary of State for Foreign Affairs, of the 22d of September, 1820, upon the subject of that part of the Treaty (Convention) between Great Britain and ..... for preventing illegal Traffick in Slaves, which enacts, that Ships of War may detain and bring in Vessels suspected of illegal Traffick, in the event only of their actually finding Slaves on board, and in reference also to the acquiescence of the ..... Government, as signified by you, in the proposition which, by the Despatch above-mentioned, His Majesty's Ministers were instructed to make upon this Point;

I am now to send to you by The King's command the *Projêt* of an Article, drawn up in strict conformity with the Proposition then made, with a view of ensuring the true object of the Treaty (Convention) as concluded at that time; and I have to instruct you to lose no time in seeing the ..... Minister, and urging him to take the orders of The King, his Master, with respect to signing an Article to the effect of the Draft accompanying this Despatch.

\* See Class B. No. 81.

Full Powers for the purpose required will be transmitted to you without delay; and The King doubts not that His ..... Majesty will promptly issue the necessary authority to His Ministers to sign the Article in question, with the view of giving full effect to the assurances which His ..... Majesty has already conveyed to The King upon this subject.

I am, &c.

GEORGE CANNING.

*His Majesty's Ambassador at The Hague, &c.*

(Inclosure.)—*Projet of an Explanatory Article to the Treaty (Convention) between His Majesty and the King of ..... Concluded and signed at ..... on the..... day of ..... 181 .*

WHEREAS it is stated, in Article 1. of "Instructions intended for the British and ..... Ships of War employed to prevent the illicit Traffick in Slaves," that Ships, on board of which no Slaves shall be found intended for purposes of Traffick, shall not be detained on any account or pretence whatever; and whereas it has been found by experience that Vessels employed in the illegal Traffick, have put their Slaves momentarily on shore, immediately prior to their being visited by Ships of War, and that such Vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity; contrary to the true object and spirit of the Treaty, (Convention) above mentioned;

The High Contracting Parties, therefore, feel it necessary to declare, and it is hereby declared by Them, that, if there shall be clear and undeniable proof, that a Slave or Slaves have been put on board a Vessel for the purpose of illegal Traffick, in the particular voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, (Convention) such Vessel is to be detained by the Cruizers, and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, (Convention) and shall be held to form part of the same.

In witness whereof the Undersigned, furnished with Full Powers to that effect from their respective Sovereigns, have hereunto signed their Names and affixed their Seals.

Done at.....the.....day of.....1822.

(Signed)

(Signed)

(L. S.)

(L. S.)

*No. 12.—Mr. Secretary Canning to The Earl of Clancarty.*

(Circular.)

*Foreign Office, September 30, 1822.*

REFERRING you to the Circular Despatch of His Majesty's Secretary of State for Foreign Affairs, under date of the 22d of February

1822, in which it was proposed that the Regulations for supplying the case of the death of one or more of the Commissioners under the Treaty (Convention) for preventing illegal Traffick in Slaves, should be extended to the case of the absence of the said Commissioners, on account of illness, or any other unavoidable cause:

I have to send to you the *Projét* of an Article to the effect stated; and I am to convey to you The King's Commands, that you propose to the.....Minister, to take without delay the directions of his Sovereign, for the conclusion and signature of the Article in question.

Full Powers for this purpose will be transmitted to you without delay.

I am, &c.

*H's Majes'ty's Ambassador at The Hague, &c.* GEORGE CANNING.

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(*Inclosure.*)—*Projet of an Additional Article to the Treaty (Convention) between His Majesty and the King of ..... for the prevention of the illegal Traffick in Slaves. Signed at .....on the .....day of.....181 .*

THE High Contracting Parties hereby agree that, in the event of the absence, on account of illness, or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators, under the above-mentioned Treaty, (Convention) or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission, sitting under the said Treaty, (Convention) their Posts shall be supplied in the same manner in which, by the Article .... of the "Regulations for the Mixed Commissions," those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above-mentioned Treaty, (Convention) and shall be held to form part of the same.

In witness whereof, the Undersigned, duly furnished with Full Powers from their respective Sovereigns, have signed the present Additional Article, and have affixed thereunto the Seal of their Arms.

(Signed)

(Signed)

(L. S.)

(L. S.)

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No. 13.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, October 4, 1822.*

YOUR Excellency is authorized by my Despatch of the 30th September to proceed to the signature of an Article, extending to Vessels which shall be proved to *have had* Slaves on board, the penalties of capture and condemnation, hitherto applicable to those only, on board of which Slaves should be actually found at the moment of visiting them.



As this extension has been already agreed to by the Government of His Netherlands Majesty, I have not thought it advisable to risk the retraction of their consent, by opening a new proposition, until the signature of the Article prepared for giving effect to it shall have been obtained. But as soon as that object is accomplished, Your Excellency will, in discoursing with The Netherlands Minister upon the effects of the Article, and the mode of carrying it into execution, observe that, in the absence of other evidence, the fitting-up of a Vessel evidently for the purposes of the Slave Trade, must be held to shew so plainly the intention of her voyage, as to be received in proof of the fact against the interested testimony of the Navigators.

It is indeed quite impossible to imagine any pretext for those arrangements on board a Ship, which are calculated for the reception of a living cargo, except the purpose for which they are really destined; and it would be quite mockery to pretend that the purpose so manifested differs in any degree, in guilt, from the total or partial execution of it, however, under the Convention, as it originally stood, the actual presence of the miserable victims was held to be necessary to substantiate the charge of trading in them. If there be (as the admission of the extended Article gives His Majesty reason to hope) a sincere desire on the part of The Netherlands Government to execute this Engagement fairly, there cannot be a hesitation on the part of the Minister appointed to sign this Article with Your Excellency, to admit, and, if thought necessary, to record, the supplemental Provision, that the fitting up of the Ship (which may be described in as precise terms as The Netherlands Minister requires) shall be held to be *primâ facie* evidence of the nature of the cargo. The burthen of the proof to the contrary must rest with the Captain of the Vessel, who will have to shew, to the satisfaction of the Captors, to what other purpose such fitting up can be applicable. I inclose a Draft of a *Proviso*, which may be added to the Clause, and which Your Excellency's Full Power will equally enable you to sign. If The Netherlands Minister should prefer its being added to the Treaty in the distinct shape of a Separate Article, Your Excellency is equally authorized to sign it in that form; or if any suggestions are offered, for avoiding the possibility of error, as to the illegal purpose of a voyage, you will profess your readiness to refer them for the consideration of your Government, in the confidence that the real and *bonâ fide* intention of The Netherlands Government is to give validity and effect to the prevention of illicit Slave Trade.

I am, &c.

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

GEORGE CANNING.

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*(Inclosure.)—Draft of Proviso.*

IT being well understood, that, in the absence of oral or documentary evidence, the fitting-up of the Vessel with . . . . (*Here insert the description,*) shall be considered as *prima facie* proof of the nature of the cargo, and shall render the said Vessel liable to capture and condemnation.

*Note.*—A Despatch inclosing a Draft of this Proviso, was also addressed on the same day to E. M. Ward, and Lionel Hervey, Esqrs.

*No. 14.—Mr. Secretary Canning to The Earl of Clancarty.**(Circular.)**Foreign Office, November 1, 1822.*

IN reference to my Despatch of the 4th of October, I furnish you with a Memorandum respecting the *fitting-up* of a Vessel intended for trading in Slaves. You will insert the substance of this Paper in the *Proviso* inclosed in my Despatch above-mentioned.

I am, &amp;c.

*His Majesty Ambassador at The Hague, &c.* GEORGE CANNING.

*(Inclosure.)—MEMORANDUM respecting the fitting-up of Slave-Vessels.*

ANY Vessel, subject to examination under the Treaties, being found hovering or sailing near to the West Coast of Africa, between the 20th degree of North Latitude and the Equator, or at anchor in any of the Rivers or bays of the said Coast, having on board an unreasonable quantity of water in casks or tanks, more than necessary for the consumption of her Crew as a Merchant Vessel; or any such Vessel having on board an unreasonable number of water casks, or other vessels for holding water, unless the Commander produce a Certificate from the Custom-house of the place from which he cleared outwards, stating that a sufficient bond had been given by the Owners of such Vessel to guaranty that such extra quantity of casks should only be used for the reception of palm-oil; or any such Vessel having on board a greater quantity of mess-tubs or kids than necessary for her Crew as a Merchant Vessel; or any such Vessel having on board two copper boilers, a small one for her Crew, and a larger one, or one of *much* larger size than requisite for the use of her Crew as a Merchant Vessel; or any such Vessel having on board a quantity of rice or farinha (flour of the manioc of Brazil, or of the Cassada) or maize, or Indian corn, beyond any probable necessary provision for the Crew, and such flour or maize not being entered on the Manifest as part of the cargo for trade;

Or any such Vessel having on board a number of bolts, shackles, or handcuffs; or any such Vessel having on board spare plank in the hold, fit for readily laying a second or moveable Slave Deck, or having

more divisions or bulk-heads in the hold or on deck than necessary for Trading Vessels; or any such Vessel having her hatches fitted as open gratings, instead of being close hatches, as usual in Merchant Vessels, (this last being one of the surest marks of the intention to receive Slaves);—every such Vessel is to be detained and sent into port for adjudication, and shall be convicted as a Vessel employed in the unlawful Traffick of Slaves, unless the Master can adduce sufficient proof of the legality of his pursuits, to clearly and satisfactorily do away the impression excited by such of the foregoing causes of suspicion as apply to him.

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No. 15.—*The Earl of Clancarty to Mr. Secretary Canning.*

(Received November 8.)

(Extract.)

Brussels, November 5, 1822.

ALTHOUGH I left The Hague on Tuesday last, with the view of immediately embarking on board the Royal Yacht at Rotterdam for the removal of my family to Brussels, yet such was the adverse state of the winds, that we were unable to reach this Residence till yesterday morning, and the baggage-boats with the Archives of this Mission are not yet come up.

On arriving here I found the Note, of which the inclosed is a Copy.

This I transmit without comment; because I am still unacquainted, otherwise than by the Note itself, of the particular details of the complaints to which it professes to be an answer, and must so remain till the arrival of the Papers of this Embassy shall enable me to refer to the whole Correspondence.

M. Le Baron de Nagell called upon me, and asked me whether I had received his Note. I told him I had, but that, uninformed of the particulars till the Records of the Embassy should arrive, I could pronounce no opinion whether the matters therein stated would prove satisfactory to my Court:—Of this I could, however, take it upon me to assure him, without fear of disavowal, that the last paragraph of his Note would afford sincere pleasure to The King my Master, confirming as it did in the most Official form, the assurance given to me, through the Minister of the Colonies, immediately prior to my departure from The Hague in March last, of the strenuous and zealous co-operation of this Court with that of London, for the effectual execution of the Treaty of the 4th of May 1818.

*The Right Hon. George Canning.*

CLANCARTY.

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

Bruxelles, le 28 Octobre, 1822.

LA Note du 4 Août, remise au Soussigné par M. le Ministre Plénipotentiaire de Sa Majesté Britannique, contenant des représentations

sur la manière évasive dont la *Traité* du 4 Mai, 1818, serait exécuté dans la Colonie de Surinam, a fixé particulièrement l'attention du Roi, et provoqué de suite les informations les plus approfondies. Il résulte de cette enquête que les éclaircissemens à donner aux rémonstrances de M. le Commissaire Britannique à Surinam, sont de nature à tranquilliser pleinement le Gouvernement de Sa Majesté Britannique.

La première plainte de M. le Commissaire Britannique à Surinam, porte sur le refus du ci-devant Gouverneur de cette Colonie, M. Vailant, et de son Successeur, de faire insérer dans les *Papiers Publics*, l'Avertissement, ou promesse de récompense, que ce Juge voulait y faire mettre pour encourager les dénonciations des Sujets Anglais engagés dans le Trafic des Esclaves.

Il ne sera pas difficile de justifier la légitimité de ce refus. Partout ces sortes d'encouragement sont du ressort de l'Accusateur Public. Cette seule considération aurait dû détourner un Juge d'une démarche pareille.

L'intention de borner les enquêtes uniquement à la conduite des Sujets Anglais, pouvait faire croire à l'intention de s'attribuer sur ses Compatriotes une sorte de juridiction incompatible avec ses fonctions.

Les Sujets Anglais, durant leur séjour sur le Territoire des Pays-Bas, ne sont responsables et justiciables du fait de leurs transgressions des Lois et Ordonnances du Royaume, que devant les Tribunaux établis sur ce Territoire. Les Tribunaux Mixtes, établis par exception, ne sauraient prendre connaissance que de la saisie des navires, suspects du trafic prohibé des Esclaves. Si M. le Commissaire Britannique eut pu, à l'aide de l'Avertissement dont il s'agit, se procurer des preuves contre un de ses Compatriotes établis à Surinam, il n'aurait pu en faire d'autre usage, que de provoquer par le Ministère Public la poursuite et le jugement de l'affaire devant la Cour de Police et de Justice Criminelle de la Colonie. Mais alors les Magistrats et les Tribunaux se trouveraient soumis à une surveillance et à une intervention étrangère pour le maintien des Lois de l'Etat, et de cette manière un étranger, soit particulier, soit revêtu de quelque qualité, pourrait se permettre dans un état de provoquer la délation contre ses Compatriotes, et de tendre, malgré elles, aux Autorités du Pays un main secourable pour l'accomplissement de devoirs de leur charge.

Les Principes de la Souveraineté Territoriale sont les mêmes partout, soit dans la Mère-Patrie, soit dans les Colonies ; et, conséquemment, on ne saurait faire un sujet de reproche aux Autorités Coloniales du Royaume, lorsqu'elles ont décliné poliment une intervention étrangère qui leur paraissait une tentative de s'immiscer dans leurs fonctions.

Un second chef de plainte, qui a beaucoup de rapport avec le précédent, est un refus du même genre, concernant la publication d'une



Circulaire Française, dont le même Juge Commissaire Anglais aurait volontiers vu l'insertion dans les Gazettes de Surinam.

Il n'est pas aisé de concevoir, en lisant cette Pièce, qui a été transmise au Département des Colonies, comment la publication d'une Dépêche d'un Ministre Etranger, conçues en termes aussi vagues, aurait pu être réellement de quelque importance.

Le ci-devant Gouverneur *Vaillant*, en porta un jugement tout différent.

Il l'a jugé si insignifiante qu'il ne crut pas devoir adopter l'idée du Juge Commissaire Anglais; qui, au reste, n'avait pas obtenu la connaissance de cette Pièce par ses propres relations à la *Cayenne*, mais par une communication obligeante du ci-devant Gouverneur, *Vaillant*, même.

Cette circonstance implique, à ce qu'il paraît, que la bonne intelligence regnait entre M. le Commissaire Anglais, et le ci-devant Gouverneur, *Vaillant*, et fait regretter l'insinuation qu'il aurait eu le désir d'éluder l'exécution du Traité du 4 Mai, 1818.

Une troisième plainte paraît d'une nature plus grave. On prétend que des batimens Nègriers, se sont approchés et arrêtés dans le voisinage de la Colonie, au point que la *Comète*, l'*Hirondelle*, ou la corvette Coloniale *Thétis*, auraient pu s'en emparer conformément au Traité.

Les informations transmises au Département des Colonies font revoquer en doute l'exactitude de cette assertion; et il suffira de se fixer aux dates pour disculper les Commandans de ces vaisseaux.

L'Arrêté du Roi du 16 Avril 1821, qui interdis l'abord des Négriers, Français à la Colonie de Surinam, n'y a pu être mis à exécution qu'au mois de Juillet suivant. Or, précisément à cette époque le Gouverneur avait expédié la *Thétis* pour les Pays-Bas; le 28 de ce même Mois elle était arrivée au Texel, et depuis elle a été vendue. Le nom de la *Thétis* rappelle le souvenir, que ce bâtiment était un Négrier Espagnol, nommé *Valverde*, poursuivi et capturé dans les eaux de Surinam.

La *Comète* avait dès le mois de Février ou Mars 1821, cessé d'appartenir à la Station des Indes Occidentales.

La nomination du Sieur *A. F. Lammens*, comme Juge pour Les Pays-Bas près la Cour Mixte à Surinam, fait tomber une quatrième plainte, non seulement qu'on a reçu la nouvelle de son installation, mais le Sieur *Lammens* en reprenant la tâche que le Sieur *Chagnion*, son Prédécesseur, avait laissée incomplète, a déjà rédigé un mode de procédure qui forme actuellement le sujet d'une Correspondance entre les Départemens de la Justice et des Colonies, et sur lequel Le Roi sera en état de prendre dans peu une décision.

Après avoir répondu en détail aux plaintes de M. le Ministre Plénipotentiaire de Sa Majesté Britannique, il reste au Soussigné une tâche

à remplir qui lui est infiniment agréable, celle de lui faire observer que les intentions de Son Auguste Maître repondent parfaitement à celles de Sa Majesté Le Roi de La Grande Bretagne, que l'exécution du Traité du 4 Mai 1818, est constamment l'objet de ses soins, et que les Autorités Coloniales, connaissant la volonté précise de leur Souverain, ne sauraient se relâcher des devoirs qu'ils ont à remplir.

Le Soussigné saisit, &c.

*S. E. M. Le Comte de Clancarty.*

*A. W. C. DE NAGELL.*

*No. 16.—The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Nov. 11.)*  
(Extract.) *Brussels, November 8, 1822.*

I HAVE waited on M. Le Baron de Nagell, and, endeavouring to remind him of our former Conversations in 1820, have urged him to apply immediately to The King for the requisite authority to sign an *Additional Article*, according to the Instruction I have received from you, dated September 30.

He told me that after such a lapse of time, he could scarcely be expected to remember what had passed at the period referred to; stated he would refer to the Communication then made to The King, and expressed his readiness to re-urge His Majesty upon the Subject; and recommended me to address a Note to him, containing in detail the evil to be guarded against, as requiring remedy by the signature of an *Additional Article*, and that he would lose no time in laying the same before The King.

I have therefore this morning addressed to His Excellency a Note, of which I have now the honour to inclose a Copy, and which I hope will meet with your approbation.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Brussels, November 8, 1822.*

THE Undersigned, &c. has the honour to recall to the recollection of M. Le Baron de Nagell, the Subject of Two Conferences held with His Excellency so far back as the 12th and 13th of October, 1820.

In obedience to the Instructions he had then recently received, the Undersigned endeavoured to press upon this Government the necessity of a Joint Explanatory Declaration, or *Additional Article* to the Treaty of the 4th of May, 1818, and the issue of Instructions thereon, in opposition to a gross fraud, by which it was attempted, by the Slave-Traders upon the Coast of Africa, in setting up the precise letter, to defeat the obvious meaning and spirit of the said Treaty.

By the Fifth Article, no British or Netherlands Cruizer is permitted to detain any Ship whatever, not having Slaves *actually* on board.

The Case upon which the Undersigned was then instructed to apply, was that of a Vessel actually concerned in the Traffick, and which

had already received one Slave on board at the time she was found and perceived by the Ship of War pursuing her. She, however, in this extremity, contrived to get the Slave into a boat alongside, before the Ship of War boarded her : at this moment, and before the boat could reach the shore, the Vessel, the Boat, and the Slave, were detained, and brought into Sierra Leone.

The circumstances above-mentioned being proved, a difference of opinion took place between the Members of the Commission before whom the Cause was brought, whether the Capture was legal or not, according to the terms of the Treaty above recited. The matter was then referred by lot to one of the Arbitrators appointed in such cases ; and the Arbitrator on whom the lot fell, adjudged that the Vessel was illegally detained, ordered her liberation, and subjected the Capturing Party to the costs of detention.

The Undersigned was expressly informed by his Instruction, that no imputation was intended to be thrown upon the Arbitrator for this decision ; neither was it wished to invalidate it, in the instance above detailed : but it being evident that the decision was in opposition to the design of the Treaty, he was instructed to press the matter upon the early attention of The King of The Netherlands, and to urge His Majesty to enter into a Joint Declaration, or Additional Article, to prevent the effect of a precedent of the nature established by the decision, by which a gross fraud against the spirit of the Treaty was set up, as founded upon its precise letter, to the manifest defeat of the objects contemplated by the High Contracting Parties.

The Undersigned, in the said Conferences had the honour of urging to His Excellency, that this would be the obvious consequence on the African Coast, of leaving the matter without any counteracting Measure upon the decision of the Arbitrator already cited : because the Vessels there concerned in the Slave Trade keep close along shore, and land or lower into boats, or even force to swim ashore the Slaves whom they have illegally taken on board, upon the appearance of the Capturing Ship ; by which means, under this decision, the real object of the Treaty is effectually evaded.

M. Le Baron de Nagell appeared at the time to be impressed with the reasonableness of the proposal, and with the necessity of adopting some immediate counteracting Measure, undertaking at the first of these Conferences, and giving the Undersigned to understand at the Second, that he had actually laid the matter before The King, his Master, for His Majesty's decision thereon. No further Answer appears to have been thenceforward made : various circumstances subsequently occurred, which sufficiently account for this silence.

The Undersigned has, however, now received pressing Instructions to renew this subject without loss of time, and to propose that the evil should be met by an Additional Article to the Treaty of the 4th of

May, 1818; and to urge M. Le Baron de Nagell to take the orders of The King, his Master, with a view to the early issue by His Majesty's Government of the necessary authority to His Minister, to sign such Article as shall be mutually agreed upon, for the purpose of giving full effect to the real object and spirit of the original Treaty.

The Undersigned cannot omit this, the first opportunity of thanking M. Le Baron de Nagell for the concluding paragraph of his Note of the 28th ult. addressed to Mr. Chad, the confirmatory assurance conveyed in which he is convinced will afford sincere pleasure to the Government of The King, his Master.

He avails himself, &c.

*H. E. The Baron de Nagell.*

CLANCARTY.

No. 17.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Nov. 15.)

(Extract.)

*Brussels, November 12, 1822.*

I HAD the honour yesterday morning of receiving your Despatch of the 1st instant, with its Inclosure, specifically describing the manner of fitting up a Vessel so as to indicate her being intended for Slave Traffick.

This description completes the Instruction conveyed by your Despatch of the 4th ultimo, under which it will be my duty to endeavour to obtain the consent of this Government to the signature of a Proviso, or Additional Article, rendering Vessels falling within the description referred to (if possible to be obtained) subject to condemnation, unless those interested in them shall be enabled, by positive proof, to rebut the inference arising from such *primâ facie* evidence.

*The Right Hon. George Canning.*

CLANCARTY.

No. 18.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Nov. 22.)

(Extract.)

*Brussels, November 19, 1822.*

I HAVE great satisfaction in being now enabled to transmit to you, officially, the consent of this Government to the principle of an Explanatory or Additional Article to the Slave Trade Treaty, by which Vessels engaged in that traffick, and endeavouring to evade the provisions of the Stipulations now existing, by momentarily unshipping their Slaves, so that none may be found actually on board at the time of capture, will, nevertheless, be subject to condemnation, upon proof thereof.

This consent you will find in the Copy of M. Le Baron de Nagell's Note herewith transmitted, which, though dated yesterday, has only this moment reached me;—happily, however, in sufficient time to be announced to His Majesty's Government by the present Courier.

*The Right Hon. George Canning.*

CLANCARTY.



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

*Bruxelles, le 18 Novembre, 1822.*

Le Soussigné, Ministre des Affaires Etrangères, s'est empressé de demander les Ordres du Roi au sujet de la Note que Son Excellence M. Le Comte de Clancarty, &c. lui a fait l'honneur de lui envoyer le 8 de ce mois, pour lui rappeler une proposition verbale sur la nécessité de prévenir, par un arrangement mutuel entre les Deux Cours, que les Capitaines des Navires employés à la Traite des Nègres, ne parviennent à éluder les dispositions du Traité du 4 Mai, 1818, contre le Trafic des Esclaves, par la seule circonstance qu'étant poursuivis par quelque vaisseau muni des Instructions requises, ils descendent les Esclaves dans les chaloupes pour les transporter à terre.

Le Soussigné a la satisfaction d'informer Son Excellence M. Le Comte de Clancarty, que Le Roi est très disposé à s'entendre à cet égard avec S. M. Le Roi de La Grande Bretagne, et qu'à cette fin il lui a plu d'autoriser le Soussigné à entrer en conférence avec S. E. à l'effet de convenir ensemble de la rédaction d'un Acte, au moyen du quel il serait mis obstacle à de pratiques pareilles.

Le Soussigné saisit cette occasion pour rappeler à S. E. que le 7 Mai dernier il a prevenu M. Chad, &c. qu'il se trouvait muni du consentement de Son Auguste Maître pour négocier et signer avec M. l'Ambassadeur une Déclaration spéciale, tendant à pourvoir aux Vacances temporaires éventuelles dans les Cours de Justice Mixtes pour la répression de la Traite des Nègres.

En conséquence de la présente Communication, le Soussigné prie S. E. M. l'Ambassadeur et de lui indiquer le jour et l'heure qu'il lui conviendrait de conférer avec lui sur les objets précités, et lui renouvelle en même tems l'assurance de sa haute considération.

*S. E. Le Comte de Clancarty.*

*A. W. C. DE NAGELL.*

*No. 19.—The Earl of Clancarty to Mr. Secy. Canning —(Rec. Nov. 26.)*

*SIR,*

*Brussels, November 22, 1822.*

I HAD yesterday my first Conference with M. Le Baron de Nagell upon the Two Additional Articles to the Treaty of the 4th of May, 1818; the principles of which have been already assented to by this Court.

At this Conference I merely delivered to him, for his consideration, the two Drafts conveyed in your Despatches of this year, proposing, at the same time, that these should be adopted as the form of the Articles.

These he carefully read over, and, having stated to me the necessity he was under of having them translated into the French language, and submitted to the Minister of Justice, (who was joined with His Excellency in the Full Powers under which the original Treaty was

negociated,) before he could give any answer upon them,—we separated.

I have the honour to be, &c.

*The Right Hon. George Canning.*

CLANCARTY.

*No. 20.—Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, November 26, 1822.*

I HAVE the honour to transmit to Your Excellency the Copy of a Despatch, dated the 20th of September, from His Majesty's Commissary Judge at Surinam,\* giving an account of the escape of *Charles Beverley*, a British Subject, who had been imprisoned on a charge of smuggling Slaves into that Colony, and was also strongly suspected of having been actively and extensively employed in the illegal Traffick in Slaves,—the particulars whereof are fully detailed in Mr. Lefroy's former Despatches, Copies of which have been forwarded to Your Excellency.

It is with much regret that I have to call Your Excellency's attention to the statements in Mr. Lefroy's Despatch, of the continuance of that supineness, so frequently complained of, in the Dutch Authorities at Surinam, to give full and entire effect to the provisions of the Treaty for preventing illegal Traffick in Slaves; and thereby setting at naught the positive orders which (as His Majesty's Government have repeatedly been given to understand) have been sent to these Officers by the Government of The King of The Netherlands.

Mr. Lefroy, in his Letter, suggests that the introduction into the Colony of Surinam of a Registry of Slaves, similar to that established and enforced in the British Colonies, would be most effectual in tending to check these gross infringements of The Netherlands Colonial Law. I am, therefore, to signify His Majesty's Commands to Your Excellency, that, in bringing these circumstances to the notice of the Dutch Ministers, you will take an opportunity of suggesting to them, the great advantages which would accrue towards carrying into complete effect the object of the Treaty of the 4th of May 1818, if such a Slave Registry were introduced into, and enforced in the Dutch West India Colonies.

I am &c.

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

GEORGE CANNING.

*No. 21.—The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Dec. 3.)*

(Extract.)

*Brussels, November 29, 1822.*

I YESTERDAY evening received your Despatch of the 26th instant, with its Inclosures; and immediately after the present Messenger shall have been despatched, I shall proceed to execute the Instructions therein conveyed.

*The Right Hon. George Canning.*

CLANCARTY.

\* See Class B. No. 85.

No. 22.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Dec. 6.)  
(Extract.) *Brussels, December 3, 1822.*

I HAVE the honour herewith to inclose, for your information, the Copy of a Note addressed by me to M. Le Baron de Nagell on the 30th ultimo, in obedience to your Instructions of the 26th of November.

In this Paper I have endeavoured to enforce every point of a tangible nature, brought forward in Mr. Lefroy's Letter of the 20th of September last, transmitted with your Despatch.

*The Right Hon. George Canning.*

CLANCARTY.

(Inclosure.)—*The Earl of Clancarty to The Baron de Nage'l.*

*Brussels, November 30, 1822.*

THE Undersigned, &c. has received Instructions from his Government to express the regret they feel at hearing of the escape, on the 16th of September last, of *Charles Beverley*, a British Subject, from the Criminal Gaol of Surinam, where he was confined for the purpose of being brought to trial upon a charge of having been engaged in the illicit importation of Slaves into that Colony.

The Proclamation of Major-General de Veer, Governor of Surinam, issued immediately after the event, and which, with the exception of omitting the offer of a reward—the better to stimulate exertion—is perhaps all that could have been done upon the spur of the occasion,—authorizes the expectation on the part of the British Government, not only that no effort will have been left untried by His Excellency to secure the recapture of the escaped Delinquent, but also that the Governor will have instituted an immediate and rigid inquiry, in order to discover whether, through the neglect or collusion of any of the Persons in the employment of the Dutch Government, or of others, the escape of Beverley has not been favoured, and in that event to visit the guilty Party with punishment sufficiently severe to secure the Publick against the like occurrence in future. For the purpose of still further insuring the accomplishment of this double object, by exciting to the utmost the exertions of the Colonial Authorities, as well for the recapture of Beverley, as for the punishment of those who may be found to have favoured his escape, the Undersigned has received the Commands of The King, his Master, to press upon His Majesty The King of The Netherlands, the issue of Instructions to the Governor of Surinam at the earliest opportunity, to this effect.

From the intelligence received by the British Government from Surinam, it appears that the Fiscal of that Colony had caused the Negroes imported by Beverley to be restored to the Consignee, M. de Martineau, upon security, as it is stated, being given by this Person, that sufficient proof should be adduced of the legality of the importation under the Dutch Law. M. Le Baron de Nagell must be well

aware, that in every point of view the importation of these Negroes was contrary to the Stipulations of the Treaty of the 4th of May 1818, and, consequently, that under the provisions of the same, these wretched beings should now be liberated in the manner therein prescribed; and the Undersigned has been instructed to reclaim their liberation accordingly.

If, by having resided at Martinique since the month of September 1818, (which, however, there is good reason to believe was not the case), their subsequent importation into Surinam should fall under the sanction of the Dutch Law, still it is not less at variance with the Treaty; and consequently still these Negroes are entitled to liberation, and to be rendered free labourers under that Instrument,—leaving it to The King of The Netherlands, if His Majesty shall so think fit, to give such indemnity to the Consignee as He may deem expedient; at least, as it is presumed, even under the Dutch Law, that till the question as to the legality of the importation shall be decided, these wretched Negroes should not be condemned to Slavery, but should be taken proper care of by the Colonial Government.

The Undersigned, therefore, requests upon the part of his Government, that the Fiscal may be called upon to explain his conduct in this instance, and that the Negroes may be taken into His Netherlands Majesty's service, at least till the matter shall be decided, and afterwards duly certificated under the Provisions of the Treaty, as having been imported contrary to its Stipulations.

The Undersigned has further been directed to seek for information on the part of his Government, whether any other British Subject, besides Beverly, was engaged in the importation of Negroes, for which he was imprisoned; and if so, to request the name or names, and, as far as it may be known, the description of such British Subjects: he has, therefore, the honour to suggest to M. Le Baron de Nagell, the propriety of this Government calling upon the Fiscal to report the facts as they may be in this respect, as perhaps the best means of attaining the required information.

The strong assurances of the anxiety of this Government entirely to abolish all Traffick in Slaves by its Subjects, given by His Excellency the Minister of the Colonies, in the month of March last, confirmed as they have subsequently been by M. Le Baron de Nagell's Note, addressed to Mr. Chad on the 28th of October, convince the Undersigned, that the above several Points, will not fail to be immediately considered, and properly acted upon, by The Netherlands Government.

The same assurances likewise induce him confidently to expect, that a Measure which he has been commanded by The King, his Master, to press forcibly upon the favourable consideration and adoption of this Government, will be received with all that cordiality,



and with that sincere desire to co-operate by its acceptance, to which it is so well entitled.

The Measure recommended is, that of the establishment of a Registry for Slaves in the Colonies of His Majesty The King of The Netherlands, and a correspondent Registration of the same Slaves in the Mother Country, similar to those adopted in His Britannick Majesty's Dominions.

The adoption of this proposal, besides producing the most simple and effectual bar to all future importations of Slaves, affords at the same time an indefeasible title to the legitimate Slave Owner, capable of the highest, simplest, and most easy proof; while it also effectually opposes all fraud on transfer to fellow-subjects, or loans, secured by the pledge of such Slaves, and enables such Parties, by the duplicate Registry, to contract for sales and loans on such Slaves in Europe, without the fear of inconvenience or disappointment arising from any fraudulent practice.

Had it been possible that such a Registry of Slaves had been then established at Martinique, it could not have remained long a Question, whether the Slaves imported into Surinam by Beverley were resident in the Island of Martinique in September 1818.

In the strong hope that the Measure thus pressed upon the favourable consideration of the Court of The King of The Netherlands, will meet with its adoption, the Undersigned avails himself, &c.

*His Excellency The Baron de Nagell.*

CLANCARTY.

No. 23.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, December 3, 1822.*

I TRANSMIT to you herewith, a Full Power, which The King has been pleased to grant to Your Excellency, under the Great Seal, authorizing and empowering you to conclude, with any Minister vested with similar Full Powers on the part of The King of The Netherlands, certain Additional Articles to the Treaty already subsisting between His Majesty and that Sovereign, for the prevention of the Traffick in Slaves.

I am, &c.

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

GEORGE CANNING.

No. 24.—*Mr. Secretary Canning to The Earl of Clancarty.*

(Extract.)

*Foreign Office, December 13, 1822.*

I HAVE received and laid before The King, Your Excellency's Despatches of the 29th of November, and of the 3d of December instant, on the subject of the Slave Trade at Surinam. I am happy to have to convey to Your Excellency The King's gracious approbation of the manner in which you have executed His Majesty's Commands, signified to you in my Despatch of the 26th of November, urging The Ne-

therlands Government to a more full and due execution of the Treaty abolishing the Trade in Slaves, and to the enforcement of a Registry of Slaves in the Colonies.

I transmit for Your Excellency's information and guidance, the inclosed Copies of Instructions forwarded from this Office to His Majesty's Commissioners at Surinam, for the regulation of their conduct.

Your Excellency seems so fully to have entered into these views of His Majesty's Government, that I should hardly have thought it necessary, on that account, to send to you these Despatches; but as they refer to the subject of my Despatch above quoted, which is likely to become a point of further discussion with the Government of The Netherlands, it may be useful and satisfactory to Your Excellency to be in possession of them.

*H. E. The Earl of Clancarty, G. C. B.*      **GEORGE CANNING.**

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*No. 25.—The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Dec. 23.)*  
(Extract.)      *Brussels, December 20, 1822.*

THE TWO Drafts of Articles for carrying into effect the Principle of those Additions agreed upon to be added to the Treaty of 4th May, 1818, and which I have already acquainted you had been delivered to M. Le Baron de Nagell on the 21st ultimo, have since been referred to and reported on, severally, by the Minister of Justice, and by the Minister of the Colonies, and are now before The King, for His final Commands thereon.

I have been obliged, in order to adapt the Form of the Proviso (to be proposed) to the insertion of the specifick description of the Vessel, transmitted in your Despatch of 1st November, somewhat to alter the wording of the former, but I should hope you will be of opinion, not materially. The accompanying Draft will present the change which I have thus made.

I have also thought it expedient somewhat to transpose the several items of Description comprised in the Inclosure to your Despatch, by placing those points of Description, some of which are most relied upon, and others of which appear the most forcibly to indicate the illicit employment of the Vessel, in the front ground. A Copy of the Description thus transposed, I have the honour herewith to transmit for your information.

*The Right Hon. George Canning.*

**CLANCARTY.**

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(Inclosure 1.)—Draft of *Proviso*, as amended.

PROVIDED always, and it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear, that any Vessel subject to examination under the Treaty, and detained (here might be inserted the qualification of "hovering near" and

within a certain latitude), and which, in her outfit and equipment, shall fall within one or more of the following designations, viz.

1.—Having, &c. (Here insert such of the indications which mark the employment of such Vessel for the purposes of the Slave Trade, as may be agreed upon.)

The proof of these, or of any of these several indications, shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory proof upon the part of the Master or Owners, that such Vessel was otherwise legally employed at the time of Capture, the Vessel shall thereupon be condemned by the Mixed Court, and shall be declared Lawful Prize.

(Inclosure 2.)—*Indications which each evidently and respectively mark the employment of a Vessel on, or hovering near, the Coast of Africa, for the purposes of the Slave Trade.*

1.—HAVING her hatches fitted with open gratings, instead of being close hatches as usual in Merchant Vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for Trading Vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or handcuffs.

5.—Having on board an unreasonable quantity of water in casks or tanks, more than sufficient for the consumption of her Crew as a Merchant Vessel.

6.—Having on board an unreasonable number of water casks, or other vessels for holding water, unless the Master shall produce a Certificate from the Custom House from the Place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such Vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her Crew, as a Merchant Vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of the Crew as a Merchant Vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of Cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her Crew, and such rice, flour, maize, or Indian corn, not being entered on the Manifest as part of the cargo for trade.

The Article may be made to apply to any Vessel subject to examination under the Treaty, and confined to those of this description, hovering or sailing near to the West Coast of Africa, (say within one or more degrees distance from the shore,) and within a certain compass

of latitude, viz. between the 20th degree of North latitude, and 20th of latitude South of the Equator; or at anchor in any of the Rivers or Bays of the said Coasts.

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No. 26.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Dec. 23.)

(Extract.)

Brussels, December 20, 1822.

I HAD yesterday the honour of receiving your Despatch of the 13th instant.

I feel deeply penetrated with a grateful sense of His Majesty's condescension in the approbation He has been graciously pleased to express of the manner in which I have executed His Royal Commands, signified to me in your Despatch of the 26th of November.

I very much thank you also for the Copies of the Instructions to His Majesty's Commissioners at Surinam; they are highly interesting Papers and I doubt not will prove of considerable service.

My Note of the 30th ultimo to The Baron de Nagell, passed in obedience to the Instructions conveyed to me in your Despatch of the 26th ultimo, has been referred to M. de Falck, Minister for the Colonies:—with this Gentleman I have had some conversation of late upon the subject of it: he says he has not yet received any Despatches from Surinam of so late a date as the 20th September, or any other intimation of the escape of *Beverley* than what was conveyed in my Note. He assures me that due inquiry shall be made into the parts requiring inquiry in that Document, and reassured me so late as Wednesday last, in the most solemn manner, that my Court should have no cause to complain of his, for want of thorough co-operation in the execution of the Treaty. He seemed to look favourably upon the Proposal for the Establishment of Colonial Slave Registries, and expressed himself to be pleased when I informed him that I had written home for Copies of our Laws and Forms upon this Subject.

*The Right Hon. George Canning.*

CLANCARTY.

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No. 27.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Dec. 26.)

(Extract.)

Brussels December 24, 1822.

THE Protocols with their several Annexes, which I have now the honour to transmit, will present to you the progress made, up to absolute Agreement, in the Negotiation of the Two Articles in addition to the Treaty of 4th May, 1818, into which, under your Instructions, I was directed to enter with this Government.

After this Transaction had been gone through, M. Le Baron de Nagell observed, that either in the Conventional Document itself, or by a precise understanding between the Two Governments, some fixed date, from the time of the Ratification should be marked, at which the Additional Articles should commence their operation, in order that a



sufficient interval should take place, during which, notification and proper orders for carrying them into effect, might be sent out to the Colonies of each of the High Contracting Parties.

This seemed reasonable; and now that the Two Articles have been absolutely agreed upon, as I was not averse to hold the final Signature of the more solemn Act open for a short time, in the hope of comprizing within it some Proviso or Additional Article relative to the outfit, in obedience to your later Instructions, I therefore told M. de Nagell that I would refer the matter to His Majesty's Government.

The time allowed to The Netherlands by the Treaty of May 4, 1818, (see Art. 1.) to put that Act into execution, was *eight months from the Ratification, or sooner if possible*. Two or three months, it would appear to me, would be sufficient to allow here.

I have not herewith inclosed (though annexed to the Original Protocol) Copies of the Proviso, and of the description of a Vessel indicating her employment in the Slave Trade, because these have already been transmitted home by me.

*The Right Hon. George Canning.*

CLANCARTY.

(*Inclosure 1.*)—Preliminary Protocol.

*Brussels, November 21, 1822.*

THEIR Majesties, The King of The United Kingdom of Great Britain and Ireland, and The King of The Netherlands, having agreed upon the expediency of entering into Two further Additional Articles, in addition to and explanatory of the Treaty of the 4th of May, 1818; Conferences were agreed to be held between their Excellencies, M. Le Baron de Nagell, Plenipotentiary upon the part of His Netherlands Majesty, and The Earl of Clancarty on the part of His Britannick Majesty, for the purpose of concerting and adopting the proper Form by which the intentions of Their Majesties should be carried into effect.

*Protocol of First Preliminary Conference.*

*Foreign Office of His Majesty The King of The Netherlands at Brussels, November 21, 1822.*

Present,        THE EARL OF CLANCARTY.  
                  M. LE BARON DE NAGELL.

THE Earl of Clancarty presented to M. Le Baron de Nagell the Drafts of Two Projects of Articles in the English Language, which he proposed should be adopted and signed, for the purpose of being hereafter ratified by their respective Sovereigns.

These Drafts His Excellency M. Le Baron de Nagell received, stating, that he should be under the necessity of having them first translated into French, in order that they might be subsequently duly considered.

His Excellency, therefore, for the present postponed any observation on them, deferring his Answer to a future Conference.

CLANCARTY.

A. W. C. DE NAGELL.

(*Inclosure 2.*)—*Annex No. 1 to Protocol of the First Conference.—Additional Article to the Treaty between His Britannick Majesty and The King of The Netherlands, for the Prevention of the Illegal Traffick in Slaves, signed at The Hague, May 4, 1818.*

THE High Contracting Parties hereby agree that, in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the Commissioners, Judges, and Arbitrators under the above-mentioned Treaty, or in the case of their absence in consequence of leave of absence from their Government, duly notified to the Board of Commission sitting under the said Treaty, their Posts shall be supplied in the same manner in which, by the Article IX. of the Regulations for the Mixed Commissions, those Vacancies in the Commissions are to be supplied, which may occur by the death of One or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted Word for Word in the above-mentioned Treaty, and shall be held to form part of the same.

In Witness whereof, the Undersigned, duly furnished with Full Powers from their respective Sovereigns, have signed the present Additional Article, and have affixed thereunto the Seal of their Arms.

Done at.....the.....day of.....1822.

(*Inclosure 3.*)—*Annex No. 2 to Protocol of the First Conference.—Explanatory Article to the Treaty between His Majesty and The King of The Netherlands, Concluded and Signed at The Hague, May 4, 1818.*

Article.—WHEREAS it is stated in Article I. of “Instructions intended for the British and Dutch Ships of War, employed to prevent the Illicit Traffick in Slaves,” that, “Ships on board of which no Slaves shall be found intended for purposes of Traffick, shall not be detained on any account or pretence whatever;” And whereas it has been found by experience, that Vessels employed in the Illegal Traffick, have unshipped their Slaves immediately prior to their being visited by the Ships of War, and that such Vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above-mentioned:—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and

undeniable proof, that a Slave or Slaves has or have been put on board a Vessel for the purpose of Illegal Traffick, in the particular Voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect as if it were inserted Word for Word in the said Treaty, and shall be held to form part of the same.

In Witness whereof, the Undersigned, furnished with Full Powers to that effect from their respective Sovereigns, have hereunto signed their Names, and affixed their Seals.

Done at.....the.....day of.....1822.

(Inclosure 4.)—*Protocol.—Second Conference, December 23, 1822.*

*Foreign Office of the Court of The Netherlands.*

Present, THE EARL OF CLANCARTY,

M. LE BARON DE NAGELL.

FULL Powers presented by each of the Plenipotentiaries, in original, from their respective Sovereigns, read and approved.

Certified Copies thereof exchanged.

Protocol read, approved, and signed.

M. Le Baron de Nagell presented the French Copies of the Projects of Articles, delivered in on the 21st of November, together with the English Versions, and stated his Agreement thereto.

The Articles were then read, compared, and signed.

After which, Monsieur de Nagell suggested that it would be better, in lieu of having the heading and conclusion of each Article, as adopted, continued when prepared for final Signature; that a general heading and general conclusion would be more in form, and he proposed a Draft for the same accordingly in the French Language, which was acceded to by Lord Clancarty.

Lord Clancarty then stated, that he had received Instructions to propose an Additional Proviso to the Second Article, or, if thought more expedient, a Substantive Additional Article, rendering evidence of the peculiar mode of Outfit of Vessels within a certain latitude and distance from the Coast of Africa, *primâ facie* proof of their engagement in the Slave Trade, and if not rebutted by satisfactory evidence of other employment, declaring the same sufficient to warrant their Capture and Condemnation by the Commissioners;—he then presented the Form of such Proviso, and a Paper containing the several indications by which a Vessel might be known, as fitted for the Slave Trade.

Monsieur Le Baron de Nagell stated, that he was not warranted by his Court to receive, as matter of Negotiation, any thing further than

what had already been delivered and agreed to; he could not therefore even accept the Papers tendered by Lord Clancarty otherwise than for the purpose of laying them before The King, his Master, and certainly should feel quite unauthorized to express any opinion whatever upon their subject.

And on this understanding he consented to lay them before The King.

CLANCARTY.

A. W. C. DE NAGELL.

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(Inclosure 5.)—*Annex No. 1 to Protocol of the Second Conference.*  
*Article Additionnel au Traité entre Sa Majesté Britannique, et Le Roi des Pays-Bas, pour prévenir le Trafic Illégal d'Esclaves, Signé à La Haye, le 4 Mai 1818.*

LES Hautes Parties Contractantes sont convenues, que dans le cas d'absence pour cause de maladie ou quelque autre cause inévitable, d'un ou de plusieurs des Commissaires, Juges, et Arbitres du chef du présent Traité, ou en cas d'absence de leur part, en conséquence d'un congé de leur Gouvernement, dûment notifié au Conseil de Commission séant en vertu du dît Traité, leurs Places seront remplies de la manière dont, par l'Article IX. du Règlement pour les Commissions Mixtes, les Vacances par cas de mort d'un ou de plusieurs des Commissaires susdits, doivent être remplies dans les dites Commissions.

Le présent Article aura la même force et effet que s'il avait été inséré Mot-à-Mot dans le Traité sus-mentionné, et sera tenu comme en faisant partie.

En Foi de quoi, les Soussignés dûment munis des Pleins-Pouvoirs de leurs Souverains respectifs, ont signé le present Article Additionnel, et y ont apposé le Cachet de leurs Armes.

Fait à.....le.....de.....1822.

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(Inclosure 6.)—*Annex No. 2. to Protocol of the Second Conference.*  
*Article Explicatif du Traité entre Sa Majesté Britannique et Le Roi des Pays-Bas, Conclû et Signé à La Haye, le 4 Mai 1818.*

Article.—COMME il a été statué par l'Article I. des Instructions pour les Vaisseaux des Marines Royales de La Grande Bretagne et des Pays-Bas “ employés à prévenir le Trafic d'Esclaves, que les Navires “ à bord desquels on ne trouvera point d'Esclaves destinés à des objets “ de Commerce, ne seront détenus sous aucune raison ou prétexte “ quelconques;” et que l'expérience a démontré que les Navires employé à ce Trafic Illégitime ont débarqué leurs Esclaves immédiatement avant d'avoir été visités par des Vaisseaux de Guerre, et que ces Navires ont ainsi trouvé moyen d'esquiver leur Confiscation, et ont pu poursuivre leur procédé illicite avec impunité, en opposition au bût et à l'esprit du Traité prémentionné :

Les Hautes Parties Contractantes ont, à ces causes, jugé néces-



saire de déclarer par les présentes, que s'il existe des preuves claires et indubitables, que quelques Esclave ou Esclaves ait ou ayant été placés à bord d'un Navire dans l'intention d'un Trafic Illégal, pendant le Voyage durant lequel le Navire sera capturé, pour lors et de ce chef conformément à la véritable intention et au sens des Stipulations du Traité, un tel Navire sera détenu par les Croiseurs, et finalement condamné par les Commissaires.

Le présent Article Explicatif aura la même force et effet que s'il se trouvait inséré Mot-à-Mot dans le dit Traité, et sera tenu comme en faisant partie.

En Foi de quoi, les Soussignés, munis à cet effet des Pleins-Pouvoirs de leurs Souverains respectifs, ont signé le dit Article et y ont fait apposer le Cachet de leurs Armes.

Fait à.....le.....de.....1822.

(Inclosure 7.)—*Annex No. 3 to Protocol of the Second Conference.*

SA Majesté Le Roi des Pays Bas, et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, ayant trouvé à propos de convenir ensemble sur les Dispositions suivantes, Additionnelles ou Explicatives du Traité conclû entre Leurs dites Majestés, à La Haye, le 4 Mai 1818, pour la Repression du Trafic des Esclaves, ont nommé à cette fin Leurs Plénipotentiaires, *ad hoc*, savoir :

Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, &c.

Et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, le Très Honorable Richard, Comte de Clancarty, &c.

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

(Fiat Insertio.)

Les Articles Explicatifs et Additionnels précités, seront soumis à la Ratification des Souverains respectifs, et auront la même force et effet que s'ils se trouvaient insérés Mot-à-Mot dans le Traité du 4 Mai 1818, ci-dessus indiqué, et seront tenus comme en faisant partie. Les Actes de Ratification seront échangés dans l'espace d'un mois, ou plutôt si faire se peut.

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

(Inclosure 8.)—*Annex No. 4 to Protocol of the Second Conference.*

His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of The Netherlands, having thought fit to agree upon the following Arrangements, Additional to and Explanatory of the Treaty concluded between Their aforesaid Majesties, at The Hague, May 4, 1818, for the Prevention of the

Trade in Slaves, have therefore named as Their Plenipotentiaries, *ad hoc*:

His Majesty The King of The United Kingdom of Great Britain and Ireland, The Right Honourable Richard Earl of Clancarty, (here follow the Titles, &c. &c.) Ambassador Extraordinary and Plenipotentiary of His said Majesty, to His Majesty The King of The Netherlands, Grand Duke of Luxembourg;

And His Majesty The King of The Netherlands, Ann William Charles Baron de Nagell d'Ampsen, &c. (here follow the Titles,) and Minister of State holding the Department of Foreign Affairs: who having exchanged their Full Powers, found in good and due form, have agreed on the following Explanatory and Additional Articles:

(Fiat Insertio.)

The *Two* Explanatory and Additional Articles above-mentioned, shall be submitted to the *Approval* and to the Ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted Word for Word in the Treaty of May 4, 1818, above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In Witness whereof, the respective Plenipotentiaries have Signed the present Act, and thereunto affixed the Seal of their Arms.

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No. 28.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, December 27, 1822.*

YOUR Excellency's Despatches, to the 24th instant, inclusive, have been received and laid before The King.

His Majesty has seen, with great satisfaction, by your last Despatch of that date, that The Netherlands Government has definitively agreed to the conclusion of Two of the Articles in addition to the Slave Trade Treaty of the 4th of May 1818, which Your Excellency has been directed to propose.

His Majesty's Government approve of the slight verbal alteration which Your Excellency has made in one of those Articles of the form in which you intend to sign them, and of the term at which you propose that their operation is to commence, viz. three months from the date of their Ratification.

As we have already received from Spain Additional Articles of a similar import, duly executed, it is very important that Your Excellency should proceed without delay, to the immediate signature of the Two Additional Articles, which you have agreed upon with The Netherlands Government, leaving the further Additional Article containing the *Proviso*, treated of in your Despatch of the 20th instant, as matter for further discussion.

I am, &c.

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

GEORGE CANNING.

*No. 29.—The Earl of Clancarty to Mr. Secretary Canning.*

*(Received January 2, 1823.)*

*(Extract.)*

*Brussels, December 31, 1822.*

ON Sunday last I had the honour to receive your Despatches, dated the 27th instant.

In obedience to the Instructions contained therein, I immediately proceeded to arrange with M. Le Baron de Nagell, for the execution, by Seal and Signature, of the Two Articles already agreed upon between the two Governments.

This measure has been accomplished this morning, and I have now the pleasure to transmit herewith, the Additional Convention, legally completed, in this matter.

The Original, herewith transmitted, will, I should hope, be graciously approved by His Majesty, and made effective by His Royal Ratification.

Under the sanction conveyed in your Despatch, I proposed to M. de Nagell, that the term at which the new Stipulations should become binding upon the High Contracting Parties, should be at the end of three months *from the exchange of the Ratifications, or sooner if possible.*

His Excellency doubted the sufficiency of this period of time to allow of due notification and orders thereon, to be sent out to the Dutch Settlements and Colonies, and cited the original Treaty, wherein the term of eight months from Ratification is stipulated as the period at which that Instrument should come into force.

I mentioned the striking difference between the two cases; and as M. de Nagell agreed with me, that this point could as well be settled by Note, as by inserting a substantive Article thereon in the more solemn Act, we have postponed its settlement accordingly, till he shall be able to take The King of The Netherlands' pleasure thereon.

In order, however, to bring this matter officially forward, I have addressed a formal Note to him upon the subject, a Copy of which I have the honour herewith to inclose for your information.

*The Right Hon. George Canning.*

CLANCARTY.

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*Inclosure.—The Earl of Clancarty to The Baron de Nagell.*

*Brussels, December 31, 1822.*

THE Undersigned, &c. has the honour to refer to certain conversations with His Excellency M. Le Baron de Nagell, relative to the period subsequent to Ratification of the Two Articles lately agreed upon, in explanation of and in addition to the Treaty of 4th May 1818, at which the said Articles should be understood to become binding upon the High Contracting Parties, so as to admit of a sufficient interval of time for sending out orders and directions for the strict observance thereof, to the Colonies.

In these conversations it was understood, that this matter could be as effectually arranged between the two Governments by Official Note, as by incorporating with the two Articles, a substantive Stipulation upon the subject, and therefore the mode of determining this matter by Official Note was agreed upon. The Undersigned has now, in obedience to the Instructions he has received for this purpose, the honour to propose, that the Two Articles shall be considered as coming into full operation at the end of *three months from the exchange of Ratifications*, or as much sooner than this period, as the Orders and Instructions for their due execution, may be received in the Colonies.

It is true that in the Original Treaty, the term of *eight months* from the Ratifications was taken as that at which that Convention should become absolutely binding upon the High Contracting Parties; but then the matter was new to this Country; all the machinery in all its several branches for carrying it into effect, was to be created *ab initio*, while, in the present instance, two very simple Regulations alone are to be carried into execution, easily applicable to a state of things already in existence.

This consideration, it is hoped, will induce The Netherlands Government to accede to the term herein-before proposed, as sufficient for every purpose of due notification to their Colonial Settlements on the Coast of Africa, and in the Western Hemisphere.

The Undersigned, &c.

*His Excellency The Baron de Nagell.*

CLANCARTY.

No. 30.—*Mr. Secretary Canning to The Earl of Clancarty.*

(Extract.)

*Foreign Office, January 3, 1823.*

YOUR Excellency's Despatches to the 31st ultimo, inclusive, have been received and laid before The King.

It was particularly satisfactory to His Majesty to observe, that the Additional Articles to the Slave Trade Treaty have received the assent of The Netherlands Government.

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

GEORGE CANNING.

No. 31.—*The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Jan. 6.)*

SIR,

*Brussels, January 3, 1823.*

I HAVE the honour herewith to inclose, for your information, Copies of the Protocols of the two last Conferences between Monsieur Le Baron de Nagell and me, upon the subject of the Additional Articles to the Treaty of the 4th of May 1818, as well those which have been recently signed, as that still under the consideration of the Court of The Netherlands.

With great respect, &c.

*The Right Hon. George Canning.*

CLANCARTY.



(*Inclosure 1.*)—*Protocol.—Third Conference, 30th December 1822.*

*Foreign Office of the Court of The Netherlands.*

Present, THE EARL OF CLANCARTY.

MONSIEUR LE BARON DE NAGELL.

LORD CLANCARTY acquainted Monsieur de Nagell that his Court was desirous that the Act containing the Two Articles already agreed to should be executed by the signature and sealing of both Plenipotentiaries thereto, as early as might be convenient, and without waiting for the answer of The Netherlands Government to the proposal for a Proviso, or further Additional Article, advanced by Lord Clancarty at the last Conference, which might stand over for further discussion till this Court should be enabled to give its opinion thereon. He therefore proposed, that this mode of proceeding should be adopted, which was immediately agreed to by Monsieur de Nagell, and directions given by both for writing out two Counterparts of the Two Articles in the form agreed upon, for conjoint signature, the one in the English language for the Ratification of His Majesty The King of the United Kingdom of Great Britain and Ireland, the other in the French language for that of His Majesty The King of The Netherlands.

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(*Inclosure 2.*)—*Protocol.—Fourth Conference, 31st December, 1822.*

*Foreign Office of the Court of The Netherlands.*

Present, THE EARL OF CLANCARTY.

M. LE BARON DE NAGELL.

THE TWO Articles having been written out fair for signature, according to the form agreed upon, and in the manner directed, Their Excellencies signed and sealed the same; and each having possessed himself of the proper Counterpart for his respective Court, they mutually exchanged with each other Certified Copies of the Counterparts retained by them; *i. e.* Monsieur Le Baron de Nagell delivered over to the Earl of Clancarty a Certified Copy of the French Counterpart, and the Earl of Clancarty, in like manner, delivered over to Monsieur Le Baron de Nagell a Copy, certified by him, of the Counterpart in which the English language was used.

Reserving, therefore, for future consideration and discussion the Proviso, or further Additional Article, proposed by the British Plenipotentiary at the Second Conference held the 23d December instant, the Parties separated.

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No. 32.—*The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Jan. 9.)*  
(Extract) *Brussels, January 7, 1823.*

I HAVE the honour herewith to inclose, for your information and future instruction to me, the Copy of a Note received this morning from His Excellency The Baron de Nagell, wherein, in lieu of ac-

ceding to the term of *three months* proposed by me to him, as that at the end of which, from the exchange of Ratifications the Additional Articles lately signed between the two Crowns, should become binding, he proposes that *five months* should be substituted.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Bruxelles, le 7 Janvier, 1823.*

LE Soussigné &c. a mis sous les yeux du Roi son Maître la Note de M. Le Comte de Clancarty, &c. par laquelle Son Excellence propose de convenir, que les Stipulations des Articles Explicatif et Additionnel au Traité du 4 Mai 1818, qui ont été arrêtés par les Soussignés le 31 Décembre dernier, seront exécutoires trois mois à dater de la Ratification des dits Articles par les Souverains respectifs.

Cette espace de tems ayant paru un peu court, pour avoir la certitude que les ordres à dépêcher de part et d'autre puissent opérer réciproquement et au même instant, le Soussigné a été chargé de proposer à Son Excellence un terme de *cinq* au lieu de *trois* mois. Si le Gouvernement de Sa Majesté Britannique adopte cette modification, le Soussigné se trouve autorisé de régler définitivement cet objet avec Son Excellence moyennant l'échange des Notes, lors de la remise des Actes de Ratification.

*S. E. Le Comte de Clancarty.*

A. W. C. DE NAGELL.

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No. 33.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Jan. 20.)

SIR,

*Brussels, January 17, 1823.*

I HAVE the honour herewith to inclose, the Copy of a Note received yesterday from M. Le Baron de Nagell, in which he states himself to be authorized to agree in the proposal made by me, at a Conference held with His Excellency on the 23d ultimo, for a further Proviso, or Additional Article, to the Treaty of 1818, provided its operation should be confined within the limits of 20 degrees to the North, and 20 degrees to the South of the Line, and further, that it should not extend to the Westward beyond a degree from the African Coast.

The reason of this Western Limitation I understand to be, that the Ships in the Java and Eastern Trade, the former of which are said often to fall within the Description of outfit, by which they might be exposed to Capture, always take a course to the Westward further than a degree from the African Coast.

The Limitation is, therefore, interposed as a necessary caution to secure them from detention, to which they might otherwise become liable.

Conceiving myself authorized under your Instructions to accede to

this modification, I immediately addressed the Note, of which the inclosed is a Copy, to M. Le Baron de Nagell.

In an interview which I have since had with His Excellency, he has stated his readiness to proceed to the final arrangement with me of the Additional Article in the early part of next week.

I am, &c.

*The Right Hon. George Canning.*

CLANCARTY.

(*Incl. sure 1.*)—*The Baron de Nagell to The Earl of Clancarty.*

*Bruxelles, le 16 Janvier, 1823.*

Le Soussigné, &c. &c. se fait un plaisir de faire part à Monsieur Le Comte de Clancarty, &c. &c. qu'il se trouve autorisé par Le Roi, son Maître, de convenir avec Son Excellence sur les nouvelles Stipulations à ajouter au 2 Article du Traité de 4 Mai, 1818, pour la répression du Trafic des Esclaves, et dont la proposition a été faite de la part de Sa Majesté Britannique dans l'une des Conférences que le Soussigné a eu l'honneur d'avoir avec Son Excellence, à l'occasion de l'adoption de certains Articles Additionnels aux dispositions du même Traité, bien entendu toutefois que les Stipulations, dont il s'agit, ne pourront être obligatoires pour l'une et l'autre des deux Puissances qu'à la distance d'un degré de la Côte Occidentale de l'Afrique entre le 23 degré de latitude septentrionale et le 20 degré de latitude méridionale.

Le Soussigné, &c.

*S. E. Le Comte de Clancarty.*

A. W. C. DE NAGELL

(*Incl. sure 2.*)—*The Earl of Clancarty to The Baron de Nagell.*

*Brussels, January 16, 1823.*

THE Undersigned, His Britannick Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Majesty The King of The Netherlands, has experienced great satisfaction in receiving Monsieur Le Baron de Nagell's Note of this date, in which the communication is conveyed, that His Excellency is authorized to agree in the Proposal made by the Undersigned for a further Proviso, or Additional Article, to the Treaty of the 4th May, 1818, provided the operation thereof shall be comprised within the limits expressed in His Excellency's Note.

The Undersigned will have great pleasure in renewing Conferences with Monsieur de Nagell upon this Subject, at the earliest date that shall be agreeable to His Excellency, and avails himself, &c.

*Monsieur Le Baron de Nagell.*

CLANCARTY.

*No. 34.—The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Jan. 28.)*

SIR,

*Brussels, January 24, 1823.*

I HAD yesterday a Conférence with Monsieur Le Baron de Nagell

upon the further Additional Article to the Treaty of 4th May, 1818, last referred to in my Despatch of the 17th instant.

A Copy of the Protocol of this Conference, with its Annexes, is herewith inclosed for your information.

I should hope the manner in which the Article, as agreed upon, has been drawn up, will meet the approbation of His Majesty's Government.

It appearing to be the wish of Monsieur de Nagell, and of his Chief Secretary, that time should be afforded till Saturday, (to-morrow) or till Monday, in order the better to write out the Article fair for Signature, I readily agreed thereto.

By the next, or Tuesday's Messenger, you may, therefore, confidently expect the receipt of this Additional Arrangement, duly signed.

I have, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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(Inclosure 1.)—Protocol.—January 23, 1823.

*Hotel of His Excellency The Minister for Foreign Affairs of The King of The Netherlands.*

Present, THE EARL OF CLANCARTY.

HIS EXCELLENCY M. LE BARON DE NAGELL.

M. LE BARON DE NAGELL having intimated to Lord Clancarty, that The King, His Master, was willing to accede to the proposal made to His Excellency at the Conference of the 23d December last, provided that the operation of the proposed Article should not extend beyond one geographical degree to the Westward of the Coast of Africa, and beyond the space between the 20th deg. of lat. to the North of the Equator, and the 20th deg. of lat. to the Southward thereof;

Their Excellencies met this day for the purpose of arranging an Article for this purpose, and having agreed upon the same, as hereto annexed in the two languages, they gave directions that the same should be immediately prepared for Signature.

CLANCARTY.

A. W. C. DE NAGELL.

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(Inclosure 2.)—Annex No. 1. to the Protocol of 23 January.

HIS Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of The Netherlands, having thought fit to agree upon the following further Arrangement, Additional to the Treaty concluded between Their aforesaid Majesties at The Hague, 4th May, 1818, for the prevention of the Trade in Slaves, and also in addition to the Two Explanatory and Additional Articles, executed by the Plenipotentiaries of Their said Majesties on 31st December 1822; have named, authorized, and directed the same Plenipotentiaries to sign in Their Names an Agreement, *ad hoc*, His Majesty The King of the United Kingdom of Great Britain and Ire-



land, The Right Honourable Richard, Earl of Clancarty, &c. &c., and His Majesty The King of The Netherlands, Anne William Charles Baron de Nagell d'Ampsen, &c. &c., who, having exchanged their Full Powers, found in good and due Form, have agreed on the following Additional Article :

(*Inclosure 3.*)—Annex No. 2 to the Protocol of 23d January.

Sa Majesté Le Roi des Pays-Bas, et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, ayant trouvé à propos de convenir de l'arrangement ultérieur suivant, Additionnel au Traité conclu entre Leurs dites Majestés à La Haye le 4 Mai, 1818, pour la répression du Trafic des Esclaves, et ainsi en addition des Articles Explicatif et Additionnel conclus par les Plénipotentiaires de Leurs Majestés le 31 Décembre, 1822, ont nommé, autorisé et commis les dits Plénipotentiaires à signer en Leurs Noms un Accord, *ad hoc*, savoir ; Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, &c. &c. et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, Le Très Honorable Richard, Comte de Clancarty, &c. &c. lesquels après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant :

(*Inclosure 4.*)—Annex No. 3. to the Proccol of 23d January.

Article.—AND it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any Ship or Vessel subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering upon the Coast of Africa, within one geographical degree to the Westward thereof, and between the 20th degree of latitude North of the Equinocial Line, and the 20th degree of latitude to the Southward thereof, or at anchor within any of the Rivers, Bays, or Creeks of the said Coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which Ship or Vessel in her outfit or equipment shall fall within one or more of the following designations, namely :

1.—Having her hatches fitted with open gratings, instead of being close hatches as usual in Merchant Vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for Trading Vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or hand-cuffs.

5.—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her Crew as a Merchant Vessel.

6.—Having on board an unreasonable number of water casks, or other vessels for holding water, unless the Master shall produce a Certificate from the Custom House from the Place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such Vessel, that such extra quantity of casks or other vessels, should only be used for the reception of Palm Oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her Crew, as a Merchant Vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her Crew as a Merchant Vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of Cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her Crew, and such rice, flour, maize, or Indian corn, not being entered on the Manifest as part of the Cargo for Trade.

The proof of these, or of any or more of these several Indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the Master or Owners, that such Ship or Vessel was otherwise legally employed at the time of Detention, or Capture, the Ship or Vessel shall thereupon be condemned and declared Lawful Prize.

(Inclosure 5.)—*Annex No. 4 to the Protocol of 23 January.*

Article Additionnel.—IL est également convenu par les présentes, que lorsque d'après des preuves, dûment fournies pardevant la Cour Mixte, il apparoitra qu'un Vaisseau ou Navire, sujet à l'examen, ou aux termes du Traité, ou aux termes des Articles Explicatifs et Additionnels, et détenu rodant ou naviguant sur, ou proche de la Côte d'Afrique, dans l'espace d'un degré géographique à l'ouest d'icelle, et entre le 20 degré de latitude Nord de la Ligne Equinoctiale et le 20 degré de latitude sud de la dite Ligne, ou à l'ancre dans une des Rivières, Bayes, ou Criques, de la dite Côte dans la circonscription des limites spécialement désignées ci-dessus; ou à l'ancre en quelque endroit que ce soit, dans la circonscription des dites Limites, et lequel Vaisseau ou Navire offrira dans son appropriation et équipement une ou quelques unes des désignations suivantes :

1.—D'avoir ses écoutilles en caillebottis ou treillis, ouverts au lieu de les avoir fermées, comme le sont d'ordinaire celles des Navires Marchands.

2.—D'avoir plus de séparations, ou cloisons à fond de cale ou sur le pont, qu'il n'en faut à des Navires Marchands.

3.—D'avoir à bord des ais en reserve déjà appropriés ou de nature à l'être pour poser aisément un second pont, pont mobile ou pont Négrier.

4.—D'avoir à bord des chaines, des entraves, ou des menottes.

5.—D'avoir à bord une quantité exorbitante d'eau en barriques ou en cuves, et plus qu'il n'en faudrait pour la consommation de l'équipage d'un Navire Marchand.

6.—D'avoir à bord un nombre exorbitant de barriques à eau ou autres vaisseaux à eau, à moins que le Patron ne produisit un certificat de la Douane de l'endroit de son départ, constatant l'établissement d'une caution suffisante par les Propriétaires du Navire, que cette quantité surabondante de barriques ou autres vaisseaux ne servirait qu'à recevoir de l'Huile de Palmier.

7.—D'avoir à bord une plus grande quantité de baquets à portion que de réquis pour le service de l'équipage d'un Navire Marchand.

8.—D'avoir à bord deux chaudrières de cuivre ou davantage, ou même une seule d'une dimension exorbitante et plus grande que ne l'exigeraient les besoins de l'équipage d'une Navire Marchand.

9.—D'avoir à bord une quantité extraordinaire de ris ou de farinha (fleur de manhioc du Brésil ou de Cassade,) ou de maïs, ou de blé des Indes, excédant la provision raisonnablement réquise pour la consommation de l'équipage, et lorsque ce ris, fleur, maïs, ou blé des Indes, ne se trouverait pas annoncé sur le Manifeste, comme faisant partie de la Cargaison Mercantile.

La preuve de l'une ou de quelques unes de ces indications sera considérée comme évidence, *primâ facie*, de son emploi actuel au Trafic des Esclaves, et à moins d'être réfutée par des preuves satisfaisantes, à fournir par le Patron ou les Propriétaires, que le Vaisseau ou Navire avait été légalement employé à un autre usage, au tems de sa Détention ou Capture, le Vaisseau ou Navire sera condamné ladessus et déclaré de bonne Prise.

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(Inclosure 6.)—*Annex No. 5 to the Protocol of 23 January.*

THE aforesaid Additional Article shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted, Word for Word, in the Treaty of May 4, 1818, above-mentioned, and shall be held to form part of the same. The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In Witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at Brussels, &c.

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(Inclosure 7.)—*Annex No. 6 to the Protocol of 23 January.*

LE présent Article Additionnel sera soumis à la Ratification des Souverains respectifs, et aura la même force et effet que s'il se trouvait inséré Mot-à-Mot dans la Traité du 4 Mai 1818, ci-dessus mentionné, et sera tenu comme en faisant partie.

Les Actes de Ratification seront échangé dans l'espace d'un mois  
où plutôt si faire se peut.

En Foi de quoi, &c.

Fait à Bruxelles, &c.

*No. 35.—Mr. Secretary Canning to The Earl of Clancarty.*  
MY LORD, *Foreign Office, January 28, 1823.*

In reference to that part of your Excellency's Correspondence which relates to the Proposition which you had been instructed to make to The Netherlands Government, for the establishment of a Slave Registry in their Colonial Possessions in The West Indies,—I now forward to your Excellency the Copy of a Letter received from the Colonial Department, dated the 21st instant, together with its several Inclosures, containing such information and details as appear most applicable towards enabling your Excellency to follow up the Proposition made to the Dutch Government, for the formation of a Colonial Slave Registry.

Should any further Information be required, it will be furnished with readiness, upon an intimation to that effect from your Excellency.

I am, &c.

*H. E. The Earl of Clancarty, G.C.B.* GEORGE CANNING.

*No. 36.—The Earl of Clancarty to Mr. Secy. Canning.—(Rec. Jan. 31.)*  
(Extract.) *Brussels, January 28, 1823.*

I HAVE the honour herewith to transmit a further Additional Article to the Treaty between His Majesty The King of The Netherlands, for the Abolition of the Slave Trade, signed at The Hague, May 4, 1818.

To this is added, the Certified Copy of the French Counterpart, executed by the Plenipotentiaries for the use of this Court; and I inclose a Copy of the Protocol of the Conference at which this matter was terminated.

I should hope the Article will meet with the approbation of my Government, and become effective by His Majesty's Ratification.

In substance, I flatter myself, it exactly coincides with the Instructions I had received, and though there may be found some variance in the Form, yet I can scarcely think that this will be deemed material.

*The Right Hon. George Canning.*

CLANCARTY.



(Inclosure.)—Protocol of January 25, 1823.

*Hotel of the Minister for Foreign Affairs of His Majesty The King of The Netherlands, at Brussels.*

Present, THE EARL OF CLANCARTY.

HIS EXCELLENCY MONSIEUR LE BARON DE NAGELL.

THE further Additional Article, as agreed upon between their Excellencies at the last Conference, having been fairly written out for final Signature in both languages, as at that time directed, was read over and found correct.

The Two Plenipotentiaries then agreed, each on the part of his respective Sovereign, that the Article then before them, when signed, should, nevertheless, be withheld from coming into operation till the lapse of five months from the date of the exchange of the Ratifications thereof, after which its Stipulations should come into full force and effect.

With this understanding their Excellencies immediately Signed and Sealed Two Counterparts of the same, One in the English, and the Other in the French Language, and each undertook to procure to his Counterpart the Ratification of his Government.

CLANCARTY.

A. W. C. DE NAGELL.

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No. 37.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Feb. 14.)  
SIR, *Brussels, February 11, 1823.*

I RECEIVED your Despatch of the 31st ultimo, accompanied by His Majesty's Ratification of the Articles signed by The Baron de Nagell and me, on the 31st of December last, and also the form of a Certificate of the exchange of the said Ratifications against those of this Government, on the evening of the 9th instant.

In obedience to the Instructions therein contained, I this morning effected the exchange I was directed to make, and have now the honour herewith to transmit the Ratifications of His Majesty The King of The Netherlands to the said Articles.

I have also the honour to return the Certificate of the said Exchange properly filled up, and duly executed by His Excellency The Baron de Nagell and by me.

The Additional Document you will find likewise herewith, establishing the time when these Articles should come into full force and effect, which Monsieur Le Baron de Nagell was desirous of having signed and exchanged, more especially as nothing had been entered in the Protocols of our Proceedings, in the Negotiation of these Articles, upon the subject.

As there appeared to me no objection to this course, I very willingly acceded to his wishes, and His Excellency, therefore, has been furnished with a translated Counterpart of that now transmitted, signed by me.

I have the honour, &c.

*The Right Hon. George Canning.*

CLANCARTY,

No. 38.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, February 18, 1823.*

I FURNISH to Your Excellency, herewith, the Copies of two Despatches, and of their Inclosures, from His Majesty's Commissary Judges at Surinam,\* and the Copy of the Communication from the Colonial Department here, the former dated the 24th and 28th of October 1822, and the latter the 7th of February 1823.

These Papers tend to shew that contraband importations of Slaves still continue to take place in the Colony of Surinam; they mention the name of one Vessel, the *Hermaphrodite*, and the particulars of other Vessels concerned in this illegal trade; and they give the details of a Case in which the crew and boat of an English Vessel, the *Olive Branch*, were forced to assist in the contraband landing of Slaves at Surinam.

I have to desire that Your Excellency will communicate to The Netherlands Government such a portion of these Papers as you shall deem to be expedient for the purpose of establishing the facts. You will accompany the communication of these facts by an urgent call upon His Netherlands Majesty to take strenuous measures for the fulfilment of the Treaty on the Slave Trade, either by increasing His Netherlands Majesty's naval force on the Coast of Africa, or by directing His Colonial Authorities to make use of all the means in their power to repress these continued violations of His Majesty's Orders. And you will take this opportunity of renewing your suggestion for the Registry of Slaves, the establishment of which measure would alone furnish the best chance of bringing such Delinquents to justice.

I am, &c.

*H. E. The Earl of Clancarty, G. C. B.*      **GEORGE CANNING.**

No. 39.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, February 18, 1823.*

I FURNISH Your Excellency with an Extract of a Letter, dated the 24th of December last, and its Inclosures, which I have received from Mr. Hesketh, His Majesty's Consul at Maranham, giving an account of a Dutch Vessel, named the *Aurora*, which sailed from Maranham for Surinam in the month of December last, in company with a Portuguese Vessel the *Mendengo*, and is suspected of being intended to be employed in landing Slaves clandestinely in Surinam.

Your Excellency will communicate these Papers to The Netherlands Government, and request them to send out to their Colonial Authorities, directions to take measures for preventing the intended infraction of the Treaty.

I am, &c.

*H. E. The Earl of Clancarty, G. C. B.*      **GEORGE CANNING.**

\* See Class B. Nos. 89, 91.

(Inclosure 1.)—*Robert Hesketh, Esq. to Mr. Secretary Canning.*

(Extract.) *Maranhao, December 24, 1822.*

I INCLOSE Copies of Communications I have made to Barbadoes and Surinam, respecting a Dutch Schooner, called the *Aurora*, C. H. Andres, Master, the object of whose voyage to this Port I suspect to have been an illicit Traffick in Slaves, against which there are no effectual Regulations in this Port.

*The Right Hon. George Canning.*

ROBERT HESKETH.

(Inclosure 2.)—*The British Consul at Maranhao to The Governor of Barbadoes.*

SIR,

*Maranhao, December 11, 1822.*

I HAVE the honour to transmit an Affidavit made by Robert Jackson, lately a seaman on board the Dutch Schooner *Aurora*, C. H. Andres, Master, respecting the *Aurora's* intended voyage with Slaves to the Colony of Surinam.

The *Aurora* continues in this Port, and as I feel convinced, from every circumstance of the Case, that it is the intention of the Parties concerned to attempt the illicit proceeding alluded to in the inclosed Affidavit, and that every preventive measure on the part of the Government of this Province can be easily evaded, I have thought it my duty to give Your Excellency this information.

I have sent Robert Jackson, the bearer hereof, as a Supernumerary on board the British Brig *John*, instructing John Foster, the Master, to report this Supernumerary to Your Excellency on his arrival.

It is impossible to ascertain how many days more the *Aurora* may yet remain in this Harbour; should the period of her detention extend to ten days further, there is every chance that she may be intercepted: however, as it is possible that she may sail before the expiration of ten days, I intend, in that event, to desire Thomas Wilson (the man mentioned in the Affidavit) to report himself personally, on his arrival at Surinam, to the Commissary, Edward Lefroy, Esq.; and I presume that Your Excellency will direct that this arrangement be communicated to the Commissary.

There is not at present any impediment against a Portuguese Vessel with Slaves on board clearing from any Brazil Port for another western one, and afterwards proceeding beyond the Brazil Dominions and landing her cargo clandestinely; in fact, the probability is, that Slaves have been smuggled in this manner into the Colony of Surinam.

I have the honour to be, &c.

*H. E. Sir Henry Warde, K. C. B.*

ROBERT HESKETH.

(Inclosure 3)—*Affidavit of Robert Jackson.*

ROBERT JACKSON, a native of the County of Durham, in England, does make oath and declare, that he arrived at this Port on board a

Dutch Schooner belonging to Surinam called the *Aurora*, C. H. Andres Master, on board of which the Deponent was shipped at Surinam as a seaman, in the month of May last, and having gone in the Vessel on a voyage to Martinique and back to Surinam, sailed again from Surinam about the middle of August last, bound to Martinique and Maranhao, and, after being at the former, arrived at this latter Port of Maranhao on or about the fifth of October last, with a cargo of sundry articles from Martinique: that no other part of the cargo has been landed here except coffee and rum, and that the Schooner has continued in this Port, with three Custom-House Officers on board, to the present date. And this Deponent further declares that he was requested by C. H. Andres to leave the Vessel, but that the Deponent could not get his wages settled, and was forced to make an application to the British Consul's Office for the purpose, at which Office, the Deponent declared, and now again repeats on his solemn oath, that Thomas Wilson, one of the crew of the *Aurora*, informed the Deponent, that the Master of the said Schooner told him (the said Thomas Wilson) that he was waiting here for the arrival of a Slave Vessel, from which Slaves were to be taken on board the Schooner *Aurora*, and that the Master would then proceed with them in the Schooner towards Surinam, and smuggle them into that Colony.

Sworn to in Maranhao, this  
tenth day of December 1822,  
before me,  
ROBERT HESKETH,  
His Britannick Majesty's  
Consul.

ROBERT JACKSON,  
his  $\times$  mark.

Witness IGNACIO VIEGA.

(*Inclosure 4.*)—*Description of the Schooner Aurora, C. H. Andres, Master, annexed to the Affidavit made by Robert Jackson.*

A FORE-TOP-SAIL Schooner, about fifty or sixty tons; a great rake in her mainmast; mast heads white, and a new fore-sail; American, and very sharp built; no figure head; painted black, with one white streak; very low bulwarks, and a trunk reaching from the break of the deck right aft to the companion head; coppered; carries her boat on one side of the deck, and two small swivels on the tafferell.

(*Inclosure 5.*)—*His Majesty's Consul at Maranhao to the British Commissary Judge at Surinam.*

SIR,

Maranhao, December 19, 1822.

I HAVE to acquaint you that a Dutch Schooner, called the *Aurora*, C. H. Andres, Master, belonging to Surinam, arrived at this Port about the commencement of October last, and that on the 10th instant, Robert Jackson, one of the crew, made an Affidavit at this Office, a Copy of which I transmit inclosed. As many circumstances induced me to suspect that the illicit proceedings alluded to in the Affidavit would be



attempted, and easily carried into effect, I availed myself of an opportunity to send the Deponent to Barbadoes, with a Letter to His Excellency Sir Henry Warde, supposing that there was a chance of intercepting the *Aurora*, having been led to believe that she would continue in this Port for some days longer.

I also intended to have induced another of the crew (Thomas Wilson,) to report himself to you on his arrival at Surinam.

But the *Aurora* sailed most unexpectedly, two days after the Vessel by which I had written to Barbadoes, and this not only destroyed every chance of intercepting her, but also prevented my having an opportunity of speaking to Thomas Wilson, the Person mentioned in the Affidavit.

However, as you may have it in your power (aided by the information which may be obtained from Robert Jackson,) to investigate the objects of the *Aurora*'s voyage to this Port, I now acquaint you that she sailed on the 13th instant, in company with a Portuguese Smack-rigged Vessel, called the *Mendengo*.

The *Aurora* cleared out for Surinam, and had her hold filled up with American flour, (which she took in here,) and sundry articles brought from Martinique; and it does not appear that she had any Slaves on board, but I am informed that there were 180 Slaves on board the Portuguese Smack that sailed with her, and that she cleared out for Para.

There is every probability that Portuguese Vessels have cleared out for Para from hence, and afterwards landed Slaves clandestinely in the Colony of Surinam, and this illicit proceeding cannot be prevented by the present Regulations at this Port.

However, I have thought it my duty to give you this information, and to recapitulate to you the steps I have taken to intercept the *Aurora*; and though I fear that these steps are not likely to prove successful, still I presume that the information, if it should not reach you in sufficient time to detect the Parties, will, at all events, be in some measure instrumental in leading you to take such preventive measures against a repetition of this illegal proceeding as you may deem fit.

I have the honour to be, &c.

C. E. Lefroy, Esq.

ROBERT HESKETH.

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(Inclosure 6.)—*The British Consul at Maranhão to the Governor of Demerara and Essequibo.*

SIR,

Maranhão, December 19, 1822.

THE inclosed Letter for the Commissary at Surinam, Edward Lefroy Esq. contains important information connected with the duties of his Office. I feel solicitous for its safe and expeditious conveyance; and in thus taking the liberty of transmitting it to Your Excellency, I adopt

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the only satisfactory channel that offers for the Communications I am making.

I have the honour to be, &c.

*His Excellency Major-Gen. Murray.* ROBERT HESKETH.

No. 40.—*The Earl of Clancarty to Mr. Secy Canning.*—(Rec. Mar. 8)  
SIR, *Brussels, February 25, 1823.*

IN obedience to the Instructions conveyed in your Despatch of the 18th instant, and, with its Inclosures, received here on the 21st, I have addressed the Notes, of which the inclosed are Copies, to His Excellency M. Le Baron de Nagell.

The Papers conveyed to His Excellency, with the first Note, are those which accompanied your Despatch to me of the 28th of January last, for the information of this Government, with respect to the Acts and particular Forms under which the Registration of Slaves has been carried into effect by His Majesty's Government.

The continued indisposition of His Excellency M. Falck, the Colonial Minister, may possibly postpone the determination of this Government upon the suggestion made to them under your Instructions, by my Note of 30th November last, (sent home in my Despatch of the 3d December,) for the adoption of Slave Registries.

I have the honour to be, &c.

*The Right Hon. George Canning.* CLANCARTY.

(Inclosure.)—*The Earl of Clancarty to The Baron de Nagell.*  
*Brussels, February 22, 1823.*

THE Undersigned, &c. &c. has the honour to acquaint M. de Nagell, that *Charles Beverley*, a Slave-trader, whose escape from prison in the Colony of Surinam, to which he had been committed as having effected a smuggling importation of Slaves, was notified in the Note addressed to M. de Nagell on the 30th of November last, has been again arrested and re-committed to gaol.

The British Government has, however, received information that it is not intended by the Authorities in that Settlement to proceed against him as a Slave-trader, though taken, as it were, in the very fact, the proofs against him being full and incontrovertible;—and why? Because, forsooth, he has, subsequently to the first seizure of himself and Vessel by the Police Officers, obtained Papers from Martinique, asserting that the Negroes then imported were resident in that Island since September 1818;—Papers which, if even the fact of such residence could justify the purchase and trade in any Slaves by Dutch Subjects under the Treaty, M. de Nagell will not fail to consider could be furnished with equal facility, and with equal truth, so as to cover every importation of Slaves into Surinam; even those brought direct, or with very little deviation of course, immediately from the Coast of Africa.

But the Court of The Netherlands is fully aware that no residence therein, or any thing else, can justify or even palliate any act of Slave importation from any Foreign Colony or Place whatsoever.

The strong assurances given to the Court of Great Britain, through the Undersigned, upon this subject, under the commands of His Netherlands Majesty, and more especially by M. de Nagell's Note of the 16th of January 1822, confirmed and still further strengthened at a Conference held with His Excellency The Minister of the Colonies on the 21st of March following, afford ample satisfaction as to the just construction placed by this Court on the very clear Stipulations of the Treaty in this respect, and have confidently persuaded the British Government that, subsequently to the 1st of July 1821, it would have been impossible, after detection, for any Person with impunity to have effected such importation;

Nevertheless, the illicit import into Surinam, by *Charles Beverley* now under consideration, was effected in the latter end of the month of March, or in the course of the month of April, 1822.

The bare statement of these dates, drawn as they are from positive Depositions, the Undersigned is persuaded will be quite sufficient to elicit from this Government the most immediate and peremptory orders to the Authorities of Surinam, that the Delinquent, Charles Beverley, shall be brought to justice for the foul offence of which he has been guilty; or if the penal Laws should not yet have been rendered sufficiently strong, adequately to punish his criminal violations of a most solemn Compact, the Undersigned, in the name of his Court, calls upon that of The Netherlands, under the first Article of the Treaty, to render them of sufficient force to repress the repetition of the evil. In the latter alternative, the Undersigned also reclaims the delivery up of the said Charles Beverley, as a British Subject, to be dealt with under the British Laws for this offence; the Case of Beverley being the same in principle as that which formed the interchange of Notes between the Undersigned and M. de Nagell, dated respectively the 26th of February and the 26th of March 1821.

The Undersigned further renews the request made to this Government in his Note of the 30th of November last, that the wretched Negroes who formed the importation made by Beverley, and who are 22 in number, may be taken into His Netherlands Majesty's service, and employed as Servants or Free Labourers, under the humane principle of the Treaty between the Two Crowns.

The Undersigned has further received the Commands of the King, his Master, again to impress upon His Majesty The King of The Netherlands, the great advantage which would result from the establishment of Slave Registries within the Colonies, as proposed by the Note above referred to, of the 30th of November last, upon this subject.

The Undersigned has received various Papers containing the ori-

ginal Orders in Council for the establishment of Registries, the Forms, and Colonial and Home Acts adopted by the British Government upon this subject, which he has now the honour to inclose for the information of this Court, and which would have already been transmitted, had it not been for the indisposition of His Excellency The Minister of the Colonies.

The Undersigned, &c.

H. E. Le Baron de Nagell.

CLANCARTY.

(Inclosure. 2.)—*The Earl of Clancarty to M. Le Baron de Nagell.*  
Brussels, February 22, 1823.

THE Undersigned, &c. &c., regrets the necessity under which he has received the commands of The King, his Master, again to address M. de Nagell upon the subject of the Slave Trade.

From information received by his Court, he has been directed to state, that contraband importations of Slaves still continue to take place in the Colony of Surinam.

He has the honour herewith to inclose, for the information of this Government, the Copy of a Deposition taken upon this subject in the Colony, and also the Copies of two Letters, the last addressed to the Governor, from Captain Edwins Rich, of His Majesty's Sloop of War, the *Bustard*.

These Papers give sufficient reason to fear, that a Vessel, named the *Hermaphrodite*, has succeeded in disembarking a very considerable number of Slaves at Surinam.

Upon receiving this information, (the whole of which was imparted to him) the Governor immediately sent down a party of Soldiers to the spot: the Vessel had, however, disappeared before their arrival, but, from the appearance of a Negro Encampment upon the shore, there seems to have been sufficient reason to apprehend that she had succeeded in disembarking her cargo. Exertions were made, and with the assistance of Heimraad, to discover and trace the Parties concerned in this transaction, and to gain information as to the Person or Persons in whose power or custody the newly landed Negroes were; but these had proved ineffectual.

Whether the attempt of effecting a contraband landing of Slaves, recorded in the above information, was successful or not, this Government will not fail to deduce from it:

First, and principally, the necessity of adopting Slave Registries, from whence alone all illicit additions to the Slave population can be effectually detected.

Secondly, and more especially, till these Registries shall come into full operation, the policy of endeavouring to prevent all attempts to land cargoes of Negroes on the Coast, and stationing a sufficient number of Ships of War upon the Coast, with orders to the Governor to employ them in watching the Coast, and in preventing all illicit



debarkations of Slaves. Upon this last subject it appears, by the information received by the British Government, that, subsequently to the month of May last, no Dutch Man of War has appeared upon the Surinam Station, and that His Excellency the Governor declares his utter inability to prevent the continuance of a clandestine Slave Trade without naval assistance.

From the great length of the Coast of Surinam, and the number of creeks distant from observation, it is indeed self evident, that till the establishment and full operation of Colonial Registries of Slaves, it would be impossible to prevent the clandestine introduction into that Colony, except by adequate naval means. And though such means, at the disposal of the former Governor, were unexercised by him, hopes are entertained that in the hands of M. de Veer, such essential aid may become effectual.

Another instance of a very considerable debarkation of Slaves on the Coast of Surinam, and the fact of which cannot be controverted, will appear from the inclosed Copy of a Letter from the Lieutenant Governor of Berbice to Earl Bathurst, and the Copy of the Log-book of The United States Ship *Olive Branch*, therewith conveyed; whence it will appear that, from the 15th to the 17th of November last, some 500 new African Negroes were landed in that Colony.

The Undersigned is well assured that these facts will induce immediate and adequate exertions upon the part of this Government to obviate the evil. He has had the honour to suggest for the consideration, and as he hopes for the adoption, of His Netherlands Majesty, the means by which it may be effectually prevented in future; and relying upon the sincere and strenuous co-operation of this Court with that of Great Britain, by the adoption of those Measures which have from experience been found adequate to effect the object in view, he trusts that the Subjects of both may be absolutely deterred from taking any part hereafter in a Trade which is a disgrace to all humanity.

He has the honour to be, &c.

H. E. Le Baron de Nagell.

CLANCARTY.

No. 41.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Mar. 8.)

SIR,

Brussels, February 25, 1823.

I HAD the honour of receiving your Despatch of the 18th instant, (with its Inclosures) on the 21st instant.

By this I am commanded to communicate the Papers, therewith transmitted, to The Netherlands Government, and to request them to send out to their Colonial Authorities, directions to take measures for preventing the intended infraction of the Treaty.

As the *Aurora* is stated in Mr. Hesketh's Letters to have sailed from Maranhao for Surinam on the 13th of December last, I should fear, that no orders, however expeditiously forwarded from hence, could now

reach Surinam, in sufficient time to have any effect in impeding the object of that voyage, whether the suspicions entertained of it were correct or otherwise.

The Letter from Mr. Hesketh to the Commissary Judge at Surinam, dated 19th December 1822, it is, however, to be hoped, may have arrived at its destination early enough to warn the Colonial Authorities at that Settlement, and to induce them to adopt efficient measures to prevent any illicit debarkation of Negroes on the Coast, which might have been the intended purpose of that voyage.

The Note of which the accompanying Paper is a Copy, has been addressed by me to M. Le Baron de Nagell upon this subject, in consequence of your Instructions, and with it were transmitted to His Excellency, Copies of Mr. Hesketh's Letters conveyed to me in your Despatch.

I am, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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(*Inclosure.*)—*The Earl of Clancarty to M. Le Baron de Nagell.*

*Brussels, February 23, 1823.*

THE Undersigned, &c. &c. has the honour to state to His Excellency M. de Nagell, that he has received Instructions to communicate the accompanying Papers, in which strong grounds of suspicion were conveyed that a Dutch Schooner, the *Aurora*, C. H. Andres, Master, belonging to Surinam, has been, and probably is employed in smuggling Negroes into that Colony. The Undersigned is further instructed to request, that such directions may be sent out by this Government to its Colonial Authorities as may induce a sufficient degree of vigilance over this Vessel in particular, and also the adoption of all necessary Measures for preventing any infraction or intended infraction of the Treaty.

The Undersigned, &c.

*His Excellency M. Le Baron de Nagell.*

CLANCARTY.

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No. 42.—*The Earl of Clancarty to Mr. Secy. Canning.*—(*Rec. Mar. 8.*)

SIR,

*Brussels, February 25, 1823.*

HIS Majesty's Ratification of the further Additional Article to the Treaty of the 4th of May 1818, signed at Brussels on the 25th ult. arrived here on the 23d instant.

In pursuance of your Instructions I have this morning exchanged this Ratification against that of The King of The Netherlands, which is herewith transmitted, together with the usual Certificate of the said exchange having been duly made, signed and sealed by M. Le Baron de Nagell and me, a Duplicate of which was at the same time executed and delivered to His Excellency.

I have the honour to be, &c.

*The Rt. Hon. George Canning.*

CLANCARTY.

No. 43.—*The Earl of Clancarty to Mr. Secy. Canning.*—(*Rec. Mar. 24.*)  
*Sir,* *Brussels, March 21, 1823.*

I HAVE the honour to refer you to my Despatch of the 25th of February last, and to the Copy of the Note (therewith transmitted) addressed by me, under your Instructions, to M. Le Baron de Nagell on the 23d ult. respecting the suspicions entertained of the Dutch Ship *Aurora*, C. H. Andres, Master, being engaged in an illicit Trade in Slaves between Brazil and Surinam.

The Answer of The Netherlands Government to this Note was received by me on Wednesday evening last; a Copy of it is herewith inclosed for your information, and it appears to me to afford all the assurance we could have expected in this instance.

I remain, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Bruxelles, le 19 Mars, 1823.*

Le Soussigné, &c. a eu soin de mettre sous les yeux du Roi, son Maître, les Documents que Son Excellence Le Comte de Clancarty, &c. lui avait fait l'honneur de lui communiquer le 23 Février dernier, et suivant lesquels le Navire *P'Aurore*, Capitaine C. H. Andres, est soupçonné de servir à introduire frauduleusement d'un des Ports du Brésil, des Nègres à Surinam; ainsi que la demande d'expédier à cette Colonie l'ordre de surveiller particulièrement le navire susdit et de prendre les mesures propres à prévenir la contrebande dont on le soupçonne.

Le Soussigné vient d'être chargé d'informer Son Excellence Le Comte de Clancarty, que Le Roi, déférant à cette invitation, a autorisé le Ministre des Colonies d'enjoindre au Gouverneur de Surinam de faire du navire *P'Aurore*, l'objet d'une stricte surveillance.

*Le Comte de Clancarty.*

A. W. C. DE NAGELL.

No. 44.—*Mr. Secretary Canning to The Earl of Clancarty.*

MY LORD,

*Foreign Office, March 23, 1823.*

I INCLOSE to Your Excellency the Copy of a Letter of the 23d of December 1822, from His Majesty's Commissary Judge at Surinam, stating that in the month of November last the American Schooner *Olice Branch*, Captain Boyd, was forcibly employed in landing a cargo of 500 African Slaves, about 20 miles to windward of Bram's Point in the Colony of Surinam.

Your Excellency will have the goodness to communicate these facts to The Netherlands Government. It is hoped that such orders will be forthwith issued thereupon, to their Colonial Authorities, as the case appears to require, and as may prevent the recurrence of these flagrant infractions of the Treaty between the Two Countries.

I am, &c.

*The Earl of Clancarty, G. C. B.*

GEORGE CANNING.

No. 45.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Mar. 31.)  
SIR, *Brussels, March 28, 1823.*

REFERRING you to my Despatch of the 3d of December last year, and to the Copy of the Note, therewith inclosed, addressed by me to M. Le Baron de Nagell on the 30th of November 1822, in obedience to your preceding Instructions; I have now the honour to transmit, for your information, the Copy of a Note from His Excellency, dated and received on the 26th instant, conveying a preliminary Answer upon the subject of the Communication made by me to this Government, in consequence of Mr. Lefroy's Reports of September last from Surinam.

I have further, and in addition to the Papers above referred to, to solicit your attention to a Note addressed by me to M. Le Baron de Nagell on the 22d of last month, a Copy of which was transmitted for your information in my Despatch of the 25th of February of this year.

As arising out of these Documents, a second Note, dated the 26th instant, was received by me from His Excellency on that day.

This likewise is of a preliminary nature, referring to expected Intelligence from Surinam, for the purpose of thereon founding a final Answer.

The Paper herewith inclosed is a Copy of this last Note.

I am, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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(Inclosure 1.)—*The Baron de Nagell to The Earl of Clancarty.*

*Bruxelles, le 26 Mars, 1823.*

LA Note que Son Excellence Le Comte de Clancarty. &c. a fait l'honneur d'adresser au Soussigné le 30 Novembre dernier, a été soumise de suite au Roi, et communiqué par ordre de Sa Majesté au Ministre des Colonies pour réquerir ses informations.

Cet Office coïncide pour l'essentiel, avec les rapports du Gouverneur de Surinam, quant au trafiquant d'Esclaves *Beverley*.

Seulement on devrait inférer que le Fiscal aurait restitué, sous caution, les Nègres au Consignataire; tandis que par les rapports du Gouverneur De Veer, qui vont jusqu'au 30 Septembre 1822, mais qui n'ont été reçus ici qu'au mois de Février dernier, le Fiscal doit avoir demandé un détachement pour aller au Plantage *Good Inters*, dans le District *Nickerie*, enlever ces Nègres qu'on présumait pouvoir s'y trouver. Ce détachement se rendit de suite à Nickerie: mais ici se terminent les rapports, ou proprement le Journal du Gouverneur, et oblige d'en attendre la suite pour apprendre le résultat des perquisitions, et si les Nègres ont pu être séquestrés ou non par le Fiscal.

Le journal du Gouverneur pour le dernier trimestre de 1822, donnera donc vraisemblablement des éclaircissemens à ce sujet: mais aussi jusqu'à cette époque, il est impossible de répondre positivement à cette partie de l'Office de Son Excellence Le Comte de Clancarty.



Il en est de même par rapport à la demande, s'il y a eu d'autres Sujets Anglais impliqués dans l'affaire de Beverley; le Ministre des Colonies doit attendre d'être instruit du résultat des procédures, qui se poursuivent contre le présumé: les pièces même du procès fourniront les renseignemens désirés par Son Excellence.

En attendant donc l'arrivée de toutes les informations ultérieures, concernant les divers objets de l'Office précité de Son Excellence, le Soussigné a été chargé de lui communiquer provisoirement ces éclaircissemens en se référant d'ailleurs à la Note ci-jointe.

Il a, &c.

S. E. Le Comte de Clancart j.

A. W. C. DE NAGELL.

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

*Bruxelles, le 26 Mars, 1823.*

SON Excellence Le Comte de Clancarty, &c. &c. par la Note qu'il a fait l'honneur d'adresser au Soussigné le 22 Février dernier, a communiqué la nouvelle arrestation de Charles Beverley, qui s'était évadé de sa prison à Surinam, et transmet les représentations du Gouvernement Anglais, contre l'intention présumée des Autorités Coloniales de ne pas poursuivre cet Individu comme trafiquant d'Esclaves; réclame en ce cas son extradition comme sujet Anglais; demande l'affranchissement des Esclaves repris sur lui; et enfin en prend occasion pour insister de nouveau sur la nécessité de l'établissement de Régistres d'Esclaves, à l'instar de ceux adoptés par le Gouvernement Anglais, dont Son Excellence communique les Règlemens.

Le Gouvernement des Pays-Bas n'a pu qu'apprendre avec satisfaction, la nouvelle preuve de vigilance déployée par le Gouverneur de Surinam, et que les Mesures telles qu'il les avait mises en usage, avaient été suffisantes pour atteindre leur but. Mais il se voit obligé, d'ailleurs, à se référer à l'Office de ce jour, dans lequel il lui communique que les rapports reçus du Gouverneur De Veer, ne vont que jusqu'au 30 Septembre 1822, et qu'aussi long-tems que des informations officielles ultérieures ne seront pas parvenues au Gouvernement des Pays-Bas, il lui est impossible de donner encore de réponse définitive, tant au sujet des poursuites contre Beverley, qu'à l'égard du recouvrement et de la destination de ses Nègres.

Cependant, d'après l'intérêt que le Gouvernement Anglais annonce prendre à l'affaire, Le Roi a ordonné d'anticiper à cet égard, sur la réception des rapports attendus; et d'en faire l'objet immédiat d'une Correspondance avec le Gouvernement de la Colonie. Si, contre toute attente et même toute probabilité, les informations requises ici, pouvaient confirmer les présomptions que la fraude de Beverley resterait impunie, le Gouvernement Anglais peut être sur qu'il trouvera celui des Pays-Bas pleinement disposé à justifier par la promptitude et la

nature de ses Mesures, sa fidélité à maintenir ses engagements avec l'Angleterre.

L'établissement des Régistres d'Esclaves à Surinam, recommandé par le Gouvernement Britannique, n'a pas moins fixé l'attention de Sa Majesté; et le Ministre des Colonies a été autorisé, en conséquence, de réquerir au plus tôt du Gouverneur et de la Cour de Police de Surinam, toutes les informations propres à éclairer et à diriger le Gouvernement dans ses délibérations sur cet objet, dont le résultat sera communiqué au Gouvernement Anglais.

Le Soussigné, &c.

S. E. Le Comte de Clancarty.

A. W. C. DE NAGELL.

No. 46.—*The Earl of Clancarty to Mr. Secy. Canning—(Rec. April 5.)*

SIR,

Brussels, March 31, 1823.

HEREWITH inclosed I have the honour to transmit, for your information, the Copy of a Note, dated and received by me the day before yesterday, from M. Le Baron de Nagell.

This Note, so far as it relates to an alledged disembarkation of Negroes on the Coast of Surinam, from the Ship *Hermaphrodite*, and also to the application therein made for a Dutch Naval force to be sent to Surinam, is an answer to my Note of the 22d of February last, a Copy of which was forwarded to you with my Despatch of the 25th ultimo.

Upon the first of these subjects this Court seems, from the Report of their Governor of Surinam, to draw the conclusion, that though an illicit attempt to introduce Slaves into that Colony from the *Hermaphrodite*, might have been made, yet that it had altogether proved abortive.

Between the evidence stated in M. de Nagell's Note, as received from the Governor, and the facts connected with this Case, as conveyed by Mr. Lefroy's Despatch to Mr. Planta of the 24th of October 1822, there appears to be no essential variance; and though from these it might on the one hand, be too much absolutely to conclude that the negative proof was completely established; yet on the other hand, there certainly exists no evidence hitherto furnished by which any introduction of Slaves from the *Hermaphrodite* can be assumed as proved. The main fact is still doubtful.

Two advantages, however, have proceeded from this Case; the one, that it has additionally furnished a potent argument in favour of Colonial Registries; the other, that the conduct of the Governor of Surinam seems to have been marked with all the zeal upon this occasion, which the circumstances would admit, or which could have been reasonably expected.

Upon the second part of M. de Nagell's Note, it seems that there is a thorough agreement with us, in the necessity of having a Dutch Na-

val Force stationed at Surinam; that the temporary absence of such Naval Force was merely accidental, and that means had already been taken to supply this defect.

Upon the whole, I am inclined to look upon this, in conjunction with His Excellency's two Notes of the 26th instant, Copies of which were forwarded in my Despatch of the 28th, as far as they proceed, with satisfaction; because they seem to me, to indicate an increasing desire upon the part of this Government loyally to co-operate in the execution of their Treaty with us.

I remain, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Bruxelles, le 29 Mars, 1823.*

LE Roi, sous les yeux duquel le Soussigné avait placé la Note que Son Excellence le Comte de Clancarty, &c. &c. lui a fait l'honneur de lui adresser le 22 Février dernier, en a fait de suite donner communication au Ministre des Colonies, et requis son rapport au sujet des plaintes, que cet Office renouvelle contre le Trafic illicite des Esclaves à Surinam.

L'Office de Son Excellence transmettait divers Documens destinés à constater l'existence de ce trafic, et relevait l'impossibilité de s'y opposer à moins de l'envoi d'une force navale, et de l'établissement de Régistres d'Esclaves.

Le débarquement supposé d'un certain nombre d'Esclaves par le Navire l'*Hermaphrodite*, est le fait le plus positif que la Note articule; c'est aussi le seul sur lequel le Gouverneur *De Veer*, dans sa Dépêche du 31 d'Octobre de l'année passée (mais qui n'a été reçue qu'au mois de Février dernier) fournisse quelques informations. Jusques ici le Ministre des Colonies n'a aucune connoissance des autres inculpations; et dans l'attente des lumières que les rapports ultérieures attendus de Surinam pourront donner sur elles, c'est donc à ce fait unique qu'il s'est vu obligé de se restreindre.

Selon la Dépêche précitée du Gouverneur *De Veer*, au commencement du mois d'Octobre dernier, un Bric de Guerre Anglais fut signalé à l'embouchure de la rivière de Surinam: le 8 du même mois, le Sieur Lefroy, Juge en la Cour Mixte, accompagné du Commandant du Bric, se rendit auprès du Gouverneur, et lui donna connaissance par écrit des motifs qui faisaient soupçonner qu'un bâtiment sous Pavillon Français, ancré à la hauteur de la Crique Warappa, aurait l'intention de débarquer frauduleusement des Nègres.

Le Gouverneur envoya sans délai un détachement sur les lieux, avec ordre de s'opposer à tout débarquement, et, supposé qu'il s'en fut déjà effectué avant son arrivée, d'aller à la recherche, et dans tous les cas de ne revenir qu'après s'être assuré du départ du navire suspect.

Le rapport de l'Officier Commandant fut, que sa course avait été infructueuse, qu'il n'avait rien découvert, que les patrouilles le long de la Côte entre Warappa et Matopicea n'avoient trouvé que quelques vestiges d'une espèce de campement, au sujet desquels ni les perquisitions ouvertes, ni les informations recueillies sous main, auprès de quelques Nègres des Plantations du Voisinage, dans l'espérance que ceux-ci seraient le plus en état et le mieux disposés à faire des révélations, avaient abouti à rien. Le Gouverneur De Veer, n'en avaient pas moins cru devoir communiquer ces détails et ces présomptions aux Autorités des Endroits désignés, avec l'ordre de renouveler les perquisitions dans tout le District, mais le résultat en avait été également infructueux, et tous les renseignemens donnés furent reconnus inexacts. Le Gouverneur en informa par écrit le Juge Lefroy, en lui exprimant sa satisfaction que les soupçons ne se fussent pas réalisés, mais que c'était un nouvel avertissement du peu de fond qu'il y avait à faire sur les informations reçues.

L'activité et le zèle du Gouverneur ont remplis les Ordres réitérés du Roi, de s'opposer avec toute l'énergie possible au Trafic des Esclaves, lui ont mérité les éloges du Gouvernement Anglais. Et il n'y a aucun lieu de douter, qu'il n'approfondisse, avec le même soin les autres présomptions mentionnées dans l'Office de Son Excellence Le Comte de Clancarty.

Quant aux deux moyens de répression proposés dans cet Office, le Soussigné se permettra de se référer à sa Note du 26 de ce mois, pour ce qui regarde l'établissement de Régistres d'Esclaves, et se bornera ici à l'article de la nécessité d'une Force Navale.

Il peut avoir l'honneur de communiquer à Son Excellence que l'envoi d'un Batiment armé dans ces parages a déjà été prescrit il y a longtems, et sans l'accident arrivé au Bric *De Merhuur*, qui a été jeté à la côte à Curaçao, le Bric *De Zwalurr* aurait pu remplir pleinement sa destination primitive pour Surinam, mais quoi qu'il en soit, par le départ du Bric *De Eendragt*, et l'envoi d'hommes pour le complètement de l'équipage du Bric *De Kempphaan*, tous les obstacles qui ont empêché le batiment De Zwalurr, de se rendre à Surinam doivent avoir été levés, et le Gouverneur De Veer se trouvera en état d'opposer la surveillance maritime désirée aux tentatives frauduleuses, contre lesquelles le Gouvernement Anglais a cru devoir appeler de nouveau l'attention du Gouvernement des Pays-Bas.

Le Soussigné, &c.

S. E. Le Comte de Clancarty.

A. W. C. DE NAGELL.

No. 47.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. April 7.)  
(Extract.) *Brussels, April 4, 1823.*

I HAD yesterday the honour of receiving your Despatch of the 25th of March, with its Inclosures.



The only new fact which the Inclosures in that Despatch contain, is, that the landing of the Slaves was effected upon a particular Point of the Coast, viz. about twenty miles to the Westward of Bram's Point.

In the Note which I have addressed to M. de Nagell upon this subject, (a Copy of which is herewith inclosed), I have pointed out the additional fact, and endeavoured to press the whole of this subject, already under their consideration, upon the serious attention of this Court.

I remain, &c.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Brussels, April 3, 1823.*

THE Undersigned, &c. &c. has the honour to refer M. de Nagell to the latter part of a Note addressed to His Excellency by the Undersigned, upon 22d February last, and to the two Inclosures therewith transmitted, respecting the debarkation of about 500 new African Negroes, in the month of November last, in the Colony of Surinam. The accompanying Copies of Letters upon this subject have subsequently been received by His Majesty's Government, from the British Commissary Judge at that Settlement; and the Undersigned has received the Commands of The King, his Master, to communicate the facts therein conveyed to The Netherlands Government, as serving to confirm the contents of the Inclosures transmitted in the Note above referred to, with the additional information, that the debarkation of these new African Negroes upon the Coast of Surinam, was effected about twenty miles to the Westward of Bram's Point.

As the facts of this Case are incontrovertible, the Undersigned has been instructed to press it most seriously upon the attention and immediate exertion of this Government; to express the anxious hope of that of Great Britain, that such orders will be issued thereupon to The Netherlands Colonial Authorities, as the case appears to require, and as may prevent the recurrence of such infractions of the Treaty between the Two Countries; and he has further to request the attention of this Court to the reference made, in both his Notes of the 22d February last, to the establishment of Colonial Registries, as a measure by which, in conjunction with the strenuous efforts of the Government, and of their Authorities in their Settlements, effectual advantage may be derived in putting down this execrable Traffick.

The Undersigned, &c. &c.

*His Excellency M. le Baron de Nagell.*

CLANCARTY.

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No. 48.—*The Earl of Clancarty to Mr. Secy. Canning.*—(Rec. Apr. 10.)  
(Extract.) *Brussels, April 8, 1823.*

I SEND herewith, for your information, the Copy of a Note received by me on Saturday last from M. Le Baron de Nagell.

*The Right Hon. George Canning.*

CLANCARTY.

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

*Bruxelles, le 5 Avril 1823.*

LE 19 Mars dernier, le Soussigné a eu l'honneur d'informer Son Excellence le Comte de Clancarty, &c. que Le Roi déferant à l'invitation du Gouvernement Anglois, venait de faire recommander par le Ministre des Colonies, au Gouverneur De Veer à Surinam, la surveillance particulière du Navire *l'Aurore*, Capitaine C. H. Andres, Maître, soupçonné de vouloir introduire frauduleusement des Esclaves dans cette Colonie.

Par les Dépêches de ce Gouverneur, en date du 15 Janvier 1823, reçues dans l'intervalle, il avait déjà prévenir à cet égard les ordres de Sa Majesté.

Il y fait rapport que le Sieur Lefroy, Juge Anglois en la Cour Mixte à Surinam, lui avait donné connoissance par écrit, que, selon des avertissemens dignes de foi, mais dont il ne lui était pas permis de révéler la source, le Capitaine Andres, pendant sa relache à Maranham, aurait annoncé l'intention d'attendre dans ce Port un Navire Négrier Portugais, dont il transporterait à son bord des Esclaves pour les introduire en fraud à Surinam.

Qu'il fit réponse au Juge, que bien que des informations anonymes, et des discours du Capitaine Andres à un tiers, ne fussent pas des preuves démonstratives; néanmoins la nature de ces inculpations, était trop grave pour ne pas engager à prendre les plus rigoureuses précautions :—qu'à cet effet, il avait de suite transmis au Fiscal, Copie de la Lettre du Sieur Lefroy, ainsi que d'une Proclamation antérieure de la Cour de Police de Demerary, y annexée, laquelle promettait 500 livres sterlings, de récompense aux dénonciateurs de ces sortes de tentatives; autorisant le Fiscal à instituer les perquisitions les plus exactes pour parvenir à la découverte, la conviction et le châtimement des infracteurs de la Loi contre ce barbare Trafic; et pressa le Sieur Lefroy de le mettre en état de procurer au Fiscal des renseignemens propres à seconder ses enquêtes.

Son Excellence Le Comte de Clancarty est invité à vouloir bien communiquer à son Gouvernement cette nouvelle preuve du zèle du Gouverneur De Veer qui, sans s'arrêter à l'absence de preuves dans les informations du Sieur Lefroy, avait rempli spontanément les Instructions, et les ordres itératifs du Roi, de surveiller énergiquement le Trafic des Esclaves dans la Colonie de son ressort.

Le Soussigné, &c,

*S. E. Le Comte de Clancarty.*

A. W. C. DE NAGELL.

No. 49.—*Mr. Secy. Canning to The Lords Commissioners of the Admiralty.*

MY LORDS, *Foreign Office, April 19, 1823.*

IN reference to the Letter addressed by the late Marquess of Londonderry to Your Lordships on the 19th of February 1819, inclosing Copies of certain Treaties entered into with Foreign Powers for preventing illegal Slave Trade; I furnish Your Lordships with 50 Copies of Articles Signed at Brussels, December 31, 1822, and January 25, 1823, Explanatory of, and Additional to, the Treaty concluded at The Hague, May 4, 1818, between His Majesty and The King of The Netherlands for the prevention of that Traffick.

I am to signify to Your Lordships The King's commands, that you do issue to the Officers commanding His Majesty's Ships and Vessels, such Instructions, in conformity with the purport of these Articles, as shall be judged necessary for more effectually carrying into execution His Majesty's intentions in the Stipulations therein recorded.

I have the honour to be, &c.

*The Lords Commrs. of the Admiralty.* GEORGE CANNING.

No. 50.—*Lord Francis Conyngham to Robert Wilmot, Esq.*

SIR, *Foreign Office, April 19, 1823.*

IN reference to the Letter from this Department of the 19th of February 1819, inclosing, for the information of Earl Bathurst, Copies of the Treaties entered into with Foreign Powers for preventing illegal Slave Trade:—I am directed by Mr. Secretary Canning to send to you the 10 Copies accompanying this Letter, of Articles signed at Brussels, December 31st 1822, and January the 25th 1823, Explanatory of, and Additional to, the Treaty concluded at The Hague, May the 4th 1818, between His Majesty and The King of The Netherlands, for the prevention of that Traffick.

I am to request that you will submit to Earl Bathurst the propriety of communicating these Articles to the Colonial Authorities at Sierra Leone, and in the neighbourhood of Surinam.

I am, &c.

*Robert Wilmot, Esq.* FRANCIS CONYNGHAM.

No. 51.—*J. W. Croker, Esq. to Lord Francis Conyngham.*

MY LORD, *Admiralty Office, April 21, 1823.*

IN reference to Mr. Secretary Canning's Letter to My Lords Commissioners of the Admiralty of the 19th instant, transmitting Copies of some Explanatory and Additional Articles to the Treaty concluded with The King of The Netherlands on the 4th of May 1818, for the prevention of the Traffick in Slaves, I am commanded by My Lords to acquaint you, for the information of Mr. Canning, that their Lordships have instructed the Commanding Officer of His Majesty's Ships on the Coast of Africa, to observe and carry into effect, so far as depends

upon him, the Stipulations contained in those Articles, and to give corresponding Instructions to the Commanders of the Vessels under his orders; and that their Lordships have also directed the Vessels, upon other Stations, which, under the Treaty of the 4th May 1818, are furnished with the Instructions relative to Vessels engaged in a Traffick in Slaves under the Dutch Flag, to be supplied with Copies of the Additional Articles for their information and guidance.

I am, &c.

Lord Francis Conyngham.

J. W. CROKER.

## SPAIN.

No. 1.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*  
(Received April 21.)

MY LORD,

Madrid, April 4, 1822.

WITH reference to Your Lordship's Despatch of the 10th ultimo, directing me to make application to the Spanish Government to forward such Instructions to the Captains of the Spanish Navy as may enable them to stop all Ships engaged in the Slave Trade; I have to state that, having spoken to M. Martinez de la Rosa, he desired that I would address him a Note upon the subject, of which the inclosed is a Copy.

He told me last Saturday that he had referred my Note to the Minister of Marine, and that he hoped to be soon able to return me a satisfactory Answer.

I have the honour, &c.

The Marquess of Londonderry, K.G.

LIONEL HERVEY.

(Inclosure.)—*Lionel Hervey, Esq. to Don F. Martinez de la Rosa.*

SIR,

Madrid, March 12, 1822.

I HAVE received Instructions from my Government to express the satisfaction with which His Britannick Majesty has learnt, that the Spanish Commissioners at The Havannah have received Orders from their Government 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 Intendants, with directions to communicate the same to the several branches of their respective Departments.

As, however, His Britannick 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 of the Treaty; I am directed to suggest to Your Excellency the expediency of providing the Commanders of these Vessels with such Instructions forthwith, in order to insure the execution of this important duty.

I trust that Your Excellency will lend us your good offices in the attainment of this object; and avail myself, &c.

*Don F. Martinez de la Rosa.*

LIONEL HERVEY.

No. 2.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*  
(Received May 26.)

(Extract.)

*Aranjeuz, May 12, 1822.*

As soon as I had received the Regulations for the Mixed Commissions, I lost no time in drawing M. Martinez de la Rosa's attention to the suggestion contained in Your Lordship's Despatch of the 22d February,\* as to the expediency of extending the Provisions of the Thirteenth Article of those Regulations, to the *Vacancies* occasioned by any other cause than death. His Excellency, at the time, did not start any objection to the proposed extension, but said that he would advise with his Colleagues upon the measure; expressing, however, a wish that the Commission should be removed from Sierra Leone without delay, as the Place was so unhealthy that the Spanish Commissioners could not be persuaded to remain there.

When I saw M. Martinez de la Rosa at Madrid, yesterday, he requested me to put my Application upon paper. I propose accordingly to address a Note to His Excellency upon the subject.

*The Marquess of Londonderry, K.G.*

LIONEL HERVEY.

No. 3.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*  
(Received June 2.)

(Extract.)

*Madrid, May 20, 1822.*

I HAVE the honour to inclose, for Your Lordship's information, a Translation of a Note, which I have lately received from His Excellency M. Martinez de la Rosa, dated 10th May, by which I am requested to inform His Majesty's Government, that Orders have been already given to furnish all Captains of Spanish Vessels of War with a Copy of the Printed Instructions annexed to the Slave Trade Treaty.

*The Marquess of Londonderry, K.G.*

LIONEL HERVEY.

(Inclosure.)—*Don F. Martinez de la Rosa to Lionel Hervey, Esq.*  
(Translation.)

SIR,

*Palace, May 10, 1822.*

I HAVE the honour to inform you, and to request that you will be pleased to communicate to the British Government, that on the 6th

\* See Netherlands, No. 1.

instant, the Minister of Marine transmitted to the Admiral and Commandant of the Dock Yard at The Havannah, the Order for providing the Captains of the Spanish Vessels of War cruizing off the Barlovento Islands, with the Instructions annexed to the Treaty for the Abolition of the Slave Trade, and for instructing them to observe, most punctually, all the Stipulations of the said Treaty.

Having thus replied satisfactorily to the Note which you were pleased to address to me upon this subject, on the 12th of March last, it only remains for me to renew to you the assurances, &c. &c.

*Lionel Hervey, Esq.*

F. MARTINEZ DE LA ROSA.

No. 4.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*

(Received June 27.)

(Extract.)

*Madrid, June 11, 1822.*

I HAVE the honour to inclose, for Your Lordship's information, a Copy of my Note to M. Martinez de la Rosa, respecting the illegal renewal of the Old Royal *Licences* for Slave Ships, by Spanish Colonial Authorities; together with a Translation of His Excellency's Answer, which is of a very satisfactory nature.

*The Marquess of Londonderry, K. G.*

LIONEL HERVEY.

(Inclosure 1.)—*Lionel Hervey, Esq. to Don F. Martinez de la Rosa.*

*Madrid, May 24, 1822.*

THE Undersigned, &c. has received Instructions from his Court, to call the attention of His Catholick Majesty's Government to a very considerable Abuse practised by the Colonial Authorities of Spain, with respect to Passports formerly granted by the Spanish Government, for carrying on the Slave Trade, previous to its entire Abolition by that Power.

This abuse consists, as will appear by the annexed Inclosures, in the renewal of the Royal Passports of the legitimate Traffick, for fresh Voyages, by means of Notes or Memoranda, indorsed or subjoined, bearing the Signature of the Local Authorities, and assigning some colourable pretext for the assent of these Authorities to this evasion of the Engagements of their Sovereign.

The Undersigned is fully convinced, that he has only to make known to the Ministers of His Catholick Majesty the Abuses which thus exist, in order to induce them to issue immediate and positive Orders to their Colonial Authorities, to discontinue a practice which, if persevered in, would render ineffectual 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 by the Treaty of 1817.

The Undersigned, &c.

*Don F. Martinez de la Rosa.*

LIONEL HERVEY.

(Inclosure 2.)—*Don F. Martinez de la Rosa to Lionel Hervey, Esq.*

(Translation.)

SIR,

Palace, June 3, 1822.

I HAVE received the Note which you were pleased to address to me on the 24th of last May, complaining of an Abuse on the part of the Authorities in the Island of Cuba, in renewing, by means of Marginal Notes, on different pretexts, the Old Royal Licences for carrying on the Slave Trade.

The King, to whom I have had the honour of submitting this Reclamation of the British Government, desirous of fulfilling most scrupulously all the Stipulations of the Treaty for the Abolition of the Slave Trade, has commanded me to send out (as I have done this very day,) the most positive Orders for preventing any repetition of similar Abuses, and for examining most severely into the conduct of any Persons who may in future be found guilty of such criminal proceedings.

I have, &c.

*Lionel Hervey, Esq.*

F. MARTINEZ DE LA ROSA.

No. 5.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*

(Rec. June 27.)

(Extract.)

Madrid, June 13, 1822.

I HAVE the honour to inclose the Copy of a Note which I addressed to Don F. Martinez de la Rosa, on the 11th of last Month, together with His Excellency's Answer.

As soon as I received this Note, I drew up a Declaration, of which the inclosed is a Copy, and proposed it to him, the day before yesterday, for his Signature. His Excellency made no objection to the wording of the Declaration, but observed that, by an Article of the Constitution, it was indispensably necessary to consult the Council of State, before any Additional Article could be affixed to a Treaty, or any Alteration made in any of its Stipulations.

I replied, that this Declaration only went to the explanation of an Article which had been imperfectly drawn up, and could not be considered as an alteration of, or addition to, the Treaty, but as I found His Excellency still averse to the measure of signing the Declaration, and as he suggested that every object in contemplation would be accomplished by transmitting the Declaration, as I had drawn it up, but without Signature, for the guidance of the Mixed Commissions, I did not press the proposition further, but consented to the alternative of inclosing the Declaration to His Excellency in an Official Note, which he promised to answer in such terms as he thought would prove satisfactory to my Government. I accordingly presented a Note yester-

day, of which the inclosed is a Copy, and I hope to receive the reply in a few days.

*The Marquess of Londonderry, K. G.*

LIONEL HERVEY.

(*Inclosure 1.*)—*Lionel Hervey, Esq. to Don F. Martínez de la Rosa.*  
SIR, *Madrid, May 11, 1822.*

IT having appeared to my Government, by a reference to the Treaty for preventing illegal Traffick in Slaves, signed between the Court of St. James and the Court of Madrid, on the 23d September, 1817, that no provision is made for supplying, temporarily, the Vacancies occurring in the Mixed Commissions from any other cause than death,—as it has already happened at Sierra Leone, and as it may probably happen elsewhere, that a Commissioner from illness is unable to perform his functions,—I have received Instructions to suggest to the Government of His Catholick Majesty, the expediency of extending those Provisions of the Treaty which apply to the temporary Vacancy, occasioned by the death of one or more of the Commissioners, to the cases of absence from illness, or by the permission, regularly notified of their respective Governments. By the Provisions of the Treaty\* the disadvantage, if any should arise, will always fall on the Contracting Party who neglects or delays to supply the Vacancy; and while a sufficient guard is thus placed against the Abuse of this extension of the Stipulations in the case of Vacancy, the arrangement of it may prevent much serious inconvenience which might probably be occasioned by an omission in the Treaty entirely unintentional.

I am convinced that Your Excellency will give your full support to a Measure so consonant to the spirit, and so necessary to the execution, of the Treaty of 1817, and should the Government of His Catholick Majesty view the matter in the same light in which it is here placed, I am authorized to sign a Declaration to the proposed effect. I inclose a Copy of the 13th Article of the Regulations for the Mixed Commissions, to which the above-mentioned extension is suggested, and I have the honour to be, &c.

*Don F. Martínez de la Rosa.*

LIONEL HERVEY.

(*Inclosure 2.*)—*Don F. Martínez de la Rosa to Lionel Hervey, Esq.*  
(*Translation.*)

SIR,

*Palace, June 3, 1822.*

I HAVE had the honour of laying before The King the Note which you were pleased to address to me, by Order of your Court, on the 11th of last May, proposing that the Provisions made by the Slave Trade Treaty, for filling up any temporary Vacancies occasioned by the death of one or more Individuals of the Mixed Commissions established by that Treaty, should be extended to Vacancies occasioned



by absence on account of ill health, or with permission of the respective Governments, notified in due form.

His Majesty, whose constant desire is to oblige His Britannick Majesty's Government, and to fulfil all the Stipulations of the Treaty, has no scruple in agreeing to this Proposition in the terms proposed in your Note; but His Majesty conceives that a friendly Declaration on this Point, made by the Two Governments, would answer all the purposes proposed, without any necessity for adding an Additional Article to the Treaty.

While touching upon this Subject, I am likewise commanded to point out to you, how much it would conduce to the more prompt attainment of the object in question, if the Mixed Commission now residing at Sierra Leone were to be transferred to one of the Canary Islands,—a suggestion which the Spanish Minister in London has already made to His Britannick Majesty's Government: he is likewise authorized to sign any Convention that may be thought necessary for effecting this important change, as the residence of the Commissioners being transferred to one of these Islands, it would be more easy for the Spanish Government to fill up, without delay, any Vacancies that might occur.

I beg, Sir, that you will recommend most earnestly to your Government, this most just consideration, and I take the advantage, &c.

*Lionel Hervey, Esq.*

F. MARTINEZ DE LA ROSA.

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(*Inclosure 3.*)—Proposed *Declaration.*

MUCH inconvenience having arisen from an unintentional omission in the Thirteenth Article of the Regulations for the Mixed Commission, appointed to carry into execution the Stipulations of the Treaty of 1817, for the Abolition of the Slave Trade,—the Governments of the Two Nations have agreed to declare, that all the Provisions of the above-mentioned Thirteenth Article, annexed to the body of the Treaty, and applying to the case of Commissioners removed by death, shall be understood to extend, and shall be applied to all Cases of absence of Commissioners from illness, or from permission, regularly notified, of their respective Governments.

And, in pursuance of this Agreement, the Undersigned have affixed their Seals and Signatures to the present Declaration.

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(*Inclosure 4.*)—*Lionel Hervey, Esq. to Don F. Martinez de la Rosa.*

*Madrid, June 11, 1822.*

THE Undersigned, &c. in consequence of the Note of His Excellency Don F. Martinez de la Rosa of the 3d instant, has the honour to inclose a Draft of the Declaration, which it is proposed to transmit to the Mixed Commissioners for their guidance and observance in the

interpretation and application of the Thirteenth Article of the Regulations for the Mixed Commissions.

The Undersigned has, at the same time, the honour to assure His Excellency, that he will not fail to recommend to the most favourable consideration of His Britannick Majesty's Government, the wish expressed in His Excellency's Note of the 3d instant, that the Commission at present established at Sierra Leone, should be transferred to the Canary Islands. The Undersigned, &c.

*Don F. Martinez de la Rosa.*

LIONEL HERVEY.

*No. 6.—Lionel Hervey, Esq. to The Marquess of Londonderry.*

*(Received June 30.)*

MY LORD,

*Madrid, June 17, 1822.*

I HAVE the honour to inclose the Translation of a Note which I have just received from M. Martinez de la Rosa, in which he signifies the consent of His Catholick Majesty to the extension, proposed by me, in obedience to Your Lordship's Instructions, of the 13th Article of the Regulations for the Mixed Commissions. As I have no doubt that Instructions will be immediately forwarded by Your Lordship to the British Commissioners, to conform to the Stipulations expressed in this amplification of the 13th Article, I shall endeavour to persuade M. Martinez de la Rosa to transmit the same Orders to the Spanish Commissioners, without waiting for the Official Communication of the acquiescence of the British Government in the Measure proposed, which is, indeed, altogether unnecessary, after the notification, on my part, that I was empowered to sign a Declaration to that effect.

I have, &c.

*The Marquess of Londonderry, K.G.*

LIONEL HERVEY.

*(Inclosure.)—Don F. Martinez de la Rosa to Lionel Hervey, Esq.*

*(Translation.)*

SIR,

*Palace, June 17, 1822.*

I HAVE laid before The King the Note which you were pleased to address to me on the 11th instant, in Answer to mine of the 3d currt. inclosing a sketch of the Declaration, which it is proposed to transmit to the Mixed Commissions for their guidance and observance, with respect to the interpretation and application of the 13th Article of the Regulations formed for these Commissions. His Majesty has no objection to adopt the Form which you propose, and, as soon as the British Government informs us that it is about to communicate the Orders in question to its Commissioners, the Government of His Catholick Majesty will immediately transmit similar Orders to the Spanish Commissioners, in order that this proposed Addition to the 13th Article may be instantly carried into effect. I have, &c.

*Lionel Hervey, Esq.*

F. MARTINEZ DE LA ROSA.

No. 7.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*

(Received July 11.)

(Extract.)

*Madrid, June 27, 1822.*

M. MARTINEZ DE LA ROSA has promised me that Orders shall be sent out to Sierra Leone, to conform to the Amendment of the 13th Article of the Regulations for the Mixed Commissions, as drawn up by me and inclosed to Your Lordship in my Despatch of the 13th June.

*The Marquess of Londonderry, K. G.*

LIONEL HERVEY.

No. 8.—*Lionel Hervey, Esq. to The Marquess of Londonderry.*

(Received July 14.)

(Extract.)

*Madrid, June 30, 1822.*

I HAVE the honour to acquaint Your Lordship that His Majesty yesterday gave His sanction to the Criminal Code, which has accordingly been declared by the Cortes to be in force.

It will be in Your Lordship's recollection that the 276th Article of this Code relates to the punishment of all Individuals who may be detected in carrying on the illicit Traffick in Slaves, and is to the following effect :

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 considered as a Fine, besides which they shall be sentenced to ten years hard labour on the Public Works.

The Captains, Masters, and Pilots of Foreign Vessels, which may in like manner introduce Slaves into any of the Ports of the Monarchy, are liable to the same Penalties.

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

*The Marquess of Londonderry, K.G.*

LIONEL HERVEY.

No. 9.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, September 30, 1822.*

I THINK it right to send to you, in order that you may communicate it to the Government of His Catholick Majesty, the accompanying Copy of a Despatch, dated 24th July, 1822,\* and of its Inclosures, from His Majesty's Commissioners, resident at Sierra Leone under the Treaty with Spain for repressing the Slave Trade.

These Papers contain details regarding the Spanish Schooners, *Vecua* and *Icanam*, captured in the River Bonny, on the 15th April last, by the Boats of His Majesty's Ship *Iphigenia*, under a suspicion, which turned out but too true, that the Vessels had disgraced the Spa-

\* See Class B. No. 12.

nish Flag, by an attempt to carry on in that Quarter the prohibited Traffick in Human Beings.

A new and painful aggravation distinguished the enterprize in which the Owners of the *Vecua* and *Icanam* had embarked: these Vessels were armed; were of considerable force; and were fitted out plainly and determinately for the purpose of Slave Trading.

Some circumstances had probably awakened the suspicions of the Officer of His Catholick Majesty, who authenticated their Passport, and the Captain was cautioned by him, in an indorsement on the back of the Passport, "to bear in mind the Penalties attached to the Infingement of the Prohibition imposed by the First Article of the Royal Cedula, dated Madrid, 17th December, 1817, on the purchase of Slaves in any Place within the range of his Destination."

But totally regardless of this humane and honourable caution, on the part of the proper Authorities, the Vessels proceeded on their unlawful expedition, and when met with, had, one of them, 300, and the other 380 Slaves on board.

Each of the Vessels mounted 10 guns, and was well provided with ammunition of all sorts: their Instructions enjoined them to keep company one with the other: the Captain and Crew, whose wages were enormous, but who were to abandon all Claims in the case of Loss or of Capture, covenanted, by mysterious and illegal engagements, to pursue the object of their Voyage "with their utmost efforts, even to the last extremity;" thus in fact assuming the character of Pirates, by proposing to act in forcible defiance of the Law and of Treaty. Nor did they hesitate in pursuing their object to every extremity; they resisted the legal right of Visit, by a Vessel furnished with competent Powers and Instructions, according to the Treaty between Great Britain and Spain; and, by such resistance, caused the death of Two of His Majesty's Subjects, and inflicted wounds on Five other British Seamen.

The gallantry of the Crew of the Boats belonging to His Majesty's Vessel, did, it is true, defeat their combination, after a protracted and severe struggle: but the necessity of discouraging, by the most severe punishment, any repetition of such atrocious proceeding, only becomes the more apparent; and The King trusts, that His Catholick Majesty will, therefore, see the urgency of issuing immediate Orders to the proper Authorities, that the several persons concerned in fitting out and carrying on the Piratical Voyage of the *Vecua* and *Icanam* shall, whenever they shall set foot on the Territory of Spain, be visited with the punishment so justly due to their offences.

I am, &c.

*The Right Hon. Sir W. a Court, G.C.B.*      GEORGE CANNING.



No. 10.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, October 15, 1822.*

You are already aware of the Complaints which have been made by the Spanish and Portuguese Governments, as to the insalubrity of the Climate of Sierra Leone, and the inexpediency of continuing that Settlement as a Residence for the Mixed Commissions, British and Spanish, and British and Portuguese, as well as British and Netherlands, now established there under the Treaties with those Powers for the Prevention of the Illegal Traffick in Slaves.

These representations have induced His Majesty's Government to consider, whether it would be possible to remove the Commission to some Spot, where its residence would be likely to be attended with the same benefit to the objects of the Treaty, as were contemplated, and have been secured by its establishment at Sierra Leone, whilst the health of its Members would not run so much risk from climate. Santa Cruz, in the Island of Teneriffe, has been proposed by the Spanish Government, and St. Jago, one of the Cape Verd Islands, by the Government of Portugal, as a fit Place for the residence of the General Commission.

The Chevalier de Onis, the Spanish Minister at this Court, has lately renewed his Proposition, by presenting to me the Draft of an Article, of which I inclose a Copy.

On due consideration, it has appeared to His Majesty's Government that, considering the Instructions, of which you are in possession, with respect to other Points connected with the Slave Trade, it would be highly inexpedient to enter into a Negociation here on this separate Question. I have, therefore, as you will see by the inclosed Copy of my Note to the Spanish Minister, received The King's Commands to transfer the Negociation to Madrid; and I have in consequence to give to you the following Instructions for your guidance on the subject.

*Teneriffe* is distant upwards of twenty degrees of Latitude, and nearly the same number of degrees of Longitude, from the Bights of Benin and Biafra, the principal scenes of Illegal Traffick.

The *Cape de Verd Islands*, though not at so great a distance from the Coast of Africa, are so remote as to render the voyages of Prizes difficult, expensive, and most probably very wasteful in human lives, owing to the want of sufficient supplies for the Negroes:—and, it is further represented that, at the Cape de Verds, much would not be gained in point of salubrity of Climate. Both Places are out of the Dominion of Great Britain, and are, therefore, decidedly objectionable, as contrary to Treaty.

The renewed expense of fitting up Establishments for the reception of Slaves, would also form an objection of very considerable importance: and the immediate transfer of Slaves to a state of perfect free-

dom from controul, would probably form another ; it would be inconvenient on this account to retain the Slaves in the Island, and they must therefore be sent to some part of the Continent of Africa, at a very considerable expense.

It is also to be observed, that though the Climate of Sierra Leone is unhealthy, yet the unhealthiness of the Town, which proceeds chiefly from the proximity of woods and morasses, is daily lessening, by the gradual removal of the causes of that evil. The general convenience of the Place, for the fulfilment of the objects of the Treaty, is not disputed ; and it is likely to become, every year, more and more fitted for the residence of the Commission.

Upon the whole, therefore, it is the opinion of His Majesty's Government, that the great objects of the Treaty would lose so much of their effect, if the Proposition, either of the Spanish or of the Portuguese Government, were in this point acquiesced in, that I have no option but to instruct you altogether to decline, on the part of Great Britain, the removal of the Commission to either of the Places proposed.

I am, &c.

*The Right Hon. Sir W. a Court, G.C.B.* GEORGE CANNING.

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(*Inclosure 1.*)—*Spanish Projet, presented by the Chevalier de Onis.*  
(*Translation.*)

IN THE NAME OF THE MOST HOLY TRINITY.

HIS CATHOLICK MAJESTY, the King of Spain, and His Majesty, The King of the United Kingdom of Great Britain and Ireland, being persuaded that it is utterly impossible for the Mixed Spanish and British Commission, appointed to take Cognizance of the respective Prizes of Slave Ships, in conformity with Article XII. of the Treaty for the Abolition of the Slave Trade, concluded September 23, 1817, between the Two High Contracting Parties, to continue to reside in the English Settlement at Sierra Leone, on the Western Coast of Africa, by reason of the notorious unhealthiness of the Climate of that Settlement, which has compelled several of the Commissioners, after labouring under grievous maladies, and hazarding the loss of their lives, to quit the above Residence, in order to recruit their health and avoid falling victims to the fatal influence of the endemical disorders of the Country ; His Catholick Majesty, and His Britannick Majesty, being also aware how extremely prejudicial to the sacred cause of the Abolition of the Slave Trade, and to the Persons interested in, as well as to the Crews of, the Slave Vessels, the interruption of the operations assigned to either of the Two Mixed Commissions must prove, on account of the forced absence of some of the Commissioners, and of the involuntary suspension of their Functions ; and Their Majesties, solicitous to obviate for the future so serious an inconvenience, by transferring the Commission, which heretofore resided at Sierra Leone, to

some Place known to combine salubrity, (in which that Place is deficient,) and which humanity renders desirable, with the spirit, if not with the letter, of the terms likewise dictated by the enlightened philanthropy which actuated the High Parties in stipulating that One of the said Commissioners should reside in One of the English Settlements on the Coast of Africa, have named for their Plenipotentiaries, to resolve on what shall be found conducive to the end proposed; namely, His Catholic Majesty, Don Luis de Onis, Knight Grand Cross, &c. and His Britannick Majesty, \* \* who, having exchanged, and found in due form their respective Full Powers, have agreed upon the following Additional Articles to the above Treaty of September 23, 1817.

Article I. Is rescinded so much of the Twelfth Article of the Treaty, dated September 23, 1817, for the Abolition of the Slave Trade, as provides expressly for the Establishment, in a British Possession on the Coast of Africa, of one of the Two Mixed Commissions thereby appointed.

Article II. The Commission established at Sierra Leone shall, pursuant to the above Article of the Treaty concluded in 1817, be removed to a Place which, though not belonging to England, shall unite the objects intended, by that express designation of the Place of Residence for the Mixed Commissions, with the greatest salubrity and convenience of the Individuals composing them.

Article III. The Commission which, up to the present day, was to have resided at Sierra Leone, shall, in consequence, take up its abode at the Town of Santa Cruz, in the Island of Teneriffe, being a situation that possesses all the qualities desired for the purpose by the present Convention.

In Faith whereof, We, &c.

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(*Inclosure 2.*)—*Mr. Secretary Canning to the Chevalier de Onis.*

*Foreign Office, October 11, 1822.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, &c. has the honour to inform the Chevalier de Onis, His Catholick Majesty's Envoy Extraordinary and Minister Plenipotentiary to this Court, &c. that His Majesty's Government have attentively considered the Proposition which the Chevalier de Onis has submitted to him, for the removal from Sierra Leone, to a Colony of His Catholick Majesty, (specifically to the Island of Teneriffe,) of the Residence of the Joint British and Spanish Commissions, at present established at the former Place, for the Adjudication of Vessels found Trading illegally in Slaves;—together with the Draft of the Article to this effect, which M. de Onis states himself to have Full Powers to sign on the part of the Spanish Government.

In the Treaty between this Country and Spain, concluded in the

Year 1817, under which these Commissions were appointed, (which Treaty has, so far as Great Britain was concerned, been sanctioned by an Act of the British Legislature,) it is distinctly provided that "One of the said Commissions shall reside in a Possession belonging to His Britannick Majesty." To satisfy the Treaty, therefore,—the Residence of One of the Commissions under the Treaty being established in the Spanish Colony of Cuba,—it was necessary that a fit Place for the establishment of the other Commission should be found in the Dominions of His Majesty. To remove that Commission into the Dominions of the King of Spain, would be a direct infringement of the Treaty; nor can His Majesty's Government lose sight of the very many and serious inconveniences which would arise from the mere circumstance of removing the Commission from Sierra Leone, its present Place of Residence, even if it were to be transferred to another British Colony.

No Spot could be found so approximate to the Coast where the nefarious Traffick is carried on. The expense which has been incurred in fitting up Establishments for the Slaves in the Town and in the Interior, would, by the proposed removal, be wholly thrown away; those Establishments would be left to ruin, while a new and very considerable expense must be incurred for the like purposes at the Place, wherever it may be, assigned for the future Residence for the Commission. If the Place so assigned should be that proposed by M. de Onis, there would be this additional disadvantage, arising from its confined extent,—that the new Establishments would be framed without the least prospect of their being adequate to the objects for which they would be intended. Further, if the removal from a British Colony could at all be conceded, agreeably to the proposal of M. de Onis for selecting the Island of Teneriffe as the Spot to which the Commission should be removed, the eligibility of that situation must be compared with that of St. Jago, in the Cape de Verd Islands, to which Place the Portuguese Government has (through His Majesty's Chargé d'Affaires at Lisbon,) proposed that the General Commission should be removed.

The above detail will show to the Chevalier de Onis that there are too many considerations connected with his Proposal, to allow of its being singly and separately adopted here, upon a hasty and partial Negotiation.

The Undersigned has already received The King's Commands to instruct His Majesty's Ministers at the Courts of Madrid and Lisbon, to enter into Negotiation upon other points of importance, with reference to the Slave Trade. He submits to the Chevalier de Onis, that this point also should be included in the Negotiations about to be carried on in those Capitals; where it can be considered with a due reference to the others, which relate to the same subject.

Should The Chevalier de Onis agree, as the Undersigned trusts he



will, in this view of what is best to be done with respect to M. de Onís's proposal, the Undersigned will forthwith receive the Commands of his Sovereign for transmitting that Proposal to Sir William à Court, accompanying it with such Instructions as shall enable him to include the settlement of this among the other Arrangements, upon which he is already directed to enter into Negotiation with the Court of Spain, for the more effectual suppression of the illicit Traffick in Slaves: a Traffick which the Undersigned is grieved to say, notwithstanding the solemn Engagements which have been contracted, and the earnest endeavours which have been employed for its entire extinction, still appears unhappily to prevail on the Coast of Africa, to an extent afflicting to humanity. The Undersigned, &c.

*The Chevalier de Onís.*

GEORGE CANNING.

(*Inclsure 3.*)—*The Chevalier de Onís to Mr. Secretary Canning.*

(*Translation.*)

*London, October 14, 1822.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has received the Note which His Excellency The Right Honourable George Canning, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, has addressed to him, under date of the 11th instant, in reply to the Proposals made by the Undersigned, in writing, to the late Marquess of Londonderry, and which he has verbally repeated to His Excellency, respecting the removal of the Mixed Commission established at Sierra Leone, to a more healthy situation; in which Note His Excellency proposes that this subject might form a part of the Negotiations about to be opened in Madrid and Lisbon, where it may be considered under all its bearings with other similar subjects.

The Undersigned will lose no time in communicating to his Government the contents of the above-mentioned Note, and can, in the mean time, assure His Excellency, that he has not the least hesitation in complying with the wishes of the British Cabinet in that respect.

The Undersigned avails himself, &c.

*The Right Hon. George Canning.*

LUIS DE ONÍS.

No. 11.—*Sir W. à Court to Mr. Secretary Canning.*—(*Rec. Nov. 26.*)

(*Extract.*)

*Madrid, October 24, 1822.*

I HAVE the honour to acknowledge the receipt of your Despatches of the 30th September, and of the 4th of October.\*

As I received these Despatches on the morning of the Minister's weekly audience, I lost no time in drawing his attention to their contents. The subject appeared to be quite new to him, and I could draw nothing from him, either favourable or unfavourable, with re-

\* See Netherlands, Nos. 11, 12, and 13.

spect to the Propositions which I was instructed to make ; as he confined himself to a declaration, expressed in very general terms, of the anxious desire of the Spanish Government, to put an end to so inhuman a Traffick, and to the request that I would deliver to him in writing what I had to propose upon the subject.

In consequence of this request, I addressed to him the Two Notes, Copies of which I have, herewith, the honour to inclose.

I have the honour to be, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

(*Inclosure 1.*)—*Sir William à Court to Don E. San Miguel.*

*Madrid, October 20, 1822.*

IN the year 1820, His Britannick Majesty's Ambassador at the Court of Madrid was instructed to bring under the notice of the Spanish Government, a difference of opinion which had arisen as to the Construction to be put upon the Ninth Article of the Treaty for preventing illegal Traffick in Slaves, which enacts, that Ships of War may detain and bring in Vessels suspected of illegal Traffick, *in the event only of Slaves being actually found on board.*

The decision which was at that time given in the Case of a Portuguese Vessel carried into Sierra Leone, shewed, evidently, the necessity of some Explanatory Article, or some extension of the Conditions prescribed by the Ninth Article, as necessary to authorize the detention of Vessels engaged in this inhuman Traffick ; and the British Ambassador was, therefore, directed to urge the Government of His Catholick Majesty to concur in a Declaration, and in corresponding Instructions to its Cruizers and Commissioners, to this effect ; namely, " that if there shall be clear and undeniable Proofs, that a Slave or " Slaves have been put on board a Vessel for the purpose of illegal " Traffick, in the immediate cruize, during which the said Vessel shall " be captured, then, and on that account, according to the true intent " and meaning of the Stipulations of the Treaty, the Vessel shall be " considered as justly detained, and be finally condemned by the " Commissioners."

To the Note of the British Ambassador upon this subject, which was dated the 15th of October, 1820, the Minister for Foreign Affairs replied, in the most satisfactory manner, by a Note, dated the 21st February, 1821, written by the command of His Catholick Majesty, after having heard the opinion of His Council of State. The Proposition brought forward by the British Ambassador was therein fully approved and adopted, and he was requested to transmit to the Spanish Government the precise and literal terms of the extension proposed to be given to the Ninth Article, and of the Instructions to be given to the British Commissioners, in order that exactly the same might be transmitted to those employed in the Service of Spain.

In consequence of this acquiescence on the part of the Spanish Government, the Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has received Instructions from his Government to submit to His Excellency the Minister for Foreign Affairs, the inclosed *Projét* of an Explanatory Article, drawn up in strict conformity with the Proposition already consented to, with the view of insuring the due execution of the Treaty, according to its real spirit and meaning.

Full Powers will be immediately transmitted to the Undersigned, authorising him to sign the Article herewith inclosed, and The King, his Master, doubts not that His Catholick Majesty will promptly issue the same Authority to His Ministers, in order to give full effect to the assurances which His Catholick Majesty has already been pleased to give upon this subject.

The Undersigned avails himself of this opportunity, &c.

*Don Evaristo San Miguel.*

WILLIAM à COURT.

(*Inclosure 2.*)—*Sir William à Court to Don E. San Miguel.*

*Madrid, October 20, 1822.*

In reference to the Conversation which took place on Saturday, between the Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, and His Excellency M. San Miguel, Minister for Foreign Affairs, the Undersigned has the honour to transmit to him the Draft of an Additional Article, which the British Government is desirous of annexing to the Treaty for preventing illegal Traffick in Slaves. The object of this Article is simply to extend the Provisions of the Thirteenth Article of the Regulations for the Mixed Commission, annexed to the said Treaty, which now only apply to the *Vacancies* occasioned by the death of one or more of the Commissioners, to Cases of absence from illness, or permission given by their respective Governments, the same being regularly notified.

As the motives which have induced the British Government to propose this Article to the consideration of His Catholick Majesty's Government, are fully developed in Mr. Hervey's Note of the 11th of May of the present Year, and as their force and justness have been already clearly admitted by the Notes of His Catholick Majesty's Secretary of State, bearing date the 3d and the 17th of the month of June, it remains only for the Undersigned to express his hope, that no objection will be made by the Spanish Government to recording, in the more regular form of an Additional Article, the Regulations already agreed upon.

The Undersigned hopes that His Excellency M. San Miguel will take this proposal into immediate consideration, and favour him with as early an answer as possible.

In the mean time, he has the honour, &c.

*Don Evaristo San Miguel.*

WILLIAM à COURT.

No. 12.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, October 25, 1822.*

I AM sorry to have to call your attention to another daring outrage, as detailed in the inclosed Papers, committed in the month of August 1821, upon the Boats of one of His Majesty's Ships of War, by a Spanish Brig and Schooner, in the River Bonny.

It appears that the *Caridad* and the *El Nucve Virgen*, laden with Slaves, many of which were in the act of jumping overboard (whether voluntarily or from violence is not ascertained) when the Boats of His Majesty's Ship *Myrmidon* hove in sight,—waited until the Boats came within pistol shot, and then commencing a heavy fire of grape and musketry, severely wounded three Officers and one Seaman.

This act of hostile resistance, on the part of a Vessel under the Spanish Flag, to the visit of a British Vessel, which was acting under the Treaty between Great Britain and Spain, is similar to the Case detailed in my Despatch of the 30th ultimo, and proves the necessity of inflicting signal punishment upon the Offenders. I desire that you will call upon the Spanish Ministry to give this redress with the promptness and sincerity which the occasion demands.

I am, &c.

*The Right Hon. Sir W. à Court, G.C.B.*      GEORGE CANNING.

No. 13.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. Nov. 17.)

SIR,

*Madrid October 28, 1822.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th September, detailing the circumstances attending the Capture of the *Vecua* and the *Icanam*, two Spanish Schooners engaged in the Slave Trade.

I immediately addressed a Note upon the subject to the Minister for Foreign Affairs, inclosing a Copy of the Report of the Commissioners, and I demanded in His Majesty's name, that the several Persons concerned in the fitting out and carrying on the Piratical Voyage of the *Vecua* and *Icanam* should be visited with the punishment so justly due to their Offences, whenever they should set foot on the Territory of Spain.

I have the honour to be, &c.

*The Rt. Hon. George Canning.*

WILLIAM à COURT.

No. 14.—*Sir William à Court to Mr. Secy. Canning.*—(Rec. Nov. 17.)

SIR,

*Madrid, October 29, 1822.*

SUBSEQUENTLY to the presentation of the Notes inclosed in my Despatch of the 24th instant, I had another conversation with the Minister for Foreign Affairs, upon the subject of the Two Articles proposed to be added to the Treaty for preventing illegal Traffick in Slaves.

The Minister informed me, that the Council of State must in the



first instance be consulted, and that the Articles must afterwards be submitted to the Representatives of the Nation. He assured me that no time should be lost in transmitting them to the Council, and that I might reckon upon the fullest support of the Government, both there and in the Cortes.

He hoped, he said, that little opposition would be offered to either proposition; but that a certain time must elapse before the regular forms could be gone through.

I have, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

No. 15.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, October 29, 1822.*

IN reference to my Despatches of the 30th ult. \* I inclose to you a Full Power under the Great Seal, authorizing you to conclude certain Additional Articles to the Treaties subsisting between this Country and Spain, for the suppression of the Trade in Slaves.

I am, &c.

*The Right Hon. Sir W. à Court, G.C.B.*

GEORGE CANNING.

No. 16.—*Sir William à Court to Mr. Secy. Canning.*—(*Rec. Dec. 24.*)

(Extract.)

*Madrid, December 10, 1822.*

I HAVE great satisfaction in forwarding to you the Two Additional Articles to the Slave Trade Treaty, which were signed by M. San Miguel and myself this morning.

Having concluded this business, I shall now proceed to give execution to the Instructions contained in your Despatch of the 4th of October. †

*The Right Hon. George Canning.*

WILLIAM à COURT.

No. 17.—*Sir W. à Court to Mr. Secy. Canning.*—(*Rec. Jan. 2, 1823.*)

(Extract.)

*Madrid, December 15, 1822.*

I HAVE submitted the *Proviso*, which His Majesty's Government desires to join to the Explanatory Article, just added to the Slave Trade Treaty, to the consideration of the Spanish Minister, in the Note, a Copy of which I have the honour to inclose.

In the latter Paragraph of this Note, I combat a wish expressed by the Spanish Minister to fix some precise time for the commencement of the operation of the Additional Articles, declaring to him that they must be considered as in force from the day of their Ratification.

*The Right Hon. George Canning.*

WILLIAM à COURT.

\* See Netherlands, Nos. 11 and 12.

† See Netherlands, No. 13.

(*Inclosure.*)—*Sir William à Court to Don E. San Miguel.*

*Madrid, December 14, 1822.*

THE frank and friendly manner in which the Spanish Government met the late Proposals of the British Government, and the happy conclusion of the Two Additional Articles to the Slave Trade Treaty, signed on the 10th instant, induces the Undersigned to hope, that the further Proposal which he is now instructed to bring forward upon the same subject, will meet with an equally favourable reception.

His Excellency M. San Miguel cannot but be aware, that when a Vessel is destined to carry on a Traffick in Slaves, it is fitted up in so peculiar a manner as to exclude every doubt as to the object of its Voyage.

It is indeed quite impossible to imagine any pretext for those arrangements on board a Ship which are calculated for the reception of a *living Cargo*, except the purpose for which they are really destined; and it would be mere mockery to pretend that the purpose so manifested, differs in guilt in any degree from the total or partial execution of it; though by the Treaty, as it originally stood, the actual presence of the miserable victims was held to be necessary to substantiate the charge of trading in them.

The Spanish Government having, by its agreement in the Articles lately proposed, evinced its sincere desire to put an end to this inhuman Traffick, the Undersigned cannot but flatter himself that it will admit, without hesitation, the Supplemental Provision, that the fitting up of the Ship (which may be described in as precise terms as the Spanish Government requires) shall be held to be *primâ facie* evidence of the nature of the cargo.

The burthen of the proof to the contrary must rest with the Captain of the Vessel, who will have to shew, to the satisfaction of the Captors, to what other purpose such fitting can be applicable.

The Undersigned, by order of his Government, incloses the Draft of a *Proviso*, which may either be added as a Clause to the Explanatory Article lately signed, or to the Treaty, as a further Additional Article.

The Undersigned has received Full Powers to affix his Signature to it in either shape, and His Britannick Majesty's Government entertains not the smallest doubt, but that His Catholick Majesty's Government will immediately see the necessity of such a further *Proviso*, and readily concur in its enactment.

The few words which dropped this morning from M. San Miguel, respecting the propriety of fixing some precise period for the commencement of the operation of the lately signed Explanatory Article, make it necessary for the Undersigned to recall to the recollection of His Excellency, that a Law of the Cortes has declared it Felony to

carry on a Traffick in Slaves; and therefore any Declaration, as to the time of the commencement of the operation of this Article, must clearly be superfluous, for as the act against which it provides is in itself illegal and punishable, any delay in the operation of the Explanatory Article, would, by a seeming temporary sanction of the Trade, be in evident contradiction to the Law established by the Cortes. Indeed every consideration of justice and humanity requires, that the execution of the provisions of the Additional Article should date from the day of its Ratification, and that no alteration should be made.

The Undersigned avails himself, &c. &c.

*Don Evaristo San Miguel.*

WILLIAM à COURT.

No. 18.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, December 28, 1822.*

HIS MAJESTY has perceived with satisfaction, by your Despatch of the 10th instant, that you have concluded and signed with the Spanish Minister for Foreign Affairs, the Two Additional Articles to the Slave Trade Treaty of 1817, between The King and His Catholick Majesty.

These Articles, will be forthwith submitted for His Majesty's Ratification, and will be returned to you for exchange as soon as that Act is completed.

I am, &c.

*The Right Hon. Sir W. à Court, G.C.B.* GEORGE CANNING.

No. 19.—*Sir W. à Court to Mr. Secy. Canning.—(Rec. April 5.)*

SIR,

*Madrid, February 23, 1823.*

I HAVE the honour to inform you, that I have exchanged this day with M. San Miguel, in the usual form, the Ratifications of the Explanatory Article, and of the Additional Article, lately added to the Slave Trade Treaty.

I have the honour to be, &c.

*The Rt. Hon. George Canning.*

WILLIAM à COURT.

No. 20.—*Joseph Planta, jun. Esq. to Sir William à Court.*

SIR,

*Foreign Office, May 8, 1823.*

IN reference to your Correspondence respecting the proposed Additional Article to the Slave Trade Treaty, whereby a Vessel fitted out or equipped as a Slave-trader shall be subject, under certain conditions, to capture and condemnation, I am directed by Mr. Secretary Canning to have the honour to transmit to you the Copy of a similar Article, which has been agreed to by The King of The Netherlands, in order that the Spanish Articles may, if possible, be drawn up conformably to it.

Mr. Canning trusts that the fact of such an Article having been agreed to by The King of The Netherlands, and being actually in operation with respect to Vessels under Dutch Colours, will do away

with any hesitation which may exist in the minds of the Spanish Government to sign the Article in question. I am, &c.

JOSEPH PLANTA, Jun.

*His Majesty's Minister in Spain,  
and Chargé d'Affaires at Lisbon.*

No. 21.—*Mr. Secy. Canning to The Lords Commrs. of the Admiralty.*  
MY LORDS, *Foreign Office, May 16, 1823.*

IN reference to the Letter addressed by the late Marquess of Londonderry to Your Lordships, on the 19th of February, 1819, inclosing Copies of certain Treaties entered into with Foreign Powers for preventing illegal Slave Trade, I furnish Your Lordships with 50 Copies of Articles, signed at Madrid on the 10th of December, 1822, explanatory of, and additional to, the Treaty concluded at Madrid on the 23rd September, 1817, between His Majesty and The King of The Spains, for the prevention of that Traffick.

I am to signify to Your Lordships His Majesty's pleasure, that you do issue to the Officers commanding His Majesty's Ships and Vessels, such Instructions, in conformity with the purport of these Articles, as shall be judged necessary for more effectually carrying into execution the intentions of the Stipulations therein recorded.

I am, &c.

*The Lords Commrs. of the Admiralty.* GEORGE CANNING.

No. 22.—*Joseph Planta, jun. Esq. to Robert Wilmot, Esq.*  
SIR, *Foreign Office, May 16, 1823.*

IN reference to the Letter from this Department, of the 19th of February, 1819, inclosing, for the information of Earl Bathurst, Copies of the Treaties entered into with Foreign Powers for preventing illegal Slave Trade, I am directed by Mr. Secretary Canning to send to you the Ten Copies accompanying this Letter, of Articles signed at Madrid on the 10th of December, 1822, explanatory of, and additional to, the Treaty concluded at Madrid on the 23d of September, 1817, between His Majesty and The King of The Spains, for the prevention of that Traffick

I am to request you will submit to Earl Bathurst the propriety of communicating these Articles to the Colonial Authorities at Sierra Leone and in the neighbourhood of The Havannah.

I am, &c,

*Robert Wilmot, Esq.* JOSEPH PLANTA, Jun.

No. 23.—*J. W. Croker, Esq. to Joseph Planta, Jun. Esq.*  
SIR, *Admiralty Office, May 17, 1823.*

IN reference to the Letter from Mr. Secretary Canning to my Lords Commissioners of the Admiralty, of yesterday's date, inclosing



50 Copies of Articles signed at Madrid on the 10th of December, 1822, explanatory of, and additional to, the Treaty concluded on the 23d of September, 1817, between His Majesty and The King of The Spains, for the prevention of an illegal Traffick in Slaves; I am commanded by Their Lordships to acquaint you, for the information of Mr. Canning, that they have issued Copies of these Articles to all His Majesty's Officers who have been furnished with the Treaty of September, 1817, and instructed them to observe and carry into effect such of the Stipulations contained in the said Articles as may concern them.

I am, &c.

*Joseph Planta, Jun. Esq.*

J. W. CROKER.

## PORTUGAL.

No. 1.—*E. M. Ward, Esq. to The Marquess of Londonderry,*  
(Received April 21.)

MY LORD,

*Lisbon, April 6, 1822.*

I HAVE herewith the honour to annex the Reply to the Note, which, in pursuance of Your Lordship's direction, I addressed to M. Pinheiro, respecting Article XIV. of the Regulations of the Mixed Slave Commissions.

M. Pinheiro, whom I have since seen, appears to think that the Declaration or Explanation is unnecessary, as the previous Orders of their respective Governments, authorising Their Consul or other Agent, to name Substitutes in the Cases mentioned, would be quite sufficient, without the formality of a Separate Article or Declaration. He declared, nevertheless, that he should agree to any Article which Your Lordship should please to frame and send out.

I exhibited to him Your Lordship's Despatch, authorizing me to sign a Declaration to the effect required; but he said he should prefer delaying until I had submitted his view of the Case to Your Lordship.

I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

E. M. WARD.

(Inclosur.)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(Translation.)

*Lisbon, March 30, 1822.*

THE Undersigned, &c. having laid before His Most Faithful Majesty the Note addressed to him by Mr. E. M. Ward, &c. under date of the 27th instant, relative to the mode of supplying, in conformity with the Convention, the Vacancies that may take place in the Mixed Commissions, from the temporary impediment of any of the Members

thereof; His Majesty has been pleased to authorize the Undersigned to accede to any just Proposal that shall be made to him on the part of His Britannick Majesty's Government, in addition to the above-mentioned Convention.

The Undersigned, therefore, hopes that Mr. Ward, on receiving from his Government the competent Instructions to this effect, will be pleased to signify to him His Britannick Majesty's pleasure on this subject: it being agreed that Great Britain shall take the lead on this point, inasmuch as the contemplated removal of the Commission, actually established at Sierra Leone, to the Capital of the Cape Verd Islands, placing both the Commissions in Portuguese States,—the Question of supplying Vacancies in the case of impediment, will require especial Provisions on the part of Great Britain alone.

The Undersigned renews, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

*No. 2.—E. M. Ward, Esq. to The Marquess of Londonderry.  
(Received May 10.)*

MY LORD,

*Lisbon, April 27, 1822.*

I HAVE the honour to communicate M. Pinheiro's Reply to the Note which I presented, stating the abuses which were practised under cover of the Portuguese Flag, by Ships carrying on the Slave Trade in the cruel and illicit manner pointed out in the Communication made from the Governor of Sierra Leone to His Majesty's Government. M. Pinheiro assures me, that every possible means shall be adopted in the Foreign Ports of the Portuguese Dominions, for detecting the Ships which are suspected of having traded within the forbidden limits; and he suggests that the British Consuls should be directed to see that the examinations of the Papers and Crews of Ships arriving with Cargoes of Slaves, be duly carried into effect by the Local Authorities of the Portuguese Government. M. Pinheiro further states, that strict Injunctions shall be given to the Authorities in the Cape de Verds, to repress, as far as in their power, the system lately adopted by the Slavers, of importing thither Slaves for the purpose of re-shipping them for Brazil, under the denomination of *Domesticks*; and he takes this occasion to renew a Proposition already made to His Majesty's Government, for removing to the Capital of the Cape Verds, the Mixed Commissions at present established at Sierra Leone, to which he expresses himself particularly anxious of obtaining the decisive consent of the British Government.

I have the honour, &c.

*The Marquess of Londonderry, K.G.*

E. M. WARD.

(*Inclasure.*)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(*Translation.*) *Lisbon, April 26, 1822.*

THE Undersigned, &c. as soon as he received the Note addressed to him by Mr. Ward, &c. under date of the 20th instant, calling the attention of the Portuguese Government to the abuses, as scandalous as they are revolting to humanity, practised by Ships employed in the illicit Traffick of Slaves on the Coast of Africa, lost no time in laying the same before His Most Faithful Majesty, in order that, upon receiving His Royal Commands, he might be enabled to answer, in the most adequate and satisfactory manner, to the just confidence which His Britannick Majesty's Government has placed, in the good faith with which the Portuguese Government has always made it a point of honour, to fulfil exactly, and at all cost, the obligations contracted towards Great Britain; being convinced that such is the means of gaining a right to an Alliance which it prizes above measure, and is above all desirous to preserve. In anticipation of future additional and more direct means for preventing the abuses pointed out in Mr. Ward's Note, His Majesty has ordered, that every Ship entering a Port with a Cargo of Slaves shall be examined, its Passports and Log-book compared, the Deposition of the Crew taken, and the imported Negroes interrogated in their presence by means of proper Interpreters, under such regulations and formalities as shall ensure a means of arriving at the truth.

It being once ascertained that a Ship has been Slaving within the limits prohibited by Law and by the existing Treaties, the guilty Parties shall be transferred, with the Act of Examination, to the Mixed Commission nearest to the Place at which the said examination shall have been made, there to be judged according to the form laid down in the above Conventions.

His Most Faithful Majesty, solely animated with the desire of seeing faithfully performed the dispositions which He has been pleased to sanction in this and other respects, does not hesitate to order it to be declared to His High and Mighty Ally, that Great Britain, being equally with Portugal interested in enforcing the observance of the said Conventions, it is within the competence of British Consular Agents, to see that the Provisions here set forth by the Undersigned, be carried into effect in the several Ports of their residence; and that in consequence, at the same time that His Most Faithful Majesty is about to send Orders to the Local Authorities to proceed to the above mentioned examinations and enquiries, concerning Ships which shall enter with Slaves on board into any Port in the Portuguese States beyond the Seas, His Britannick Majesty will be pleased to send Instructions to the same effect to His Consuls residing in those States, together with Orders and Directions for enforcing the observance of these Regulations, requiring whatever they shall judge necessary to

this effect; it being ordered on the part of this Court, to all those Authorities, that they shall, without hesitation or reserve, afford and communicate to the said Consuls of His Britannick Majesty, whatever shall be required by them for their information and guidance on this subject.

It would likewise appear conducive to a happy result, that Instructions were given to the Cruizers, in order that they, on meeting with Ships in any manner suspicious, although not in the case of being detained and brought before the Commissions, may avail themselves of all opportunities that shall offer, of notifying to all Portuguese Ports to which such Ships are to return, whatever they shall have observed in them calculated to excite suspicion, to the end that, in the examination and enquiry there to be proceeded in, the said observations may avail, in combination with the other data that shall present themselves in the course of the investigation. In reference to the other Abuse pointed out by Mr. Ward, of first passing illegally acquired Slaves to some of the nearest Portuguese Possessions, in order to be afterwards shipped off as Domesticks for The Brazils; although this be a matter of more difficult Investigation, yet, as this Ministry proceeds with good faith, the Undersigned protests under the same to Mr. Ward, that the Government is about to issue to the Superior Authorities of those suspected Possessions, more especially to those of the Cape Verds, the most positive Orders, and most circumstantial Instructions for putting an end to that fraud. But it is the duty of the Undersigned, on this occasion, to request Mr. Ward to call the attention of his Government to the final conclusion of a subject, which, having been proposed by His Most Faithful Majesty's Envoy in London, immediately after the return of this Court to Lisbon, and having been subsequently ordered to be again brought forward, as well by the said Envoy, as by the present *Chargé d'Affaires*, the *Commandeur d'Oliveira*, still remains undecided; and certainly the conclusion of the same cannot but greatly contribute to put an end to the Abuse here treated of.

The subject to which the Undersigned alludes, is the removal of the Mixed Commission from Sierra Leone to the Capital of the Cape Verd Islands:—a removal which, from the instant of its first proposal to the British Government by the *Commandeur de Souza*, at that time Envoy to the Court of London, appeared not to be disagreeable. It was even arranged that the consent of His Catholick Majesty should be asked, as being, equally with His Two High Allies, interested in this transaction.

This step was taken by this Court, and likewise, it is known, by that of London; and, as was to be hoped, met with no opposition on the part of the Spanish Government, which authorized its Minister at the Court of His Britannick Majesty, to enter into such Negocia-



tions as should be necessary, for bringing the subject to a determination.

Nothing, therefore, remains, except the assent of the British Cabinet, and the concluding, in concert with the Ministers of the Two Courts, such Arrangements as shall appear necessary for effecting the translation, in order that, the same being made known to His Most Faithful Majesty, and being by Him approved and ratified, the necessary orders may be sent from this Court to the Governor of Cape Verd, in order there to make such Arrangements, in conformity with the agreements, as shall appear expedient for the establishment of the Three Commissions,—British, Spanish, and Portuguese, in the Capital City.

The Undersigned hopes that Mr. Ward will not fail to bring this important subject as soon as possible to the recollection of His Britannick Majesty's Government, in order to gather with the least delay, the fruits of the united efforts of all the Three Powers, equally interested in the punctual observance of the Conventions to this purpose, established between them. The Undersigned, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

*No. 3.—The Marquess of Londonderry to E. M. Ward, Esq.*

SIR,

*Foreign Office, July 31, 1822.*

I FORWARD to you the Copies of Two Despatches which I have received from His Majesty's Commissary Judge at Rio de Janeiro, under the Treaty with Portugal for preventing illegal Traffick in Slaves, dated the 16th January and 16th February last, and representing that great inconveniences arise, from the arrangements respecting the sale of condemned Vessels being taken out of the hands of the Mixed Commission; and also that the Portuguese Government have not fulfilled the Stipulations of the Treaty, in regard to the prosecution of Persons detected in Illicit Traffick in Slaves. It would appear from these Papers that a certain degree of neglect has existed on the part of the Brazilian Authorities, in not giving proper directions for the prosecution of the Persons implicated in the Slave Trade, as detected in the Proceedings of the Mixed Commission Court; and as His Majesty's Government consider that Prosecutions can only be instituted by the publick Prosecutor, acting either by virtue of his general Commission, or by the authority of the *Alvará*, referred to in the Letter inclosed above, or by special directions, as may be agreeable to the Laws and Constitutions of the Country, I have to signify to you The King's Commands, that you lose no time in representing these circumstances to the Portuguese Ministers, and that you urge them in the strongest manner to transmit such Instructions to the Authorities in The Brazils, as shall effectually ensure the full and prompt execution of Article III of the Convention of the 28th July, 1817, which pro-

vides for the punishment of Portuguese Subjects who may be found engaged in the prohibited Traffick in Slaves.

With reference to the particular Case of the delay in the sale of the *Emilia*, as it is possible that the cause assigned by the Judge of Contraband may be sufficient, I have only to instruct you, generally, to call the attention of the Portuguese Government to this point, in order to prevent unnecessary delay in future Cases. I am, &c.

*E. M. Ward, Esq.*

LONDONDERRY.

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No. 4.—*Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

*Foreign Office, September 30, 1822.*

DESPATCHES, dated the 20th of March,\* and the 30th of April,† 1822, which I have received from His Majesty's Commissioners at Sierra Leone, detail Transactions of Illegal Slave Dealing, in which M. Coutinho Lancastre, late Governor of the Cape de Verd Islands, and M. Correa Barros, late Governor of Cacheo, are personally implicated, and likewise M. Freire de Andrade, the present Governor of Bissao.

I inclose to you Copies of these Despatches and their Inclosures. I inclose also a Copy of the Answer which, by The King's Command, was addressed to the Commissioners upon the subject of the Judgment pronounced by them in the Case of the *Conde de Villa Flor*.—This Capture having been made under the guns of the Fortress of Bissao, was, as it appeared to His Majesty's Government, liable to some observation; in other respects there appears no doubt, but that, as the Trade carried on by the Vessel was illegal, the condemnation was justly merited.

These Papers are forwarded to you, for the purpose of putting you in possession of the circumstances, by which the improper conduct of the Portuguese Officers has been brought to the knowledge,—first, of the Commissioners, and, through them, to that of His Majesty's Government. You will be so good as to select those parts which prove most clearly the contravention of the Laws and Treaties by which Portugal has bound herself to repress the Slave Trade; and you will make a strong representation upon the subject to the Portuguese Government, with a view to their inflicting upon the Officers who have thus disobeyed the Laws of their Country and the Orders of their Sovereign, such signal marks of displeasure, as shall operate to prevent a recurrence of these disgraceful practices in future. I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

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No. 5.—*Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

*Foreign Office, September 30, 1822.*

I INCLOSE to you the Copy of a Letter, dated Rio de Janeiro,

\* Sierra Leone.—(Portugal.)—No. 20. † Sierra Leone.—(Portugal.)—No. 21.

July 3, 1822, from Henry Chamberlain, Esquire, His Majesty's Consul General at that Place, giving some details of a Trade in Slaves, which it appears continues to be carried on to the North of the Line, under cover of the Flag of Portugal, and supported by the capital and speculations of Her Subjects.

The inclosed Paper refers particularly to the Illegal Trade in which the Shipping from Bahia is concerned. I desire that you will represent these circumstances to the Portuguese Government, and urge them to take the necessary Measures for ascertaining the truth of them, and for preventing the continuance of this odious Traffick, in those parts at least of their Territories in which their own Laws do not sanction it.

I am, &c.

E. M. Ward, Esq.

GEORGE CANNING.

P.S.—I likewise furnish you with Copies of Two Communications, dated severally the 12th of May and the 4th of July of this year, from His Majesty's Commissary Judge at Rio de Janeiro, upon the subject referred to in this Despatch.

G. C.

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(Inclosure.)—Henry Chamberlain, Esq. to The Marq. of Londonderry.  
MY LORD,

Rio de Janeiro, July 3, 1822.

I REGRET to have to state to your Lordship, that the Trade in Slaves to the North of the Line continues to be successfully carried on by the Shipping from Bahia, whose Merchants have lately begun to supply this Place with Negroes from Calabar, and other Countries in that part of Africa.

Two Vessels, the *Descngano*, and *Toninha*, have arrived here from Bahia, with 646 Slaves of this description, and I write to Mr. Consul Pennell, by this conveyance, desiring him to ascertain all the particulars of the transaction; especially whether these unhappy Beings were landed at Bahia, and sold there; and to forward to your Lordship a Report of whatever he may learn respecting them. I am given to understand that, for the purpose of concealing the Place upon the Coast where this nefarious Traffick is carried on, the Vessels employed in it clear out for "New Molembo," which is in fact no other than a new name for the old Port of "Onim."

I have, &c.

The Marquess of Londonderry, K.G.

H. CHAMBERLAIN.

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No. 6.—Mr. Secretary Canning to E. M. Ward, Esq.

SIR,

Foreign Office, October 18, 1822.

By the accompanying Copy of a Despatch, which I have addressed, under date of the 15th of October instant, to His Majesty's Envoy at Madrid, you will perceive, that, after a due consideration of the Proposals made to this Country, by the Governments of Portugal and Spain, for the removal from Sierra Leone of the Mixed Commission,

resident at that Place under the Treaties for the repression of the Slave Trade, the objections to this Measure appeared to be so many and of such a nature, that I was commanded by His Majesty to decline altogether the proposed removal of the Commission, as being quite incompatible with the letter, and with the objects of the Treaty under which it was instituted.

For these reasons, as more particularly detailed in my Despatch to Sir William à Court, I have to instruct you likewise to decline, on the part of His Majesty's Government, the Proposal made by that of His Most Faithful Majesty, for a change of Residence for the Mixed Commission now sitting at Sierra Leone, to a Possession which is neither near to the scene of Illegal Traffick, nor within the Territories of His Britannick Majesty, as contemplated by the Treaty. I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

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*No. 7.—Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

*Foreign Office, October 18, 1822.*

THE Declaration of Independence, by the Prince Regent of Brazil, will probably have reached Lisbon before the arrival of this Packet.

With the Political effects of this separation of the Colonial Empire of the House of Braganza from its European Dominions, Great Britain has no concern; nor are you to express any opinion of your Government upon it.

But there is one practical operation of this event upon the Treaties subsisting between His Majesty and The King of Portugal, which may be very important, and to which you will immediately call the attention of the Portuguese Secretary of State;—I mean the Treaties respecting the Slave Trade. The Declaration of the Congress of Vienna of the 8th of February, 1815, confirmatory therein of the previous Stipulations of the Treaty between Great Britain and Portugal of the 19th of February, 1810, expresses the resolution of totally abolishing the Slave Trade, with such exceptions as were deemed necessary to supply the deficiency of Population in the Brazils, as Colonial Possessions of Portugal.

That ground of exception is practically removed by the change of Political character in Brazil. It would be monstrous to suppose, that a Provision, made for the purpose of protecting the interests of Portugal in Her Colonial Possessions, could continue in force, or be otherwise than absolutely and *ipso facto* abrogated and annulled, by an event which abolishes altogether the Colonial character of The Brazils, and which may set their interests, and those of Portugal, directly at variance with each other.

The Treaty of the 28th of July, 1817, reduces to specifick agreement, the spirit of those general Engagements which were contracted



in the Treaty of 1810, and confirmed by the Act of the Congress of Vienna.

The Third and Fourth Heads of the First Article expressly exempt from protection by the Portuguese Flag, Cargoes of Slaves carried to any other Colonies than those of Portugal: and the specifick Limitations in the form of Passport, as well as the Ninth Article of Instructions annexed to that Treaty, establish clearly, and beyond question, the same principle, and prescribe the course which it is the right—I should rather say the duty—of the British Government to take, in respect to any Slave Trade which may be carried on hereafter for the supply of Brazil, under the Flag of Portugal.

You will announce to M. Pinheiro the resolution of His Majesty's Government to exercise the right which may accrue under the Treaty, from a change in the relations of Portugal and Brazil, with the same vigilance and activity which have hitherto been employed in carrying into execution the other Stipulations of the Treaties. I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

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*No. 8.—Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

*Foreign Office, October 31, 1822.*

THE Colonial Department of His Majesty's Government has transmitted to this Office, a Letter from Sir Charles MacCarthy, Governor of Sierra Leone, accompanied with a Memorandum of the state of the Slave Trade on the Coast of Africa, and, with a list of the Ships detained or visited by the Commander of His Majesty's Brig *Thistle*, in a cruize of seven days.

It therein appears that the Trade in Slaves is carried on with great activity, and with increased cruelty, under the Flag of Portugal; notwithstanding the principles which the Portuguese Government has professed upon this Question, and the Engagements which it has contracted to mitigate the miseries inflicted upon the Inhabitants of Africa, by the continuance of this Traffick. I have particularly to call your attention to the Case of the *San José de Xalaça*, as described in these Papers.—*Thirty* Slaves were in this instance stowed on board a Vessel of only *Seven Tons* burthen; 10 of them were starved to death, and a Female Slave, rendered delirious by hunger, was flogged until she died. You will remark that the *San José de Xalaça* belonged to the daughter of Mr. Gomez, who was formerly Governor of Princes Island, and is still a Member of the Council of that Settlement.

It is stated also that the Governors of the Portuguese Establishments, along the whole line from Cape de Verd to St. Thomas, all participate in this Traffick; and the accusation is corroborated by the number of Portuguese Vessels which openly carry on the Slave Trade from those Settlements.

I inclose to you the Copy of a Communication, dated August 26,

1822, from His Majesty's Consul at Bahia, upon the subject of the Ships *Toninha* and *Desengano*, employed in carrying from Bahia to Rio de Janeiro, Slaves supposed to be Natives of Africa, North of the Line, and of which mention was made in my Despatch of the 30th of September.

From all these Communications it is but too clear that, in spite of all Professions and Engagements, Passports for trading to the Southward of the Line are granted without sufficient caution; and are become, in fact, little more than matters of form, the observance of which is neither enforced nor expected.

It is no less clear that Subjects of Portugal engaged in the legal branch of the Trade, infringe without compunction, and without danger of punishment, the Rules which have been prescribed by Treaty for the regulation of this tolerated Traffick; and it is clear, that Official Persons in the Colonies both engage in the Illegal Trade, and connive at it, without being called to account for their conduct.

You will earnestly urge upon the Portuguese Government, the consideration of all these scandalous abuses; and you will express in strong terms, the feelings of disgust and indignation which are growing up every day in England and in Europe at the apparent determination of Portugal, not only to foster and encourage, to an extent never practised heretofore, the unprohibited Slave Trade, but to connive at every infraction of the Treaties, by which that abominable Traffick has been lessened or restrained.

I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

P.S. You will suggest, that if heavy Bonds were exacted from the Owners of Vessels to which Passports are granted for trading in Slaves, Southward of the Line, the amount of such Bond to be forfeited to the Government in case the Vessel should be found trading Northward of the Line, such Measure could in no wise be complained of by any as a hardship, and might considerably tend towards diverting the Slave Traders from hazarding an illegal Voyage. G. C.

(*Inclsure 1.*) *William Pennell, Esq. to The Marquess of Londonderry.*

MY LORD,

*Bahia, August 26, 1822.*

IN obedience to the Orders of His Majesty's Consul-General at Rio de Janeiro, contained in his Despatch of the 3d ultimo, I have the honour to transmit to Your Lordship a Copy of the information I was enabled to obtain, respecting the Slaves embarked on board the Ships *Desengano* and *Toninha*. Finding a general reluctance prevails amongst individuals, to answer questions on subjects connected with this Inquiry, I in consequence, addressed a Letter to the Judge of the Custom House, Copy of which, together with his Answer, I have the honour to inclose.

It is a matter of notoriety, that great number of Slaves, Natives of Africa North of the Line, are imported here ; but as the Official Documents afford evidence of the contrary, I am not aware of any steps that can be taken by me, consistent with the existing Treaties, to counteract this grievance.

I have, &c.

*The Marquess of Londonderry, K.G.* WILLIAM PENNELL.

(*Inclosure 2.*)—*Information respecting the Schooner Toninha and the Brig Desengano.*

*Bahia, August 1822.*

THE Schooner *Toninha*, Captain Amaio Joze da Silva, on her leaving this Port, had 256 Slaves on board,—222 males, and 34 females, which were reported at the Custom House to have been brought here from Molembo, in the Brig *Desengano*, and Ship *Cisé*. The Owners of the Slaves are Domingos Jose d'Almeida Lima, and Antonio Ferraia Caelho, and the first Owner being in Rio de Janeiro acts as Supercargo. The duties on the Slaves were regularly paid, to enable them to land free of duty at Rio de Janeiro, and a *Carta da Guia* was given at the Custom House here, which, it is supposed, could not have been obtained, unless the Papers had appeared legal.

On application to the Custom House respecting the Brig *Desengano*, they report, at present, they have no account of her clearance, but that it was probable a *Carta da Guia* was given on a verbal application of the Parties. She is reported to have arrived from Molembo : perhaps some information might be obtained by procuring Copies of the *Cartas da Guia* from the Custom House at Rio. The Slaves were all landed, and, it is supposed, remained here unsold.

(*Inclosure 3.*)—*The British Consul to the Judge of the Custom House, at Bahia.*

SIR,

*Bahia, August 8, 1822.*

HIS Britannick Majesty's Consul-General at Rio de Janeiro has informed me, that the Two Vessels mentioned on the other side, \* have arrived from this Port at Rio de Janeiro with Slaves, supposed to be Natives of Countries North of the Line, and has directed me to enquire, whether the Vessels were furnished from the proper Offices with all the Documents required by the Treaty and Convention of Vienna, of 1815.

I have the honour to request that you will have the goodness to direct this information to be furnished to me as regards this Custom House, and any other particulars that may elucidate the truth.

I have, &c.

*M. Antonio Augusto da Silva.*

W. PENNELL.

\* Brig *Desengano*, 390 Slaves. Schooner *Toninha*, 256 Slaves.

(Inclosure 4.)—*The Judge of the Custom House to the British Consul.*  
(Translation.)

SIR, Bahia, August 13, 1822.

IN the Letter which you addressed to me yesterday, under date of the 8th instant, you request to be informed of all the circumstances which could be ascertained at this Custom House, respecting the Brig *Desengano*, and the Schooner *Toninha*, that arrived at this Port with Slaves, and whether they were furnished from the respective Offices with all the Documents required by the Treaty and Convention of Vienna, of the year 1815.

As to what you desire to know in respect to this Department, I have only to acquaint you, that the said Brig and Schooner sailed from hence to Molembo to procure Slaves, and were provided with the proper Document relative to their lading, and with the Book of Regulations.

I have the honour to be, &c.

*William Pennell, Esq.* FIRMIANO JOAQU. DE SZA. VELHO.

No. 9.—*E. M. Ward, Esq. to Mr. Secretary Canning.*—(Rec. Nov. 26.)

SIR, Lisbon, November 5, 1822.

IN obedience to the Instructions contained in your Despatches of the 30th September last, \* I proposed to the Secretary of State the annexation of Two Additional Articles to the Treaty for the gradual Abolition of the Slave Trade, therein forwarded to me, and I found him perfectly disposed to adopt them both. I read over to him the one which relates to the condemnation of Ships, on board of which it shall be proved that Slaves have been received, although such may not actually be found by the Captors, and he expressed his approbation of it. They must, however, be submitted to the new Cortes, and approved of by them, before ratified by The King.

I have waited till I shall be enabled to state my having received Powers to sign the Articles in question, before I submit them to the Minister, in writing.

I have, &c.

*The Right Hon George Canning.*

E. M. WARD.

No. 10.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. Nov. 26.)

SIR, Lisbon, November 15, 1822.

I YESTERDAY waited on the Minister for Foreign Affairs, and announced to him the opinion of His Majesty's Government, as to the practical effect of the Declaration put forth by The Prince Regent of Brazil, upon our Treaties with this Country relating to the Slave Trade, agreeably to the Instruction conveyed in your Despatch of the 18th ultimo.

He received the annunciation with some apparent surprise: he said that the Stipulations in regard to Brazilian Slave Commerce, were agreed to by Great Britain, not through regard to the Person of

\* See Netherlands, Nos. 11 and 12.



John VI. who was only the organ of Portugal and Brazil, (the latter not a Colony, but an integral portion of the mass whom He represented,) but as Stipulations enforced by The Brazils, on their own account, through The King as their Representative; and that their right to the benefit thereof, remained unchanged by the circumstance of their having changed their Representative. If the disunion of the Two Countries, he observed, abrogated any Engagements whatever, they abrogated all.

He then requested I would present in writing what I had been directed to communicate, in order that it might be laid before The King; which I did accordingly in the inclosed Note, and put it into his hands this morning.

His line of argument to-day turned principally upon the want of data upon which to assume the Independence of the Brazils. The Prince's own Declaration, he said, was not clear upon the point of absolute separation. It could not yet be known if the majority of the Brazilians agreed with The Prince's views; and, finally, sufficient time had not been allowed to this Country, to try the effects of its own means for restoring her influence in that part of the World. He therefore regarded the announcement which I made to him as, at least, premature on the part of Great Britain.

I have the honour to be, &c.

*The Right Hon. George Canning.*

E. M. WARD.

(Inclosure.)—*E. M. Ward, Esq. to Signor Pinheiro Ferreira.*

*Lisb'n, November 14, 1822.*

THE Undersigned, &c. has received the orders of his Court to call the attention of His Excellency Signor Silvestre Pinheiro Ferreira, &c. to the practical operation of the Declaration of Independence by The Prince Regent of Brazil, upon the Treaties respecting the Slave Trade, subsisting between The King, his Master, and The King of Portugal; but in doing so, the Undersigned wishes it to be clearly understood that he is unauthorized to express any opinion upon the political effects of this separation of the Transatlantic Empire of the House of Braganza from its European Dominions.

The Act of the Congress of Vienna, No. 15, and the Treaty of 22d January 1815, confirmatory therein of the previous Stipulations of the Treaty between Great Britain and Portugal, of the 19th February 1810, express the resolution of totally Abolishing the Slave Trade, with such exceptions as were deemed necessary to supply the deficiency of population in Brazil, as a Colonial Dependency of Portugal. That ground of exception would be practically removed by the change of political character in Brazil. It cannot be supposed that a provision made for the purpose of protecting the Interests of Portugal in her Transatlantic Possessions, could continue in force, or be other-

wise than *ipso facto* abrogated and annulled, by an event which, abolishing altogether the dependent character of the Brazils, would deprive Portugal of the power of enforcing the observance of many of the Regulations and formal Engagements under which the modified exercise of this Traffick continued to be permitted.

The Treaty of the 28th July 1817, reduces to specifick agreement the spirit of those general Engagements which were contracted in the Treaty of 1810, and confirmed at the Congress of Vienna. The 3d and 4th heads of the First Article expressly exempt from protection by the Portuguese Flag, Cargoes of Slaves bound to any Port not in the Dominions of Portugal; and the specifick limitations in the form of Passport, as well as Article IX. of the Instructions annexed to that Treaty, establish clearly and beyond question, the same principle, and prescribe the course which it is the part of the British Government to take, in respect to any Slave Trade which may hereafter be carried on for the supply of Brazil under the Flag of Portugal.

The Undersigned has it, therefore, in command, to communicate to His Excellency Signor Silvestre Pinheiro Ferreira, the intention of His Majesty's Government to exercise the right which may accrue under Treaty, from such a change in the relations of Portugal and Brazil, with the same vigilance and activity which have hitherto been employed in carrying into effect the other Stipulations of the Treaties.

The Undersigned, &c. &c.

*Signor Pinheiro Ferreira.*

E. M. WARD.

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No. 11.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. Dec. 31.)  
SIR, *Lisbon, November 30, 1822.*

I HAVE already had the honour to acquaint you that I had, in obedience to your Instructions, waited on Signor Silvestre Pinheiro, and proposed to him to sign the Articles, Additional to the Treaty of 1817, for the repressing illicit Slave Trade, the subject of which had already been brought forward by Sir Edward Thornton at Rio de Janeiro.

In the interval which occurred between my Conference with the Minister and my being able to announce to him the arrival of Powers authorizing me to sign, I received your Despatch relative to the practical effect of the Independence of Brazil upon the operation of the Treaty in question. The communication of the Resolution of His Majesty's Government upon this Point, which I was therein directed to make, has had the effect of causing Signor Silvestre Pinheiro to postpone the Signature of the proposed Article, respecting the temporary relanding of Slaves, until the Portuguese Government shall have had time to take the Resolution announced to them into consideration.

He appears to hold, that, if the state of things contemplated in

my communication exists, the Treaty itself is done away with, altogether : but as yet, he said, The King had come to no decision on the subject.

With respect to the Article for supplying the place of an absent Commissioner in the Mixed Commissions, he wished to insert a Clause which should settle the point now in dispute between the Two Governments, relative to the absence or death of an Arbitrator pending the Arbitration ; he desiring that the new or temporary Commissioner chosen should not necessarily succeed to the Arbitration, but that lots should again be drawn.

Not having any Instruction upon this point, I have informed him that I should submit it to your consideration.

I have the honour to inclose a Translation of His Excellency's Note to me on the subject.

I have, &c.

*The Right Hon. George Canning.*

E. M. WARD.

(*Inclosure.*)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(*Translation.*)

*Lisbon, November 23, 1822.*

THE Undersigned, &c. having received from Mr. Ward, &c. under date of the 21st instant, two Notes relative to two Explanatory Additions to the Treaty of the 28th July 1817, has the honour to state to him, with respect to that which treats of the mode of substituting any of the Judge Commissioners, or Arbitrators of the Mixed Commissions, that the sketch presented by him does not include all the circumstances, constituting the case omitted and intended to be supplied in the above-mentioned Treaty, inasmuch as it does not provide for impediment arising from any cause, but death ; nor does it determine whether, in a case of impediment of a Judge Commissioner and Arbitrator, designated by lot to decide any Cause that may be pending, the Person named as his Substitute shall, *ipso facto*, take cognizance of that Cause, in order to decide the same ; or whether lots shall be cast anew, as had been practised with the Commissioner substituted, in order thereby to determine which of the two Arbitrators shall give the final decision. The Undersigned, therefore, requests Mr. Ward to inform him if he is furnished with Powers and Instructions upon this second part of the proposed Additional Article, in order that no time may be lost in proceeding to its conclusion, on which depends the prosecution of many Causes pending before the Commission sitting in London. With respect, however, to the subject of the Second Note, intended to provide against the fraud practised by Ships employed on this illicit Traffick, in removing the Slaves into Boats before they can be seized by the Ships of War appointed to maintain the observance of the Treaties against such Traffick, the Undersigned assures Mr. Ward that the Portuguese Government, constant in the assent which it has on many occasions manifested to that just proposal of the Bri-

ish Cabinet, only defers signing the Additional Article appended to his Note, which Article, in all its parts, corresponds with the intent, until His Most Faithful Majesty shall issue His final orders relative to his preceding Note of the 15th instant, with which that Article is not only intimately connected, but is even absolutely dependent on its decision. His Majesty, convinced of the high importance of that object; wishes to hear His Council of State thereupon, whom he has ordered to take the subject into consideration without delay; and as soon as their Report shall be laid before The King, His Majesty will certainly lose no time in resolving that which shall be most conducive to the mutual interests of both Nations; and the Undersigned will make it his duty immediately to communicate to Mr. Ward the Royal determination concerning both his Notes.

The Undersigned, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

*No. 12.—E. M. Ward, Esq. to Mr. Secy. Canning.—(Rec. Jan. 4, 1823.)*

SIR,

*Lisbon, December 18, 1822.*

IT is with regret, though not with surprize, since my conversation with M. Pinheiro, alluded to in my Despatch of the 30th ultimo, that I have now to announce his refusal to sign the Additional Article to the Slave Trade Treaty of 28th July 1817, having for object the prevention of the mode adopted by the Slavers for eluding the vigilance of our Cruizers, by putting the unfortunate Beings temporarily on shore on their approach.

His Excellency, to whom, shortly after the receipt of your Orders upon the subject, I had read over the Draft of the Article proposed, then approved entirely of it, and it appeared as if no delay or difficulty would oppose its Signature, as soon as I should receive Powers to that effect.

In the interval which occurred before the arrival of these, I received the Instructions by which I was authorized to announce the determination of His Majesty's Government to consider The Brazils, whilst remaining in fact Independent of Portugal, as being also removed from the operation of the Convention of July 1817, which was undoubtedly framed with reference solely to the Union between the two Portions of the Monarchy.

Signor Silvestre Pinheiro, on receiving this Communication, informed me, as I have already had the honour to state to you, that he could not then sign the Additional Article proposed, until the opinion of The King's Council on the subject of the Communication should be known. At the last interview which I had with His Excellency, he told me that I should in the evening receive a Note from him upon the subject. He declined entering into any conversation upon the nature of its contents; but said, in answer to the wish which



I expressed relative to the signature of the Additional Article, that he could not now agree to it, until the view which the British Cabinet took of the subject, after his Note should have been submitted to them, was known. Translation of this Note I have the honour to inclose.

Signor Pinheiro denies the Treaty in question to have been framed with reference to The Brazils only. The Portuguese Possessions in Asia and Africa, are those, he says, which would be most radically affected by the total Abolition of Slave Trading.

Brazil, he allows, by having already a large supply of Negroes, could, by ameliorating their treatment, and paying attention to their increase, always keep up a sufficient number for the purposes of labour; but their African Settlements would, by the Abolition, be plunged into irretrievable ruin.

This appears to assume grounds for opposing the discontinuance of the Traffick; which, however they may have weighed in secret with the Portuguese Government, have not, I think as yet, been openly put forward.

The impossibility of finding Beings whose constitutions were strong enough to enable them to labour and resist the effects of climate in some Countries of America; and the want of population for carrying on the cultivation of some of the most fertile, and more salubrious parts of others, has hitherto been the ostensible argument for permitting the continuance of a system of violence and cruelty, which, abstractedly considered, none could venture to uphold.

But Signor Pinheiro here seems to assert, that it is not the benefit to be derived from the labour of the Slaves, which is the object with his Government, but the profits which result from the employment of capital in the buying and selling their miserable bodies.

Signor Pinheiro does not confine himself to combating the view of the Question taken by His Majesty's Government, but menaces that, if Great Britain shall persist in her determination of acting upon that view, Portugal will consider all Treaties between the Two Countries as equally affected, by existing circumstances, as the one under consideration.

I am, &c.

*The Right Hon. George Canning.*

E. M. WARD.

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*(Inclosure.)—Signor Pinheiro Ferreira to E. M. Ward, Esq.*

*(Translation.)*

*Lisbon, December 12, 1822.*

The Undersigned, Minister and Secretary of State for Foreign Affairs, has laid before His Most Faithful Majesty the Note addressed to him by Mr. Ward, &c. dated the 15th ultimo.

It is not without great surprise that His Majesty perceives the grounds assumed by Mr. Ward for the inferences contained in his Note, to be a Declaration of the Independence of Brazil, stated by

him to have emanated from His Royal Highness The Prince Regent, although the Cabinet of His Britannick Majesty has not judged it necessary to communicate to this Court those characters of authenticity of the diplomatick Document in question, which would serve as a basis for such important conclusions as those which Mr. Ward has been charged to communicate to His Most Faithful Majesty's Government, to the Nation, and to all Europe.

His Majesty, whilst He cannot but recognize the characteristick prudence of the British Nation, in Mr. Ward's declaration that he is in no wise authorized to express an opinion upon the political effects of the late events in Brazil, is at a loss to conceive how Mr. Ward, in making such declaration, infers from those very events, not only that the whole of Brazil, but that all the Portuguese Transmarine Possessions, (*de ultramar*,) also, must be, and are in fact, considered by Great Britain, as definitively separated from the European Dominions governed by the Dynasty of the August House of Braganza.

Yet less can He comprehend how, from a confused tissue of facts, calculated to give an idea rather of disorder and anarchy, than of the establishment of an Independent Government in Brazil, the British Cabinet can assume that Country to have acquired such a character of Political Independence, constituting it a Foreign Nation with regard to Portugal, as shall absolve Great Britain from her obligations contracted with the Portuguese Nation in the Convention of the 28th July 1817,—a Convention which Mr. Ward declares to have been specially made in favour of Brazil, to obviate the great prejudice which, it was alledged, could not but result to that Country from a sudden Abolition of the Slave Trade; and which Convention, the principal object which it was framed to meet having ceased to exist, becomes, he contends, *ipso facto* abrogated, void, and of no effect, because no Treaty can be conceived to continue to exist, when the circumstances under which it was concluded are found to have undergone an essential change.

The Undersigned begs leave to observe to Mr. Ward, that the idea of the facts upon which he grounds his inference is historically incorrect. The agreement for delaying the Abolition of the Traffick in Slaves, under the conditions and in the manner stipulated in the Convention of 28th July 1817, was not made peculiarly in favour of Brazil.

It cannot be doubted that an immediate Abolition of the Slave Trade must be productive of great prejudice to Brazil; nevertheless, the actual possession of a considerable number of Slaves, whose Owners would endeavour to convert their services to better account, on finding the hope of continuing to recruit their number taken away, leaves to Brazil abundant resources for maintaining and even improving her agriculture, her rural economy, and her mines.

But those Countries which an immediate Abolition of the Slave

Trade could not fail to plunge into irretrievable ruin, by at once cutting off their resources, and the means of employing their capital and industry, are, all the Portuguese Dominions on the Coast of Africa, and all those on the Coast of Asia, whose principal support is derived from the Trade with Africa.

The great effects which must immediately result to Portugal from all these changes, it is easy to foresee ; while Brazil, whose productions are sure to find an ample demand in Foreign Markets, although necessarily suffering as part of the great Family, yet, possessing native resources to a greater extent than all the other Co-States of the Monarchy, would be in a less degree than them affected, by the immediate Abolition of the Slave Trade.

The Treaty best calculated for benefiting Brazil, not only in preference to all the other Parts of the Monarchy, but to the material detriment of the particular interests of each of them, is that of the 19th February 1810. From this Treaty the Commerce of Portuguese Asia has suffered the most decisive injury, by the introduction of Merchandize, not only of British produce, but of British importation, in whose presence the productions of the industry of Portugal, as well as the efforts of her Merchants, could not fail to succumb, as events have proved them to have done in every part.

The Commerce of Africa, by the very agreement for the future Abolition of the Slave Trade, and the more advantageous employment of its industry and capital on the Continent of Brazil, has resisted all the attempts made at various times by the Government, in order to direct it into a channel less subject to those contingencies, which all Persons of sense already foresaw the Traffick in Slaves about to experience.

As to Portugal, no one is ignorant that the Treaty above-mentioned is the most fatal present which she has received from Brazil, to her Industry and Commerce, without the smallest benefit accruing therefrom to her Agriculture.

It is not the Portuguese Nation which shall at any time attempt, by means of inferences, to escape from the fulfilment of Treaties contracted by her former Government with any Foreign Powers, under the shadow of good faith and the invariable principles of the Right of Nations. But, if Great Britain, by having recourse to principles, shall claim to invalidate any of the Treaties subsisting between the Two Crowns, because contracted under circumstances which are now found to be essentially altered, and to consider as null and void those framed in favour of Brazil, because she considers the actual state of that Country to render them inapplicable ; the Portuguese Nation will never consent that this distinction between Treaty and Treaty shall be arbitrary. If it be contended on these principles that one Treaty shall fall to the ground, all Treaties must fall to the ground.

Such is the firm and decisive declaration which the Undersigned has received the commands of His Most Faithful Majesty to communicate to the Chargé d'Affaires of His Britannick Majesty, in answer to the declaration which he addressed to His Majesty, on the part of his Government, through the hands of the Undersigned.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

No.13.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. Jan. 4, 1823.)  
(Extract.) *Lisbon, December 18, 1822.*

SINCE writing my other Despatch of this date, I have received a Note from Signor Silvestre Pinheiro, in which he proposes to sign the Articles which I had presented, together with another, being in substance one which would regulate the point as to the succession to the Arbitration, in the event of the death or incapacity of the Arbitrator named, previous to his having pronounced his opinion;—he wishing that in that event, fresh lots should be drawn.

It was so late when I received this Note and its Inclosure, which are somewhat long, that I have not been able to prepare a Translation in time to send home, and as another Packet is to sail in three days, I do not think it necessary to detain the present one.

*The Right Hon. George Canning.*

E. M. WARD.

No.14.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. Jan. 3, 1823.)  
(Extract.) *Lisbon, December 23, 1822.*

I HAVE herewith the honour to submit to you a Translation of the Note addressed to me by Signor Pinheiro, inclosing the Counter-Project of Three Articles Additional to the Slave Trade Convention of July 28, 1817, in consequence of the Proposal, which, by your directions, I made to him upon that subject.

The First Article is in conformity with the Draft inclosed in your Despatch, the Second is somewhat different, and the Third goes to determine the course to be adopted in the event of a Judge Arbitrator dying or becoming incapacitated, before the Questions which he may have been chosen to give his opinion on, have been decided.

Mr. J. B. Rademaker, to whom Mr. Pinheiro referred me, said, on my proposing to sign the Two First Articles, and to submit the Third to His Majesty's Government for their approbation, that he was only instructed to sign the Three together.

*The Right Hon. George Canning.*

E. M. WARD.

(Inclosure.)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(Translation.)

*Lisbon, December 17, 1822.*

THE Undersigned, &c. having laid before His Majesty the wish expressed by Mr. Ward, &c. that this Government should propose



the Additional Article, appearing to be a necessary Supplement to the Convention of July 28, 1817, concerning the Nomination and Attributes of the Commissioners-Substitute, as well as the apprehension manifested by the said British Chargé d'Affaires, lest the delaying to sign the other Article, likewise Additional, already discussed and agreed upon with Mr. Thornton, should seem to indicate a change of sentiment on the part of the Portuguese Ministry ;—His Majesty has been pleased to authorise the Undersigned, not only to present to Mr. Ward the Additional Articles relative to the Cases omitted, concerning the Substitution of incapacitated Commissioners, but also to declare to him, that if his Court appeared to hesitate in adding to the Convention of 1817, a new Article relative to the Proceedings hereafter to be held with Ships employed in the Traffick of Slaves, it was not, as the Undersigned has already most expressly declared to Mr. Ward, in the Note which he had the honour to address to him on this subject, under date of the 23d ultimo, because the smallest doubt occurred to the Government of His Majesty in assenting to that Addition ; but because Mr. Ward, having declared to this Court, in his Note of the 15th of the same month, that Great Britain considered that Convention to be *ipso facto* abrogated by the separation considered by her as realized between the Portuguese States beyond the Sea, and those which in Europe are governed by the August House of Braganza, it seemed inconsistent that an Article should be signed in addition to that very Convention which one of the High Parties had declared to be abrogated.

Nevertheless, as His Majesty's Government on their part felt that they could not agree to the principles on which that Déclaration is founded, and as they hope that the British Cabinet will reduce its former Proposition to those terms which the Undersigned did not hesitate to acknowledge, in the Answer upon this most important subject, which he had the honour to address to Mr. Ward, under date of the 12th instant ; His Majesty determined, that in order to remove every appearance of departure from the sentiments constantly professed by this Court towards the British Nation, a Negociator should be appointed, and he has actually been appointed by Him, in order to conclude and sign, conjointly with Mr. Ward, all the before-mentioned Additional Articles : and the Undersigned has the satisfaction to communicate to Mr. Ward, that to this end, Full Powers have been given to the Chevalier Jose Bazilio Rademaker, Senior Clerk in this Foreign Office, who, in conformity with his Instructions, will have the honour to confer with him, for the purpose of adjusting and concluding the subjects in question, in the manner most conformable to the generous and liberal principles of both Governments.

The Undersigned has accordingly the honour to inclose to Mr.

Ward, a Draft of the above-mentioned Additional Articles, which is to serve as a basis for the aforesaid Negotiation.

The Undersigned, in affording to Mr. Ward this fresh proof of the earnest desire of His Majesty's Government to correspond to the nobleness and loyalty which characterise the British Nation, has the honour, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

(*Inclosure 2.*)—*Portuguese Contre Projèt of Additional Articles to the Convention between His Most Faithful Majesty and His Britannick Majesty, for the prevention of the Illegal Traffick in Slaves.—Signed at London, July 28, 1817.—(Translation.)*

Article I.—WHEREAS it is stipulated in Article I. of Instructions intended for the Portuguese and British Ships of War, employed to prevent the Illicit Traffick in Slaves, that "Ships on board of which no Slaves shall be found, intended for purposes of Traffick, shall not be detained on any account or pretence whatsoever."—And whereas it has been found by experience, that Vessels employed in the illegal Traffick, have momentarily unshipped their Slaves, immediately prior to their being visited by Ships of War, and that such Vessels have thus found means to evade Forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention above-mentioned :

The Two High Contracting Parties feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof, that a Slave or Slaves has, or have been put on board a Vessel for the purpose of illegal Traffick, in the particular Voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Convention, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

Article II.—Whereas no provision is made in the Convention of July 28, 1817, for supplying the Vacancies occurring in the Commissions from any other cause than death, this being the only case mentioned in Article XIV. of the Regulation for the Mixed Commissions, annexed to the said Convention ;—the Two High Contracting Parties hereby agree, that, whatever be the cause of incapacity of any of the Commissioners, his place shall be supplied in the same form and manner in which, by Article XIV. of the Regulation aforesaid, a Vacancy occurring by death is to be supplied.

Article III.—And whereas it being agreed in Article III. of the said Regulation, that in the event of the Two Commissary Judges not agreeing on the Sentence they ought to pronounce, they shall draw by lot the name of One of the Two Commissioners of Arbitration, and that

the Sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and the above-mentioned Commissioner of Arbitration: yet it is not declared, whether, in case of the decease or incapacitation, from whatever cause, of the said Commissioner of Arbitration, thus designated by lot for the said purpose, his Successor in the Office shall also succeed to him in the object which he was about to decide by forming the aforesaid majority,—or whether lots shall again be drawn between him and the other Commissioner of Arbitration, in the same manner that had been practised with his Predecessor: Their Majesties have agreed in declaring, that the succession in this case shall be determined only as to the Office, and that after he shall have been installed therein, lots shall be drawn between him and the other Commissioner of Arbitration, in the manner practised with his Predecessor.

These Three Additional Articles of the said Convention shall have the same force and effect as if they were inserted therein Word for Word, and shall be held to form part of the same.

In Witness whereof, the Undersigned, furnished with Full Powers to that effect, have signed these Additional Articles, and have thereunto affixed the Seal of their Arms.

Done at.....the.....day of..... 182 .

No. 15.—*Joseph Planta, jun. Esq. to E. M. Ward, Esq.*

SIR, *Foreign Office, December 26, 1822.*

I AM directed by Mr. Secretary Canning to refer you to the subject of his Despatches of the 30th of September,\* relative to the proposed Additional Articles to our Slave Trade Treaty with Portugal, and to acquaint you, that Intelligence has been received from His Majesty's Minister at Madrid, stating that Two Articles, similar to those above referred to, have been signed by the Spanish Minister; and also from His Majesty's Ambassador at the Court of The Netherlands, stating that they have been likewise accepted by His Netherlands Majesty's Government. Mr. Secretary Canning is, in consequence, very anxious to hear that your Negotiations with the Government of His Most Faithful Majesty on this subject have been attended with satisfactory results.

I am, &c.

*E. M. Ward, Esq.*

JOSEPH PLANTA, Jun.

No. 16.—*Mr. Secretary Canning to E. M. Ward, Esq.*

SIR, *Foreign Office, January 22, 1823.*

I HAVE received your Despatch of the 23d of December last, inclosing Mr. Pinheiro's Counter-Project of Three Additional Articles to the Slave Trade Convention of the 28th of July, 1817.

His Majesty's Government are sorry to perceive that the Court of

\* See Netherlands, Nos. 10 and 11.

Portugal objects to sign the Two Articles proposed by this Country, unless another Article is added to them, stipulating, that, in the case of a Vacancy occurring in the Arbitration, pending the Judgment of a Cause by the Arbitrator of either Nation, lots should again be drawn to determine whether the Arbitrator of the other Nation should not decide the Cause.

The Court of Spain, as the Portuguese Government are aware, have already consented to sign the Two first-mentioned Articles without any condition: the Court of The Netherlands have done the same. His Majesty's Government hope, therefore, that the Portuguese Government, upon further consideration, will not determine to stand alone in the rejection of them; but will concur with the Courts of Spain and The Netherlands in admitting an addition to the Treaty so entirely accordant with the spirit in which it was concluded. The Third proposed Article stands on so different a ground that it must be reserved for separate consideration.

I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

*No. 17.—Henry Chamberlain Esq. to Mr. Secretary Canning.*

*(Received April 17.)*

SIR,

*Rio de Janeiro, January 25, 1823.*

I BEG leave to forward, inclosed, a List of the number of Slaves imported into this Port during the year 1822, shewing that out of 31,240 embarked, 3,484 died on the passage, and 28,246 were landed.\*

Five of the Vessels named in the List, viz.

Desengano.....	with .....	320 Slaves
Toninha .....	— .....	256 —
Bom Fim .....	— .....	333 —
Victoria.....	— .....	100 —
Estrella .....	— .....	79 —

came from Bahia, and the whole of their Cargoes were believed to consist of Negroes from the Gold Coast, although it would be difficult to prove it.

I have the honour to be, &c.

*The Right Hon. George Canning.*

H. CHAMBERLAIN,  
Consul General.

\*Note.—By a Return subsequently received from Mr. Commissioner Hayne, the Numbers are stated as follows:—

Embarked	-	-	31240
Died on Passage	-	-	3486
Landed	-	-	<u>27754</u>



(Inclusion.)—List of Slaves imported from the Coast of Africa into  
RIO DE JANEIRO, during the year 1822.

Date of Arrival.	Description.	Name of Vessel.	From whence.	No. embarked.	Died on passage.	No. landed.
1822.						
Jan. 2d	Ship	S. José Americano	Cabinda	808	58	750
5th	Brig	Golfino	do.	417	—	417
10th	do.	Aurora do Cabo	Moçambique	492	194	298
17th	do.	Landoff	do.	428	15	413
18th	do.	Paquete do Rio	Cabinda	470	10	460
20th	Schooner	Liberal	Zaire	145	—	145
Feb. 1st	Brig	Amazona	Moçambique	465	43	422
2d	Ship	Conceição Esperança	do.	389	124	265
6th	Brig	Flor de Lima	Angola	467	69	407
11th	do.	Esperança	Benguella	431	29	402
14th	do.	Triunfo do Brazil	Moçambique	532	131	401
15th	do.	Senhor da Guia	Quelemane	529	93	436
19th	Schooner	Maria Thomasia	Angola	470	60	410
20th	Brig	Ulysses	Moçambique	631	213	418
20th	do.	Trajano	Cabinda	462	2	460
22d	do.	Zephiro	Quelemane	504	21	483
23d	do.	Mercurio	Benguella	420	36	384
24th	Schooner	Leopoldina	Quelemane	481	33	448
26th	do.	Marianna	Moçambique	520	140	380
Mar. 2d	Brig	Minerva	Quelemane	487	12	475
5th	Schooner	Príncipe Regente	Cabinda	681	17	664
2d	Brig	Príncipe Real	Benguella	334	—	334
9th	Ship	Vinte seis de Fevereiro	Moçambique	623	127	496
12th	Brig	Abismo	Angola	305	66	239
14th	do.	General Sampayo	do.	465	113	352
26th	do.	General Silviera	Quelemane	460	54	406
—	do.	Conde dos Arcos	do.	477	52	425
—	do.	Mariana Daphne	Angola	479	104	375
27th	Ship	Feliz Eugenia	Moçambique	672	217	455
—	Brig	Dezengano	Bahia	320	—	320
April 16th	Ship	So. Antonio Destimido	Angola	747	228	519
18th	do.	Maria	Cabinda	448	69	379
—	Brig	Santa Roza	do.	313	22	291
23d	do.	Senhora do Baluarte	Quelemane	418	215	203
29th	do.	Vulcano	Loanda	390	28	362
May 4th	do.	Conceição e Passos	Angola	450	49	400
8th	do.	Reino do Brazil	Benguella	425	37	388
June 6th	do.	Gram Penedo	Cabinda	459	27	432
—	Schooner	Urania	Angola	302	34	268
7th	Ship	Amalia	do.	760	153	607
—	do.	Sa. Anna Flor de Loanda	Cabinda	545	11	534
26th	Brig	Ligeiro	Benguella	408	18	390
27th	Schooner	Toninha	Bahia	256	—	256
July 20th	Brig	So. Joze Deligente	Cabinda	428	—	428
22d	do.	Bom Fim	Bahia	333	—	333
25th	Ship	Mercantil	Angola	733	38	695
Aug. 19th	Brig	Victoria	Bahia	100	—	100
—	do.	Seis de Fevereiro	Artibrix	467	1	466
Sep. 3d	Ship	Flor de Brasil	Angola	655	83	572
5th	Brig	Cacador	do.	595	60	535
9th	do.	Tejo	do.	472	96	376
24th	do.	Adamastor	Benguella	525	1	524
—	Schooner	Estrella	Bahia	79	—	79
30th	Brig	Marquez de Pombal	Benguella	300	2	298
—	do.	Victoria	do.	100	—	100
Oct. 4th	do.	General Rego	Angola	515	48	467
21st	do.	Poliphemo	Cabinda	438	4	434
22d	do.	Trajano	Benguella	410	3	407
30th	Smack	Bella Americana	Cabinda	351	—	351
Nov. 1st	Brig	Golfinho	Cabinda	470	—	470
4th	do.	Paquete do Rio	do.	499	4	495
5th	do.	Esperança	Angola	535	13	522
14th	do.	Ditto	Benguella	431	6	425
30th	do.	Imperador Feliz	Angola	617	76	541
Dec. 3d	do.	Aurora do Cabo	Quelemane	497	45	452
8th	do.	Triunfo do Brasil	Cabinda	338	3	335
18th	do.	Africano Constitucional	Quelemane	639	49	590
28th	do.	Conceição e Passos	Angola	451	30	421
—	do.	Pastora de Lima	Benguella	467	7	460
Total,				31240	3484	28246

No. 18.—*Henry Chamberlain, Esq. to Mr. Secretary Canning.*  
(Received April 30.)

SIR,

Rio de Janeiro, February 20, 1823.

I HAVE the honour to transmit you the inclosed Returns, which I have received from Mr. Consul Pennell, of the number of Slaves imported into Bahia during the year 1822.

The first Vessel on the List is openly stated to have come from the Gold Coast.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Inclosure.)—*A Return of the Number of Slaves imported into BAHIA, during the Year 1822.*

Date of Arrival.	Description of Vessel.	Name.	Captain.	Whence.	No. of Negroes.			Observations.
					Em-barked.	Died.	Land-ed.	
Jan. 1st	Brig	Santa Anna	.	Coast of Mina	228	12	216	Was board- ed in lat. 2. 4. N. by an Insurgent Privateer, who took 200 Slaves from her.
17th	Smack	Sacramento	.	Molembo	201	5	196	
19th	do.	Alegria	.	do.	170	2	168	
30th	do.	Luzitania	.	do.	173	8	165	
—	do.	Rosalia	.	do.	152	6	146	
Feb. 8th	Brig	Desengano	.	do.	372	18	354	
Mar. 1st	do.	Bom Fim	.	do.	70	13	57	
—	do.	Victoria	.	do.	421	9	412	
4th	do.	Paquete da Bahia	.	Cabinda	307	7	300	
14th	do.	Vigilante	.	Molembo	430	0	230	
16th	do.	Uniao	.	do.	371	16	355	The greater portion of the Slaves are sup- posed to be imported from those parts of Africa prohi- bited by the Treaty.
April 5th	Schooner	Bella Estrella	.	do.	43	3	40	
11th	Smack	Fé	.	do.	48	0	48	
13th	do.	Americana	.	do.	47	3	44	
—	Schooner	Lucrecia	.	Angola	304	14	290	
15th	Smack	Avoador	.	Molembo	94	0	94	
27th	Ship	Cisné	.	do.	419	10	409	
May 16th	Brig	Maria da Gloria	.	do.	395	14	381	
22d	Smack	Toninha	.	do.	263	12	251	
23d	Brig	Zefiro	.	do.	380	23	357	
July 14th	Smack	Sacramento	Joze Joaqm. Vellozo	do.	198	13	185	The greater portion of the Slaves are sup- posed to be imported from those parts of Africa prohi- bited by the Treaty.
26th	do.	S. Yoao	Joao Sabino	do.	168	8	160	
—	Schooner	Sa. Estrella	Cosme Joze Rodrigues	do.	179	9	170	
Sept. 21st	Ship	Vigilante	Joa. Miz. da Costa	do.	246	3	243	
Oct. 19th	Smack	Alegria	Joa. Maurino	Angola	332	17	315	
29th	Brig	Conceição	Manoel Joaquim	Molembo	365	13	352	
Nov. 9th	Smack	Afra	Pascoal de Sza. Neves	Ambris	186	4	182	
11th	Brig	Amazona	Martinho Je Baptista	Molembo	226	0	226	
15th	Schooner	Uniao	Marcelin Alz. da Crus	do.	297	0	297	
23d	Brig	Maria da Gloria	Joao J. da Foncu	do.	389	8	381	
24th	do.	Divina Providencia	Joao Bapta. Coelho	do.	178	5	173	
30th	Schooner	Constituição	Joaquim Luis de Araujo	do.	264	1	263	
Dec. 4th	Smack	Lusitania	Miguel Ant. Neto	do.	196	0	196	
Total					8112	256	7856	

W. PENNELL.

No. 19.—*Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

Foreign Office, March 21, 1823.

IN reference to the Communications on which you have been instructed to address the Government of His Most Faithful Majesty, respecting the Traffick in Slaves, carried on at the Portuguese Settlement of Princes Island; I now furnish you with a Copy of a Despatch, dated the 10th of September, 1822, from His Majesty's Commissioners at Sierra Leone, and of its Inclosure, stating the Case of the *San José Xalaça*, captured in the attempt to supply the Market of Princes Is-

land with Slaves. Slaves are thence distributed with impunity to other Parts of the Portuguese Dominions, in evasion of the restrictive Provisions of the Treaty between Great Britain and Portugal.

You will, in communicating the purport of these Papers to the Portuguese Government, urge them to send out Orders, which, by providing for the severe punishment of the Offenders, shall be effectual in deterring them from these nefarious practices. I am, &c.

*E. M. Ward, Esq.*

GEORGE CANNING.

No. 20.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. April 15.)  
(Extract.) *Lisbon, March 25, 1823.*

I HAVE now the honour to send home the Two Additional Articles to the Slave Trade Convention between Great Britain and Portugal, of the 28th of July, 1817, which, in virtue of the Full Powers with which His Majesty was graciously pleased to invest me, I have negotiated and signed with the Plenipotentiary named on the part of His Most Faithful Majesty.

The small deviations which you will remark in them from the original Drafts forwarded to me for my instruction, will not, I trust, be disapproved by The King. They were admitted by me as unimportant in comparison with the delay which my opposing them might occasion. I took upon myself to add the words "of either sex" when speaking of Slave or Slaves, on account of the ambiguity which might arise from the use of the Portuguese word "Escravo."

*The Right Hon. George Canning.*

E. M. WARD.

No. 21.—*E. M. Ward, Esq. to J. Planta, jun. Esq.*—(Rec. April 26.)  
SIR, *Lisbon, April 12, 1823.*

I HAVE the honour herewith to forward the Answer which the Portuguese Secretary of State returned, to the Representation founded on Mr. Canning's Despatch of September 30, which I addressed to him.

I have the honour to be, &c.

*Joseph Planta, jun. Esq.*

E. M. WARD.

(Inclosure.)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(Translation.)

*Lisbon, November 26, 1822.*

THE Undersigned, &c. having received the Two Notes addressed to him by Mr. Ward, &c. dated the 31st ultimo, and 3d instant, relative to the abuses committed in the Traffick of Slaves by the Portuguese Ships *Conde de Villa Flor*, *Desengano*, and *Toninha*; Abuses in which even some of the Constituted Authorities appear to have participated, proceeded, in consequence of the Orders of His Majesty, before whom the said Notes were immediately laid, to such inquiries,

by means of Persons actually residing in this City, as might better enable the Undersigned to answer Mr. Ward concerning the facts therein set forth.

These preliminary steps not being, however, sufficient to obtain the desired information, Orders have been issued for a more circumstantial investigation in the very Places where the facts were committed; whilst the most positive injunctions have been given, not only to the Publick Authorities, but also to all Portuguese Subjects established in those Parts, to obey, with the most scrupulous exactness, the Treaties existing between the Two Crowns, as far as each is concerned. In the mean time the Undersigned can assure Mr. Ward, for the information of his Government, that His Most Faithful Majesty will not suffer even the most insignificant of the Stipulations agreed upon between the Two Crowns to be infringed with impunity, being assured that this is the only means for insuring a continuance of the good faith and harmony happily subsisting between them, and which the Portuguese Government considers as the strongest guarantee of the prosperity of these Kingdoms. The Undersigned seizes, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

*No. 22.—Mr. Secretary Canning to E. M. Ward, Esq.*

(Extract.)

*Foreign Office, April 17, 1823.*

His Majesty has seen with satisfaction that you have concluded and signed with the Portuguese Government the Two Additional Articles to the Slave Trade Treaty of the 28th of July, 1817. His Majesty's Ratifications of these Articles will be forthwith prepared and transmitted to you, to be exchanged against those of The King of Portugal; and I have to signify to you His Majesty's gracious approbation of your conduct in this transaction.

*E. M. Ward, Esq.*

GEORGE CANNING.

*No. 23.—E. M. Ward, Esq. to Mr. Secy. Canning.—(Rec. May 11.)*

(Extract.)

*Lisbon, May 2, 1823.*

I AM happy to find that the alterations from the original Draft of the Slave Trade Articles, which were agreed to by me, have received His Majesty's most gracious approbation; for the honour conferred upon me, by the signification of which, through you, in your Despatch of the 17th of April, I feel duly grateful.

The Cortes having separated without approving them, The King's Ratification cannot yet be given: however, they are summoned extraordinarily for the 15th of this month.

*The Right Hon. George Canning.*

E. M. WARD.



No. 24.—*E. M. Ward, Esq. to Mr. Secy. Canning.*—(Rec. May 11.)  
 Sir, *Lisbon, May 2, 1823.*

I HAVE the honour to acquaint you that, in obedience to your commands, conveyed in your Despatch of the 21st of March, I addressed a Representation, of which the inclosed is a Copy, on the subject of the Portuguese Sloop, *Xalaça*, engaged in the illegal Traffick in Slaves on the Coast of Africa, to the Minister for Foreign Affairs, whose Answer I have likewise the honour to annex.

I have the honour to be, &c.

*The Right Hon. George Canning.*

E. M. WARD.

(Inclosure 1.)—*E. M. Ward, Esq. to Signor Pinheiro Ferreira.*

*Lisbon, April 24, 1823.*

THE Undersigned, &c. has received the orders of his Government to address His Excellency, Signor Silvestre Pinheiro Ferreira, &c. in order to press upon the consideration of His Most Faithful Majesty's Government the expediency of applying some check to the malpractices carried on under the Portuguese Flag, by the illegal Slave-Traders of Princes Island.

The necessity that some check should be put to the Slave Trade in that Quarter, is now rendered more evident by the Case of the Schooner-boat, *San José Xalaça*, an Abstract of which the Undersigned has the honour to inclose herewith.

This Vessel belonged to Princes and was owned by a Relative of one of the principal Persons of the Island; the same who was engaged in the expedition of the Schooner, *Conceição*, that was detained and condemned in the year 1821, for a breach of the Convention.

The *San José Xalaça* cleared out from Princes for Cabinda; but went direct for Calabar River, where she took in Thirty Slaves.

The miseries attendant on this Traffick are exemplified by the present Case. It would appear that the system by which the illicit Slave Trade is pursued by the People of Princes Island, is to send small Vessels to the large Rivers in the vicinity of the Island, these Vessels being more likely to escape detection, and to be more readily supplied with Slaves to feed the Market at Princes. Such were the Vessels detained by Sir George Collier in the year 1819; such the noted *Nova Felicidade*; such the *Conceição*, and *Defensora da Patria*. Accommodation on board these Vessels there cannot be any; and when the Voyage happens to be in the least protracted, as in the Case of the *Nova Felicidade*, and as in the present Case, from unfavourable weather, and from the ignorance and unskilfulness of the Masters, the consequence to the Slaves must be a state of extreme suffering. Although the distance betwixt Princes and the entrance of the Calabar, be only such as may be passed in five or six days in favourable weather, the

*San José Xalaça* was six weeks at sea after leaving the Calabar, and Ten Slaves perished absolutely through hunger and thirst.

The British Commissioners at Sierra Leone entertain an opinion that the most effectual method of opposing the iniquitous Traffick at Princes Island, would be by adopting some mode by which convicted Slave-Dealers might be sent to a Portuguese Settlement, in order to their trial and transportation to Mozambique, the Traffickers at Princes, when brought to Sierra Leone, showing great dread of being transported to the Eastern Possessions of the Crown of Portugal in Africa.

The necessity of a strict enforcement of the penalties of the Alvará prohibiting the Slave Trade to the North of the Equator, is evident; and the Undersigned hopes and trusts that the Government of His Most Faithful Majesty will send out Orders, which, by providing for the severe punishment of the Offenders, shall be effectual in deterring them from the nefarious practices complained of.

He has the honour, &c.

*Signor Silvestre Pinheiro Ferreira.*

E. M. WARD:

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(*Inclosure 2*)—*Signor Pinheiro Ferreira to E. M. Ward, Esq.*

(*Translation.*)

*Lisbon, April 26, 1823.*

THE Undersigned, &c. has received and laid before The King, the Note addressed to him by Mr. Ward, &c. dated the 24th instant, inclosing an Abstract of the Case of the Schooner *San José Xalaça*, belonging to Princes Island, and captured by the *Thistle* Brig of War, for Trafficking in Slaves to the North of the Equator. And the Undersigned has received Orders to signify to him the great displeasure of His Majesty at the infractions of the Convention of the 28th of July, 1817, and that the Minister of Justice has been commanded to cause Proceedings to be had against the Delinquents with all the rigour of the Laws.

The Undersigned renews, &c.

*E. M. Ward, Esq.*

SILVESTRE PINHEIRO FERREIRA.

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*No. 25.—Mr. Secretary Canning to E. M. Ward, Esq.*

SIR,

*Foreign Office, May 24, 1823.*

IN reference to my former Instructions to you on the subject of the illegal Traffick in Slaves carried on by the Subjects of Portugal, I forward to you herewith, the Copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone on this subject.

From these Papers it appears that the Portuguese Authorities, notwithstanding the repeated Engagements of their Government to the contrary, still continue to insert in the Passports granted to Vessels Trading in Slaves, permission to call at the Cameroons, St. Thomas's, and Princes Island.

This pretence of a legal commerce to the North of the Line, is in

reality incompatible with a Slave-Trading voyage to the Stations, South of the Line, in which that trade is permitted to Portuguese Subjects: the real object such a permission can have, is to afford facility to illegal Slave Trade to the North of the Line.

In calling the attention of the Portuguese Government to these facts, and their consequences, I have to desire that you will use your utmost endeavours to impress upon them the urgent necessity of their putting a stop to these, and to other flagrant violations of the solemn Engagements which The King of Portugal has entered into with His Majesty.

As a more effectual precaution against this illicit Traffick, I am to desire you will also endeavour to prevail upon them to adopt the Measure suggested in the Postscript to my Despatch of the 31st of October, 1822, of taking Bonds to a large amount from the Owners of Vessels to whom Passports may be granted to trade in Slaves to the Southward of the Line; the amount thereof to be forfeited to the Government, if the Vessel be found Trading to the Northward.

I am, &c.

E. M. Ward, Esq.

GEORGE CANNING.

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(Memorandum,)

By a Private Letter, addressed by Mr Ward to Mr. Planta, and dated the 21st of June, it appears, that (owing probably to the Occurrences which had taken place at Lisbon,) the Ratifications of the Additional Articles to the Convention of the 28th of July, 1817, had not yet been exchanged.

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## F R A N C E.

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No. 1.—*Sir Charles Stuart to The Marquess of Londonderry.*

(Received March 10)

(Extract.)

Paris, March 7, 1822.

SINCE the anxiety of His Majesty's Government to bring about an effectual Abolition of the Slave Trade, has rendered the Measures which are expedient for that purpose, the subject of much deliberation among the French Ministers, the Communications of the several Associations formed in Great Britain and The United States for that object, press so strongly for an immediate interference on the part of the French Legislature, that it is probable, if the French Ministers do not come to the determination of adopting the suggestions of my Court, the Chambers will again take the initiative in the consideration of this Question.

I have told The Vicomte de Montmorency that, if the Ministers should take the Question into their own hands, they will avoid the bad effect which must inevitably arise from making the Abolition a mere Party affair, and that I shall look forward with greater certainty to the attainment of the object which has so long, and so eagerly, been demanded, while, in the contrary alternative, a repetition of the disappointment must be expected, to which the Petitions brought forward on this subject have, in former years, given rise. Though His Excellency has not contested the justice of my reasoning, I have not been able, hitherto, to obtain from him any thing farther than a renewal of the assurances, contained in the Official Letter, sent home in my Despatch of the 7th ultimo.

*The Marquess of Londonderry, K. G.*

CHARLES STUART.

No. 2.—*Sir C. Stuart to The Marquess of Londonderry.*—(Rec. Apr. 4.)  
(Extract.) *Paris, April 1, 1822.*

I HAVE the honour to acquaint Your Lordship that a Motion, by The Duke de Broglie, respecting the Abolition of the Slave Trade, was brought forward in the Chamber of Peers on Thursday last, in the form of a Proposition that an Address should be carried up to the Throne, requesting, in compliance with the Engagements contracted under Treaties with Foreign Powers, that the new Laws may be enacted which His Majesty deems necessary to prevent this Traffick.

The opposition to this motion was founded principally upon the informality of an Address brought forward in an indefinite shape, an argument of which the Adversaries to the measure appeared extremely anxious to take advantage; and, after some discussion, they succeeded in carrying a motion for an adjournment by a large majority.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.

No. 3.—*Sir C. Stuart to The Marquess of Londonderry.*—(Rec. Apr. 7.)  
(Extract.) *Paris, April 4, 1822.*

THE Chamber of Deputies on Monday began the examination of the expense of the Marine and Colonies. M. Benjamin Constant availed himself of the opportunity to call the attention of the Chamber to the Representations which have been received respecting the continuation of the Slave Trade, and though he was answered by the Minister of the Marine, and by M. Lainé, they appeared anxious to avoid committing the interests of the Government, by proposals in the Chamber which are likely to fail, rather than desirous to check the evil which is admitted on all sides to exist.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.



No. 4.—*Sir C. Stuart to The Marquess of Londonderry.*—(Rec. Apr. 11.)

(Extract.)

*Paris, April 8, 1822.*

I WAITED until the termination of the Discussion in the Chamber of Deputies, upon the expenses of the Colonial Department, had given me a full conviction that it is not the intention of the French Ministers to bring forward any proposition this Session, which is calculated to remedy the defects in the French Laws for the Abolition of the Slave Trade, before I resolved to carry into effect the Instructions contained in Your Lordship's Despatch of the 26th ult. which reached me on Monday last.

It was not till yesterday that I spoke to The Vicomte de Montmorency on the subject, when the same representations on both sides, which have been detailed upon many similar occasions in the course of my Correspondence, were again repeated. I therefore determined to carry to His Excellency's knowledge the facts detailed in Your Lordship's Letter, by compressing the whole into the shape of the Official Note, of which I have the honour to inclose a Copy.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.

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

SIR,

*Paris, April 7, 1822.*

A SUCCESSION of fresh outrages renders it again my duty to observe to Your Excellency, that the pledge given to His Britannick Majesty by The King of France for the effectual Abolition of the Slave Trade, remains unredeemed.

At a moment when the Enactments of the American and Spanish Legislatures have shewn the cordial inclination of those Nations, to concur in Measures for the attainment of an object so important to humanity, the Official Advices received by His Britannick Majesty's Government from Sierra Leone, dated in January, prove that this detestable Traffick still exists in full activity on the African Coast, covered and protected by the Flag of France.

During the months of July and August last, the Leeward Coast being visited by British Cruizers, three French Slave Traders, as by the inclosed List, were met with and examined on the Calabar River.

At the same period the River Bonny was found swarming with Slave Traders, and Your Excellency is furnished with a List of the Vessels which abused and disgraced the French Flag; four having their Cargoes on board.

On the line of Coast between Sierra Leone and Cape Mount, one of His Britannick Majesty's Vessels, during a Cruise only of ten days, fell in with Nine French Slave Traders, of which I likewise transmit Your Excellency the names.

Though these facts sufficiently shew Your Excellency the advantage taken of the inadequacy of the Regulations of France, to put a

stop to this odious Traffick, there are other Cases in which particulars cannot be obtained. Accounts of undoubted authority, and of recent date, from the Factory of the Gallinas, state that, in the course of last summer, Three Slave Vessels under [French Colours were lying in that Port ; that a large Slave Vessel, fully laden, had sailed from Shevar, under the same Flag, ten days before ; and that, about the same time, in the River Pongas, a French Schooner, M. Dees, Master, took on board 95 Slaves, while, besides the ordinary exportation in large Vessels, an extensive carrying trade is kept up with the Cape de Verd Islands, principally by the small craft belonging to Goree and Senegal.

There seems indeed to be scarcely a spot on that Coast which does not shew traces of the Slave Trade, with all its attendant horrors ; for the arrival of a Slave Ship in any of the Rivers on the Windward Coast, being the Signal for War between the Natives, the hamlets of the weaker party are burnt, and the miserable Survivors carried and sold to the Slave Traders.

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

I have received the express commands of The King, my Master, to address to the Government of His Most Christian Majesty, an urgent representation of these distressing facts, which, if they prove any thing, prove that wherever the French Flag appears, protection and impunity are granted to the Slave Trader, and that the abuse of the Laws enacted in France against this Traffick, notwithstanding the allegations of the Party disposed to encourage the mischief, afford practical examples of the consequences which must result from this evil, by occasioning encroachments on the Territories of friendly Powers in Africa, and exciting bloody wars among the Natives.

The magnitude of the evil must compel the French Government now to determine, whether they will refuse to execute their Engagements, and sit down under the imputation of being the Power, to whom all those interested in such a cause turn their eyes, as the avowed Protector of this Commerce ; or vindicate their character for good faith and humanity in the eyes of the rest of the World, by assimilating their legislation to that of those Countries which have the greatest interest in Maritime and Colonial affairs.

I have the honour to be, &c.

*The Vicomte de Montmorency.*

CHARLES STUART.

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No. 5.—*Sir Charles Stuart to The Marquess of Londonderry.*

(Received June 13.)

MY LORD,

*Paris, June 10, 1822.*

I AM to acknowledge Your Lordship's Letter of the 14th of May, \* containing Copies of the several Papers which have been laid before Parliament upon the subject of the Abolition of the Slave Trade.

The anxiety of The Vicomte de Montmorency to read these Papers induced me to avail myself of an early opportunity to send them to His Excellency, accompanied by the inclosed Note, in which I reminded him, that, since my various Communications remain unanswered, he must not be surprised that the interests of France respecting this important subject, are in some degree separated from those of all other civilized Nations.

It is stated in the *Moniteur* of the 8th instant, that proceedings have been instituted by the Colonial Tribunals against Individuals who have embarked in this Trade, but the silence of the Government in their Communications with me upon the subject, throws a doubt upon these statements, which induces me to hesitate to give to them that credit to which I should otherwise have supposed them to be entitled.

I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.

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

SIR,

*Paris, June 5, 1822.*

IN compliance with Your Excellency's wishes, I have the honour to inclose the Papers which have been laid before the British Parliament, respecting the Slave Trade.

I cannot but point out that the proofs they afford of a disposition to abolish this Traffick on the part of Spain, and of The United States, offer a melancholy contrast to the result of the numerous overtures I have had the honour to address Your Excellency upon this subject. I therefore avail myself of the opportunity, not only to remind Your Excellency that my various remonstrances remain unanswered, but that the persevering industry with which the Slave Traders still abuse the protection of the French Flag, and the reluctance of the Government to adopt any Measure which can check this evil, will, if continued, separate the views and interests of France upon this Question from those of all other civilized Nations.

In the hope that the facts stated in these Documents will lead to resolutions which the interests of humanity, not less than the dignity of the French Court, require ;

I have the honour to be, &c.

*The Vicomte de Montmorency.*

CHARLES STUART.

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\* Same as Netherlands, No. 4.

*No. 6.—The Marquess of Londonderry to Sir Charles Stuart.*

SIR,

*Foreign Office, June 11, 1822.*

IN reference to my former Despatches, relative to the Slave Trade carried on under the Flag of France, I have the honour to inclose Copies of Communications received by the Lords Commissioners of the Admiralty, on the subject of a Vessel called the *Auguste*, fitted out at The Mauritius, and employed under the French Flag, in carrying Slaves to the Isle of Bourbon. Your Excellency will take a favourable opportunity of communicating the facts stated in these Papers, to the Government of His Most Christian Majesty, and of again calling their serious attention to this unpleasant subject. I am, &c.

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

LONDONDERRY.

*No. 7.—Sir Charles Stuart to The Marquess of Londonderry.**(Received June 27.)*

(Extract.)

*Paris, June 24, 1822.*

IN obedience to the directions contained in Your Lordship's Letter of the 11th instant, I have addressed the Communication to The Vicomte de Montmorency which I inclose, pointing out a new infraction of the Law for the Abolition of the Slave Trade, in the Island of Bourbon.

This representation has been acknowledged, in the Note I have likewise the honour to inclose, and I have since observed in the Publick Papers, that M. Frappas, formerly Captain of His Most Christian Majesty's Goëlette *La Bacchante*, and two other Officers of the same rank, were landed in arrest at Nantes on the 17th, from on board a Ship from the Isle of Bourbon, under a suspicion of their participation in this crime.

Notwithstanding repeated remonstrances, I have not hitherto been able to induce the French Ministers to communicate to me, officially, the particulars of the several Prosecutions before the French Tribunals, respecting infractions of the Law upon this subject.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.

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

SIR,

*Paris, June 15, 1822.*

I HAVE received the instructions of my Government to forward Your Excellency the inclosed Correspondence, relating to several infractions of the Law for the suppression of the Slave Trade, by a Vessel under French Colours, named the *Auguste*, which appears to be carrying on this Traffick between the Isle of Bourbon and the African Coast.

I have the honour to be, &amp;c.

*The Vicomte de Montmorency.*

CHARLES STUART.



(Inclosure 2.)—*The Vicomte de Montmorency to Sir Charles Stuart.*

MONSIEUR L'AMBASSADEUR,

Paris, le 20 Juin, 1822.

Je me suis empressé de transmettre à M. le Ministre de la Marine les Pièces que Votre Excellence m'a fait l'honneur me m'adresser le 15 de ce Mois, et qui sont relatives à différentes infractions aux Lois sur la Traite, qu'elle annonce avoir été commises par un bâtiment portant Pavillon Français nommé *l'Auguste*. Je l'ai invité en même tems à faire prendre sur-le-champ des renseignemens sur les faits qui y sont signalés. Aussitôt que le résultat m'en sera connu, je m'empresserai d'en faire part à Votre Excellence.

J'ai l'honneur d'être, &c.

S. E. Sir Charles Stuart.

LE VTE. DE MONTMORENCY.

No. 8.—*The Marquess of Londonderry to Sir Charles Stuart.*

SIR,

Foreign Office, June 29, 1822.

I HAVE the honour to transmit to Your Excellency, Copy of a Communication received from His Majesty's Consul at Bordeaux, respecting the fitting out at that Port of two Vessels suspected of being intended for the Slave Trade, and I have to refer Your Excellency on that subject to my former Correspondence. I am, &c.

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

LONDONDERRY.

(Inclosure.)—*Mr. Consul Scott to The Marquess of Londonderry.*

(Extract.)

Bordeaux, June 18, 1822.

In obedience to my Instructions, I have the honour to inform Your Lordship that a Brig, called the *Ulysses*, of 285 tons burthen, mounted with six guns, commanded by Captain \* \* \*, and a Schooner, called the *Pénélope* (formerly the *Mulatta*) of 120 tons burthen, mounted with six guns, commanded by Captain \* \* \*, brother of the Captain of the *Ulysse*, both belonging to \* \* \* \* \*, established here as a Merchant, have been fitted out in this Port under French Colours, and are now about to sail from the River under every appearance of being destined for the Slave Trade.

They are both extremely sharp Vessels, not at all calculated to carry Merchandize, and are rigged expressly for fast sailing.

*The Marquess of Londonderry, K. G.*

H. SCOTT.

No. 9.—*Sir C. Stuart to The Marq. of Londonderry.*—(Rec. Aug. 11.)

MY LORD,

Paris, August 8, 1822.

In obedience to Your Lordship's directions, I have addressed the Note, of which I have the honour to inclose a Copy, to the French Government, pointing out the reasons which justify a suspicion that several Vessels have lately been fitted out for the Slave Trade, in the Port of Bordeaux.

The accompanying Answer, which reached me two days since,

manifests the anxiety of the French Ministers to remedy this evil, and states that Orders have been addressed to the different Authorities for that purpose. It would appear, however, if the number of Trials and Condemnations, which the Minister of the Marine asserts, (according to a report which has appeared in the Paris Journals,) to have taken place, are correctly stated, that the result of their efforts to suppress this commerce, proves that it has increased to an extent, infinitely beyond any calculation I could have permitted myself to bring forward in the year 1814.

I have the honour, &c.

*The Marquess of Londonderry, K.G.*

CHARLES STUART.

(Inc'osure 1.)—*Sir Charles Stuart to The Vicomte de Montmorency.*

SIR,

*Paris, July 12, 1822.*

I HAVE the honour to inform Your Excellency that a Brig, called the *Ulysse*, of 285 tons burthen, mounted with six guns, commanded by Captain \* \* \*, and a Schooner, called the *Penelope* (formerly the *Mulatta*) of 120 tons burthen, mounted with six guns, commanded by Captain \* \* \*, brother of the Captain of the *Ulysse*, both belonging to \* \* \* \* \*, established as a Merchant at Bordeaux, have been fitted out in that Port under French Colours, and are now about to sail from the River under every appearance of being destined for the Slave Trade.

They are both extremely sharp Vessels, not at all calculated to carry Merchandize, and are rigged expressly for fast sailing. The Owner of these Vessels is well known to have fitted out, and employed successfully, during the last four years, many Vessels in the Slave Trade.

I have, &c.

*The Vicomte de Montmorency.*

CHARLES STUART.

(Inclosure 2.)—*The Vicomte de Montmorency to Sir Charles Stuart.*

MONSIEUR L'AMBASSADEUR,

*Paris, le 31 Juillet, 1822.*

PAR sa Lettre du 12 de ce mois, Votre Excellence m'a transmis des renseignements qui lui ont été communiqués sur deux Navires Français, l'*Ulysse* et la *Pénélope*, commandés par \* \* \*, armés à Bordeaux, pour être employés, suivant les apparences, à la Traite des Noirs. Je me suis empressé d'inviter M. le Ministre de la Marine à se faire rendre compte de ces deux Armemens.

Il vient de me répondre que l'Administration Maritime de Bordeaux a été chargée de surveiller, de concert avec le Ministère Public, ces expéditions.

Elles seront l'objet d'une enquête judiciaire, si les preuves de leur culpabilité sont acquises. A défaut de ces preuves, les deux bâtimens suspectés seront signalés aux Autorités des Colonies Françaises pour être l'objet d'une nouvelle surveillance.

Quant à \* \* \* indiqué comme devant commander l'un de ces Navires, M. Le Ministre de la Marine annonce qu'il vient d'être interdit des fonctions de Capitaine au long cours. J'ai l'honneur, &c.

S.E. Sir Charles Stuart.

LE VTE. DE MONTMORENCY.

No. 10.—*The Vicomte de Chateaubriand to Earl Bathurst.*

Londres, le 16 Août, 1822.

Le Soussigné, Ambassadeur de Sa Majesté Très Chrétienne près Sa Majesté Britannique, a l'honneur de mettre sous les yeux de Lord Bathurst les faits suivants, dont il a été informé par M. Le Baron Segnier, Consul-Général de France à Londres.

Le Bric Français *La Vigilante*, saisi par la Croisière Angloise dans la Rivière Bonny, sur la Côte d'Afrique, après un combat, où il y a eu du sang versé, est arrivé à Portsmouth : *La Petite Betsy* saisie dans les mêmes circonstances et dans les mêmes parages est entré depuis dans le même Port. Son équipage a été mis à terre sans secours et abandonné à son sort.

La France ne reconnaît à aucune Puissance le droit de visiter ses bâtiments. Des Sujets de Sa Majesté Très Chrétienne, arrêtés sous le Pavillon Français, ne peuvent être soustraits à leurs Juges naturels, et traduits devant les Tribunaux de La Grande Bretagne. L'Angleterre se plaindrait hautement et avec raison si un navire Français amenait à Brest, pour être jugé d'après les Loix de La France, un bâtiment pris sous Pavillon Britannique.

Déterminé par ces considérations, et ayant reçu les ordres les plus positifs de sa Cour, le Soussigné demande officiellement aujourd'hui, que les dits bâtiments arrêtés, soient conduits immédiatement à Cherbourg, où les Délinquents seront jugés dans toute la rigueur des Loix de leur Pays.

Le Gouvernement Anglois a plusieurs fois reconnu l'incompétence de sa juridiction dans des cas à peu près semblables à celui dont il s'agit, et notamment dans l'affaire du navire *Le Louis* :—Il ne sera pas moins équitable dans la circonstance actuelle. Le Soussigné, convaincu que rien ne peut altérer la parfaite intelligence qui regne entre l'Angleterre et La France, attend en toute confiance le résultat le plus satisfaisant et le plus prompt, de la demande qu'il a l'honneur d'adresser à Lord Bathurst. Il saisit cette occasion, &c.

Le Comte Bathurst.

CHATEAUBRIAND.

No. 11.—*The Earl of Clanwilliam to The Vicomte de Chateaubriand.*

(Confidential.)

Foreign Office, August 21, 1822.

LORD CLANWILLIAM presents his compliments to the Vicomte de Chateaubriand, and is directed by The Secretary of State to acquaint His Excellency, in reference to his Note to Earl Bathurst, of the 16th instant, that orders have been sent to the Officers in charge of the two

French Slave Vessels, to proceed with them forthwith to Cherbourg, where the Vessels, and the remainder of the Crews, will, in compliance with His Excellency's wishes, be delivered up to the French Authorities.

*His Excellency The Vicomte de Chateaubriand.*

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No. 12.—*Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, September 30, 1822.*

By the accompanying Copies of Papers, received at this Office in a Communication from the Admiralty, dated the 1st of August, 1822, Your Excellency will see, that, on the 15th of April preceding, the Boats of His Majesty's Ship *Iphigenia* were advancing, under British Colours, towards Two Spanish Schooners, the *Vecua* and *Icanam*, at anchor in the River Bonny, and suspected of Trafficking in Slaves; when a most unjustifiable attack was commenced on them by the Schooners, supported by the fire of Three Vessels under the French Flag, '*La Vigilante*, '*La Petite Betsy*, and '*L'Ursule*, which were then at anchor near the *Vecua* and *Icanam*.

The result of this wanton and lawless conduct, on the part of the Vessels concerned was, that two British Seamen lost their lives, and five were severely wounded.

After the action, which lasted twenty minutes, had ended, by the boarding of the Vessels engaged in this unprovoked act of aggression, these Vessels were detained by the Officer commanding His Majesty's Boats, for the necessary purpose of ensuring that the Offenders should be brought to justice.

The Vessels were, in the first instance, sent to Sierra Leone, and thence to England: Two of them have arrived here. The opinion of His Majesty's Legal Advisers has been taken as to the proper mode of proceeding; and, in acquiescence with that opinion, no time has been lost in giving orders, that the Vessels, and such portion of the Crews as remained on board, should be sent to Cherbourg; The Vicomte de Chateaubriand, His Most Christian Majesty's Ambassador at this Court, having given the Official assurance of his Court, that the Delinquents should there be judged with all the rigour of the Laws of their Country.—I send you a Copy of His Excellency's Note to this effect.

Such Documents, found on board the French Vessels, as come under the description of Ships' Papers, have been sent, together with the Vessels, to be delivered up to the French Authorities at Cherbourg. The three inclosed Documents were the only Papers which were not given up at the time, as not coming strictly under that description. Two of them are Letters, found on board the *Ursule*, containing instructions for her Commander; the Third is a Declaration by the Officers of *La Petite Betsy*, as to their abandonment of that Vessel. They all tend to prove the real and determinate object of the voyage



of these Vessels, of which indeed there was elsewhere too evident proof; since one of them had 343 Slaves, another 218 Slaves, and the third 247 Slaves, on board; and all were armed.

The King commands me to direct Your Excellency to put the French Ministry in possession of the whole of these circumstances. You will urge that they be laid without delay before His Most Christian Majesty; and you will call upon the Government to institute immediate proceedings, agreeably to the assurances given by M. de Chateaubriand, for bringing to a condign punishment, those Subjects of France, who have committed this infringement upon the Relations of Amity which subsist between the Two Nations.

You will state, that His Majesty rests assured that full reparation will be given to His Majesty for the insult committed upon His Flag, and due satisfaction for the loss of the lives of His subjects. You will, at the same time, advert to the circumstance, that the Vessels were engaged in a Traffick, which His Most Christian Majesty has expressed His determination to put down by every means in His power.

You will transmit to the Ministry of His Most Christian Majesty the original Papers, herewith inclosed; and you will add the expression of His Majesty's hope, that this flagrant instance of illegal Traffick, will be visited with the penalties which the French Laws have denounced against such Offences. I am, &c.

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

GEORGE CANNING.

(Inclosures.)—Documents found on board the Ships L'Ursule and Petite Betsy.

MONSIEUR, *St. Pierre, Martinique, le 17 Novembre, 1821.*

Vous trouverez ci-inclus facture de chargement du brick-goëlette L'Ursule, que vous commandez, lequel chargement je vous consigne et compte sur vos bons soins pour m'en tirer le parti le plus avantageux à mes intérêts. Vous partirez de ce Port pour vous rendre sur les Côtes d'Afrique pour y traiter, de morfil, poudre d'or, et autres produits de pays, en échange avec votre cargaison; dans le cas où vous ne pourriez remplir mes instructions vous iriez à l'Île des Princes, et vous rapporteriez pour vos retours des cafés; dans un cas comme dans l'autre, je vous recommande de choisir de belles marchandises.

Après votre chargement fini vous ferez votre retour à la Martinique.

Si contre mon attente vous ne pouviez faire une échange avec la cargaison que je vous confie, contre les marchandises mentionnées ci-dessus, vous iriez dans les comptoirs que vous jugerez les plus convenables, mais sur aucun prétexte que ce soit ne m'apportez aucun

Noir, ni pour mon compte ni à frêt, sous peine de vous rendre responsable de tous dommages et intérêts qui pourraient me survenir.

JN. DELLEUX.

*M. Bd. Douillé, Capitaine du Brick-Goëlette L' Ursule.*

MONSIEUR,

*St. Pierre, Martinique, le 19 Novembre, 1821.*

Vous ferez votre retour à Surinam, vous aurez le soin de rester très éloigné de l'embouchure de la rivière, vous enverrez avec votre chaloupe, votre Second à la Ville sous le prétexte de faire des vivres, et vous réclamerez M. Rd. O'Ferrall, junior, à défaut M. Lamartinie, et vous ferez part à l'un, ou à l'autre, du sujet de votre mission ; s'il y a facilité de pouvoir effectuer la vente sans danger, vous vous consignerez à M. O'Ferrall de préférence, avec la condition qu'il ne vous prendra que deux et demi pour cent. de Commission, vû que vous êtes Subrecargue de la cargaison, je ne veux point payer de garantie d'endossement ; je préfère vendre ma cargaison à plus bas prix et avoir des Traités de toute solidité afin qu'elles ne reviennent point à prôtet.

Si vous ne pouvez effectuer la vente à Surinam, vous viendriez à la Martinique, et vous irez débarquer votre cargaison sur l'habitation de M. Lalanne dans la Baie du Gallion près la Tartane et me le faire savoir de suite.

Dans le cas d'un malheur imprévu qui vous contrarieroit de faire votre retour dans l'un de ces deux Ports, vous iriez à Porto Rico, à St. Jago de Cuba, ou à L'Havane.

Dans l'un ou dans l'autre Port vous vendrez toujours de préférence en espèces, à défaut des Traités sur France, L'Angleterre, ou sur les Etats-Unis d'Amérique, ou en denrées, café de préférence, ou coton à défaut de sucre blanc, seulement en caisses :—payé plus cher mais de 1 ère qualité.

#### CONSIGNATIONS.

à L'Havane.....Messrs. Hernandez et Chauviteau.

à St. Jago de Cuba.....M. Casamajor.

à Porto-Rico .....M. Boyrie.

De préférence La Havane, le morfil se vend mieux.

Signal,

Pavillon Français à la corne.

Pavillon blanc au mât de misaine pour signal de reconnaissance.

Quoi qu'il soit dit en l'autre part que le Capitaine Douillé remplit les fonctions de Subrecargue, il n'aura le droit de réclamer aucun salaire en cette qualité.

Si la dite vente s'effectue dans toute autre Colonie que celle de la

Martinique, le Capitaine Douillé est autorisé de rester jusqu'au tems que la vente soit terminée, afin qu'il puisse me rapporter le net produit de la cargaison.

JN. DELLEUX.

*M. Douillé, Capitaine du Brick Goëlette L' Ursule.*

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*A bord du Brick, Petite Betsy, le 20 Avril, 1822.*

Nous, Capitaine, Subrecargue et Officiers du dit navire, déclarons par la présente que, le quinze du présent mois, nous avons été abordé par les embarcations de la Frégate Anglaise, Iphigénie, et de la Corvette Myrmidon, lesquels nous ont trouvés employés au Commerce des Esclaves, en ayant à bord 218. Déclarons en outre abandonner toute prétention sur le Navire et sa cargaison, abandonnant le tout aux Capteurs.

En foi de quoi nous avons signé le présent Papier,

S. LORRY, Subrecargue.

J. L. POIRCAN, Capitaine.

J. ST. BOIRENFANT.

E. BERTRAND, 2d Lieut.

(Witness) W. P. BROWNE.

ROBERT WHITELAW.

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No. 13.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Oct. 13.)

(Extract.)

*Paris, October 10, 1822.*

In obedience to the directions conveyed in your Despatch of the 30th ultimo, I have availed myself of an early opportunity to call the attention of the French Government to the outrage which was committed in the month of April, by the Crews of Three French Vessels in the River Bonny, to require the satisfaction His Majesty is entitled to expect for the offence against His Flag, and the murder of His Subjects; and, with reference to the Address from Parliament, conveyed in Lord Bathurst's Despatch of September 6th,\* to point out that this new proof of the multiplied evils, resulting from the continuation of the Slave Trade, calls for some Measure to give effect to the Laws which have been enacted, in virtue of His Most Christian Majesty's engagements, to put an end to that Traffick.

Monsieur de Villèle assures me that the question has been brought before the Tribunals, and that the various condemnations for the infraction of the existing Laws which have taken place, prove the desire of the Ministers to prevent the acquittal of any Person who has participated in crimes of this nature.

*The Right Hon. George Canning.*

CHARLES STUART.

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\* See Netherlands, No. 10.

(*Inclosure.*)—*Sir Charles Stuart to M. de Villèle.*

SIR,

*Paris, October 5, 1822.*

ON the 15th of April of the present year, the Boats belonging to His Britannick Majesty's Ship the *Iphigenia*, were sent, under British Colours, to examine Two Spanish Schooners, the *Vecua* and *Icanam*, lying in the River Bonny, suspected to be trafficking in Slaves. The Crews of these Vessels, supported by Three French Ships, *La Vigilante*, *La Petite Betsy* and *L'Ursule*, which were at anchor in the same River, commenced a most unjustifiable attack on His Majesty's Officers and Men, and the result of this wanton and lawless conduct was, that two British Seamen lost their lives and five were severely wounded.

After the action, the Officer commanding His Majesty's Boats took possession of the *Vigilante*, *La Petite Betsy*, and the *Ursule*, for the necessary purpose of bringing the Offenders to justice; they were in the first instance sent to Sierra Leone, and from thence to England, where no time was lost in giving orders that the Vessels, and such portion of the Crews as remained on board, should be sent to Cherbourg, under an Official assurance from the Vicomte de Chateaubriand, His Most Christian Majesty's Ambassador at the Court of London, that the Delinquents should be judged according to the Laws of their own Country.

All Documents which could be considered Sea-Papers were delivered to the French Authorities at Cherbourg, but the three inclosed Papers not coming under that denomination, were not given up at the time. Your Excellency will observe, that Two are Letters found on board the *Ursule*, containing Instructions for her Commander, and that the Third is a Declaration by the Officers of *La Petite Betsy*, announcing their abandonment of that Vessel. They tend to prove the real and determinate object of the voyage of these Vessels, of which, unhappily, there was too evident proof, since one Ship had 343, another 218, and the third 247 Slaves on board, and they were all armed in support of their enterprize.

I am to request that these circumstances may be laid without delay before His Most Christian Majesty, and that, with a view to that full reparation which His Britannick Majesty is entitled to expect for the insult committed upon His Flag, and the loss of the lives of His Subjects, proceedings may be instituted, agreeably to the assurances given by the Vicomte de Chateaubriand for bringing to condign punishment those Subjects of France, who have infringed the relations of amity subsisting between the Two Nations.

As these Vessels were engaged in a Traffick which His Most Christian Majesty has expressed His determination to put down by every means in His power, at a moment when the Address from the British Legislature, of which I have the honour to inclose a Copy, alludes to the existing Negotiations between this Country and Great Britain, in



terms which render it highly necessary for France to take some decided measure for the execution of the Engagements contracted upon this subject; I must further express the hope of my Sovereign, that so flagrant a violation of the Law will be visited by the severest Penalties which are applicable to Offences of this nature. I have &c.

*M. de Villèle.*

CHARLES STUART.

No. 14.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Oct. 21.)

(Extract.)

*Paris, October 17, 1822.*

IN answer to the representation addressed to M. de Villèle, respecting the outrage committed upon His Majesty's Ships in the River Bonny, by Three French Vessels engaged in the Slave Trade, and of which the Copy was inclosed in a former Despatch, I have received the Letter from that Minister, of which I have the honour to forward a Copy.

*The Right Hon. George Canning.*

CHARLES STUART.

(Inclosure.)—*M. de Villèle to Sir Charles Stuart.*

MONS. L'AMBASSADEUR,

*Paris, le 11 Octobre, 1822.*

Je m'empresse de répondre à la Lettre que Votre Excellence m'a fait l'honneur de m'écrire, relativement aux Navires Français *Le Vigilant*, *La Petite Betsy* et *L'Ursule*, prévenus de faire la Traite des Noirs.

Jusqu'à présent, le Gouvernement du Roi croyait avoir assez prouvé, Mons. l'Ambassadeur, la ferme intention où il a toujours été, de réprimer cet odieux Trafic. La sévérité qu'il a montrée toutes les fois qu'il lui a été possible d'en acquérir la conviction, semblait écarter tous les doutes. Aussi je crois pouvoir me dispenser d'insister à cet égard, sur la réfutation d'allégations suffisamment démenties, je le répète, non moins par ses actes, que par ses intentions bien connues. Que des spéculateurs avides aient hasardé des expéditions en contravention aux Règlements, je ne le conteste pas; ce sont de ces infractions qu'aucun Gouvernement ne peut prévenir entièrement, et il ne me serait peut-être pas impossible d'en trouver, en Angleterre même, des exemples plus ou moins récents. Le Gouvernement du Roi n'a été ni moins actif ni moins sévère que le Gouvernement Anglais, à les poursuivre et à les punir. Les mesures qu'il a prises à cet égard, sont telles qu'il les a jugées nécessaires pour assurer, le plus efficacement possible, l'exécution de ses propres dispositions sur un objet dont il apprécie toute l'importance.

Je transmets au Ministre de la Marine, les différentes Pièces qui accompagnaient la Lettre de Votre Excellence, et qui font partie de celle trouvées à bord des trois Navires dont il s'agit. Votre Excellence ne doit pas douter que les faits particuliers qu'elle signale, ainsi

que les circonstances qui y ont donné lieu, ne soient l'objet d'une investigation rigoureuse et très impartiale, de la part de l'Autorité chargée d'en connaître.

J'ai l'honneur, &c.

*Son Excellence Sir Charles Stuart.*

JH. DE VILLELE.

*No. 15.—Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, November 1, 1822.*

INCLOSED is an extract of a Letter from Sir Charles Mac Carthy, Governor of Sierra Leone, (which has been transmitted to my Office from the Colonial Department), reporting an instance of what appears to have been a mistake in the execution of the French Law, relating to the Capture of French Vessels engaged in the Slave Trade; arising not from any wilful negligence in the French Commodore on that Station, but rather from defect in the Instructions under which he acts.

From the statement which this Officer made to Sir Charles Mac Carthy, it appears that he fell in with, and visited several Vessels under the French Flag, which he had strong grounds to suspect were employed in the Slave Trade, but that he did not detain them, as he was not authorized by his Instructions to seize any Vessels but such as had Slaves actually on board.

The Memorandum inclosed in Sir Charles Mac Carthy's Letter\* contains a List of Vessels visited or detained by His Majesty's Ships, in the short space of two months; which proves that the Traffick in Slaves is carried on to a most alarming extent, by Ships under French Colours, completely armed and equipped for this criminal trade.

Sir Charles Mac Carthy is undoubtedly correct, in supposing that the defect, which appears to exist in the Instructions of the French Officers, is to be attributed to some misapprehension of the authority with which British Officers are invested. Although it has been determined by the Treaties with other Foreign Powers, that *Foreign Vessels* should not be detained by British Ships, unless Slaves were actually on board, yet it seems only reasonable, and consistent with good faith, that the Government of His Most Christian Majesty should enforce towards *French Ships*, the same Laws which have been strictly carried into effect by Great Britain towards *her own Ships*, since the abolition of the Slave Trade.

I am, therefore, to direct that you will lay this matter before the French Government, and explain to them, that, by the British Laws, any British Vessel fitted out for, or employed in, the Slave Trade, is equally liable to seizure and condemnation, whether the Slaves are actually on board or not; and that such a Vessel, with the Officers and Crew, would undoubtedly be detained and prosecuted. I trust the French Government, when thus informed of the real state of our

\* See Colonial Papers.

Law upon this subject, will assimilate the Instructions given to their Officers commanding Ships of War on the Coast of Africa, to those which are given by the British Government to their own Officers on the same Station.

I am, &c.

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

GEORGE CANNING.

No. 16.—*Sir Charles Stuart to Mr. Secy. Canning.*—(Rec. Nov. 28.)  
(Extract.) *Paris, November 25, 1822.*

IN obedience to your directions, I have not delayed to transmit to the French Ministers, representations of the extent of the Slave Trade, which is at present practised upon the Coast of Africa; requesting, at the same time, that the Instructions which guide the conduct of the French Officers who are engaged in putting down that Traffic, may be assimilated to those of the British Officers employed upon the same Station.

I have at length received an answer from Monsieur de Villèle, which I have the honour to inclose, and which manifests an intention to comply with the object of my representations.

*The Rt. Hon. George Canning.*

CHARLES STUART.

(Inclosure.)—*M. de Villèle to Sir Charles Stuart.*

(Extrait.) *Paris, le 22 Novembre, 1822.*

J'ai reçu avec la Lettre que Votre Excellence m'a fait l'honneur de m'écrire, la Liste des Batimens qui, dans les premiers mois de cette année, paraissent avoir été employés à la Traite des Noirs. Il s'y trouve, il est vrai quelques Navires Français, quoique toutefois ce ne soit pas le plus grand nombre. Cette circonstance qui, sans doute, ne lui aura pas échappé, doit convaincre Votre Excellence, que le Gouvernement du Roi ne néglige aucun des moyens de surveillance qui dépendent de lui, pour empêcher cet odieux Commerce. Plusieurs exemples, et des peines sévères prononcées contre les spéculateurs, ont déjà prouvé qu'il n'y mettait pas moins d'intérêt que le Gouvernement Anglais lui même. Je ne m'en suis pas moins empressé de déférer au Ministre de la Marine, les observations que Votre Excellence m'a transmises, relativement aux mesures adoptées en Angleterre, à l'égard des batimens qui, sans avoir des Nègres à bord, paraissent par leur construction, destinés à ce genre de Trafic. Je ne doute pas qu'elles ne soient, de la part de M. Le Marquis de Clermont-Tonnerre, l'objet d'un examen particulier, dès qu'elles pourront ajouter aux moyens de répression.

*Son Excellence Sir Charles Stuart.*

JH. DE VILLELE.

*No. 17.—Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, May 23, 1823.*

I INCLOSE herewith to Your Excellency, the Copy of a Communication recently received from the Governor of His Majesty's Colony at Sierra Leone, containing many particulars relative to the continuance of the Slave Trade, by Vessels under the French Flag on the Coast of Africa.

Your Excellency will find, that at Gallinas, Fourteen French Vessels received Cargoes of Slaves on board, in the short space of four months; that the Trade is stated to be carried on now to a greater extent than at any former period;—that, to use the expression of the Writer, it is considered to be “flourishing;” and that, as the British Cruizers permitted it to be carried on with impunity under their eyes, the Nations on the Coast had come to a persuasion that the Trade was lawful.

Your Excellency has frequently received Instructions from your Court to bring to the knowledge of the French Government, glaring instances of the active employment of French Capital in this nefarious Traffick, and the extensive protection afforded by the French Flag to it.

The French Government cannot but regret the impression created on the minds of the Natives, by the conduct of its Subjects on the Coast of Africa; and they will derive from this circumstance a fresh proof of the necessity of taking some decisive step to vindicate their Flag from the dishonour which thus attaches to it, by stigmatizing with a punishment, in some degree proportioned to the offence, this audacious pursuit by French Subjects of a Traffick prohibited by their Government, and pronounced by the whole Civilized World to be a disgrace to the Age.

I am, &amp;c.

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

GEORGE CANNING.

*No. 18.—Mr. Secretary Canning to Sir Charles Stuart.*

SIR,

*Foreign Office, May 23, 1823.*

I HAVE the honour to transmit to Your Excellency, the extract of a Letter received from His Majesty's Consul at Pernambuco, dated the 12th of March 1823, reporting the arrival in that Port of the French Cutter, *Le Trident*, M. T. Borboreau, Master, with a Cargo of 126 Slaves from the River Bonny.

The *Trident* is stated to have been built at, and to belong to Martinique.

Your Excellency will immediately call the attention of the French Government to this fresh instance of the evasion of the measures which



have been promulgated by them for the suppression of the Slave Trade, under cover of the French Flag.

I am, &c.

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

GEORGE CANNING.

(Inclosure.)—Mr. Consul Parkinson to Mr. Secretary Canning.

(Extract.)

Pernambuco, March 12, 1823.

HAVING reference to my Instructions, requiring me "to keep a watchful eye upon all Undertakings for trading in Slaves," I beg to acquaint you that, on the 2d instant, *Le Trident*, a French Cutter, commanded by Monsieur T. Borboreau, came into Pernambuco roads with a Cargo of 126 Slaves from the Bonny.

His Majesty's Frigate, *Doris*, and the French Sloop of War, *L'Hirondelle*, were then at anchor in the roads, which exciting some apprehension in the Commander, he made signal of distress, and was brought by a Pilot within the reef, that is to say, into the harbour of Pernambuco.

The *Trident* was recently built and fitted out for this Traffick at Martinique, and during her stay in the River Bonny was dangerously worm-eaten. Nevertheless, having completed her Cargo of Slaves, 133, in a Vessel of less than 100 tons burthen, with a Crew, as I am assured, of eighteen in number, and composed of men of various Nations, she sailed for Surinam. Bad weather and contrary winds frustrated all their endeavours, they were driven out of their course, and sickness, combined with starvation, finally brought them hither.

The arrival created no small embarrassment—the Judge of the Custom House conscientiously refusing entry under any modification, and the Master of the Slave Ship, dreading Capture or detention, should he quit the harbour and again pass under the guns of the *Doris*.

His apprehensions of obstruction from the French Vessel of War seem to have been less strong, and with reason,—the French Sloop of War, *L'Hirondelle*, and the French Ship lying at this moment within a few cable lengths of each other in the harbour.

Urgent applications were addressed to the Junta of Government to give entry to the Vessel, resting on the unseaworthy state of the Cutter, her absolute want of provisions, and of water, and want of pecuniary funds, the Slaves were designated as *Passengers from Martinique*, although I have ascertained that the Captain on his arrival made declaration that he came from Cabinda in 75 days, with a Cargo of 133 Slaves, of whom 16 had died in the passage,—and at the Ballast Office, declared that he came from Princes Island. The rights of hospitality were strenuously claimed for the Vessel of a friendly Power,—compassion and humanity were invoked on behalf of People avowedly engaged in violating the Laws of their own Country, those of Portugal,—and in trampling under foot the very virtues of which on their own behalf they

claimed the exercise :—finally, the Junta gave way, and an order was issued, authorizing the sale of 20 of the Slaves ; permitting the remainder to be placed in the Lazaretto for the recovery of their health.

This event has created a strong sensation here.

*The Right Hon. George Canning.*

JOHN PARKINSON.

## UNITED STATES.

No. 1.—*The Marquess of Londonderry to The Right Hon. S. Canning.*

(Extract.)

*Foreign Office, April 15, 1822.*

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I DID not lose the opportunity of speaking to Mr. Rush, on another point of increasing interest to this Government, on which I have often had occasion already to address you ; viz. the formation of some common System between the Two Countries for the more effectual prevention of the illicit Traffick in Slaves.

The Correspondence which took place between you and Mr. Adams, in the course of last year, and the Report of the Committee to Congress on the subject of the Slave Trade, have been called for, and laid before Parliament ; and I stated to Mr. Rush, that however unfavourable the language of the American Government was to our wishes, yet, that the Report above-mentioned still gave ground for hope, that, upon the Principles therein laid down, some joint Measure could, in the end, be arranged between the Two Countries.

In order that we might clearly understand each other, I requested Mr. Rush to draw up a Memorandum of our conversation, for transmission to his Government, and I herewith enclose to you a Copy of this Memorandum, which will put you in full possession of all that passed.

His Majesty's Government have, likewise, never relaxed in their earnest endeavours to induce that of France, both sufficiently to enforce their Legislative enactments against illicit Slave Trade, and to improve and extend them in such manner as to put a stop to the Traffick in Slaves, which, it unhappily appears, by the last Accounts from the Coast of Africa, is still very extensively carried on under their Flag.

In Sir Charles Stuart's Communications to this Office, His Excellency has more than once mentioned, how much his efforts with the French Government would be assisted, were the American Minister at Paris enabled to co-operate with him in his representations ; and I have, therefore, to desire that you will avail yourself of any opportu-

city, in conversation with Mr. Adams, to state this fact, and to impress upon him the great advantages which might be expected, from an instruction to the American Minister to co-operate with Sir Charles Stuart, in his exertions to induce the French Government to come to some more satisfactory arrangement for the suppression and prevention of this still increasing evil.

I have, in conclusion, only to request that, in the communications which you may hold with the American Ministers upon the subject above alluded to, you will conform your language to what I have here stated, and that you will use your best exertions, whenever the opportunity may offer, for furthering the objects which His Majesty's Government have so much at heart, in the manner I have stated.

*The Right Hon. Stratford Canning.* LONDONDERRY.

(Inclosure.)—*Memorandum of Conversation between The Marquess of Londonderry and Richard Rush, Esq.*

(Extract.)

*London,—April, 1822.*

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WHEN this subject was finished, His Lordship adverted to the Slave Trade, and it is at his special desire that I mention what he said. He remarked that this Government retained an undiminished anxiety to see the effectual downfall of this Traffick, and felt its obligations to continue labouring in so great a work. That more especially was this the case, since the most recent intelligence from Africa gave humanity fresh cause to deplore the augmented prevalence and miseries of the Traffick.

That he had noticed with peculiar satisfaction the doctrines contained in the Report of the Committee of the House of Representatives, on the expediency of mutually authorizing a regulated visit and search of the Vessels of the Two Nations, when suspected of having Slaves illicitly on board, (which Report has been republished by Parliament), as it opened a new hope to him that The United States might yet accede to some System of this description; and that, as to the Tribunal before which captured Slaves were to be brought, he had little doubt but that such alterations might be proposed, in that part of the plan, as to free it from our constitutional and other objections. His Lordship seemed to point to each State constituting its own Tribunal, before which the Cases should be carried for adjudication. That the British Court had a powerful motive for its continued solicitude, that The United States might see their way to an acquiescence in the Principle of Mutual Search, in the strong impression it was under, that an application by the Two Nations to France, on the basis of their joint consent, would not be without its effect in overcoming the scruples that had hitherto existed with that Power upon the same point; and that, urged by these considerations, it was the

intention of His Majesty's Government to make another effort with the Government of The United States on this subject, believing that an acquiescence in the Principle in question by the Maritime States of the World, would be the only sure means of extirpating the Traffick. That he had abstained until now from approaching the subject again, after the past failures with us, rather choosing that my Government should be left to its own course, under the well-known earnestness of its desire for abolition; but that the duty of formally making the effort alluded to, was one that would not be much longer postponed by him; and of this intimation he requested that I would apprise you. I replied that I would do so, but was entirely explicit with his Lordship upon the occasion. I distinctly said, that I had not the least expectation of my Government agreeing to the mutual Right of Search, under whatever modification or circumstances the proposition might be again exhibited, but on the contrary, entertained the most decided and unequivocal belief, founded upon the reasons heretofore given, that its objections to it in every shape would be insurmountable. That my Instructions, in a word, were absolute and imperious, and left no room for doubt or hesitation in my mind upon the subject.

*John Quincy Adams, Esq.*

RICHARD RUSH.

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*No. 2.—The Right Hon. S. Canning to The Marq. of Londonderry.  
(Received June 26.)*

(Extract.)

*Washington, May 8, 1822.*

I HAVE already informed Your Lordship that the Slave Trade Committee in the House of Representatives, has again reported in favour of a limited Right of Search. I have now the honour to inclose a Copy of the Report, which embraces and enforces, as Your Lordship will perceive, the Report of last year.

I wish it were in my power to add, that Congress had taken up the resolution with which the Report is concluded; but it has confined itself for this Session, to an order for the printing of 2,000 additional Copies of the Report: a Motion to this effect has been carried, and there is reason to hope that an endeavour will be made, under less forbidding circumstances, though still in the face of great difficulties, to bring forward the main Question at an early period of the next Session.

The accompanying Report will be found to contain a Statement of the Number of Cruizers employed at different times on the Coast of Africa by the Government of The United States, and also of the number and present situation of such Africans as have been taken by their Officers, either at Sea or on Shore.

It does not appear that any overture of a general nature, affecting the Abolition of the Slave Trade, has been made, either by or to this Government during the last year, with the exception of an idea thrown



out by the French Minister, though not, as it would seem, under the Instructions of his Court, to obviate the chief objections to a Right of Search, by allowing the several Contracting Parties to appoint Commissioners, vested with that power, on board each other's Cruizers. To this suggestion, which, however impracticable, has proceeded no doubt from a laudable desire to contribute to the Suppression of the Slave Trade, allusion, I believe, is made in the Fifth Annual Report of the American Colonization Society. The Appendix to the same Report will be found to contain an Account of the Settlement which that Society has recently effected, by purchase, at Cape Mesurado, on the Western Coast of Africa.

The House of Representatives has lately passed a Resolution, requesting the President to communicate Copies of the Judicial Proceedings and Correspondence, relating to the case of a French Slave Ship, *La Pensée*, captured some months ago, together with a South American Privateer, *La Centinelle*, to which she was a prize, by The United States' Sloop of War, *Hornet*, and sent for adjudication into the Port of New Orleans.

*The Marquess of Londonderry, K.G.*      STRATFORD CANNING.

(*Inclosure.*)—*Report of a Committee of Congress.*

*Friday, April 12, 1822.*

MR. GORHAM, from the Committee on the suppression of the Slave Trade, (in compliance with a Resolution of the 15th of January last), made the following Report, accompanied by a Resolution, which was read:—

The Committee on the suppression of the Slave Trade, to whom was referred a Resolution of the House of Representatives, of the 15th of January last, instructing them to inquire whether the Laws of The United States prohibiting that Traffick have been duly executed, also into the general operation thereof, and if any defects exist in those Laws, to suggest adequate remedies therefor; and to whom many memorials have been referred, touching the same subject; have, according to order, had the said Resolution and Memorials under consideration, and beg leave to report:—

That under the just and liberal construction put by the Executive on the Acts of Congress of March 3, 1819, and that of the 15th March, 1820, inflicting the punishment of Piracy on the African Slave Trade, a foundation has been laid for the most systematick and vigorous application of the power of The United States to the suppression of that iniquitous Traffick. Its unhappy Subjects, when captured, are restored to their Country,—Agents are there appointed to receive them,—and a Colony of the offspring of private charity is rising on its shores, in which such as cannot reach their native tribes will find the means of alleviating the calamities they may have endured before their liberation.

When these humane provisions are contrasted with the system which they superseded, there can be but one sentiment in favour of a steady adherence to its support. The Document accompanying this Report, and marked A,\* states the number of Africans seized or taken within or without the limits of The United States, and brought there, in their present condition.

It does not appear to your Committee, that such of the naval force of the Country as has been hitherto employed in the execution of the Laws against this Traffick, could have been more efficiently used for the interest and honour of the Nation. The Document marked B.† is a statement of the names of their Commanders ordered upon this service, with the dates of their departure, &c. The first Vessel destined for this service arrived upon the Coast of Africa, in March, 1820, and in the few weeks she remained there, sent in for adjudication four American Vessels, all of which were condemned. The force which has been since employed in this service has made five visits, (the *Alligator* having made two cruizes in the past Summer), the whole of which have amounted to a service of about ten months, by a single Vessel within a period of near two years; and since the middle of last November, the commencement of the healthy season on that Coast, no Vessel has been, nor, as your Committee has been informed, is under orders for that service.

The Committee are thus particular on this branch of their inquiry, because unfounded rumours have been in circulation, that other branches of the Publick Service have suffered, from the destination given to the inconsiderable force above stated, which, small as it has been, has, in every instance, been directed, both in its outward and homeward voyage, to cruise in the West India Seas.

Before they quit this part of their inquiry, your Committee feel it their duty to state, that the loss of several of the prizes made in this service is imputable to the size of the Ships engaged in it. The efficacy of this force, as well as the health and discipline of the Officers and Crews, conspire to recommend the employment of no smaller Vessel than a Corvette or Sloop of War, to which it would be expedient to allow the largest possible complement of men, and, if possible, she should be accompanied by a Tender, or Vessel drawing less water. The Vessels engaged in this service should be frequently relieved, but the Coast should at no time be left without a Vessel to watch and protect its Shores.

Your Committee find it impossible to measure, with precision, the effect produced upon the American branch of the Slave Trade, by the Laws above-mentioned, and the seizures under them. They are unable to state whether those American Merchants, the American Capital,

\* A.—573 Africans taken without The United States' limits.

† B.—The Ships *Cyane*, *Hornet*, *John Adams*, *Alligator*, and *Shark*.

and Seamen which heretofore aided in this Traffick, have abandoned it altogether, or have sought shelter under the Flags of other Nations. It is ascertained, however, that the American Flag, which heretofore covered so large a portion of the Slave Trade, has wholly disappeared from the Coast of Africa. The Trade, notwithstanding, increases annually under the Flags of other Nations. France has incurred the reproach of being the greatest Adventurer in this Traffick prohibited by her Laws; but it is to be presumed, that this results, not so much from the avidity of her Subjects for this iniquitous gain, as from the safety which, in the absence of all hazard of capture, her Flag affords to the greedy and unprincipled Adventurers of all Nations. It is neither candid nor just to impute to a gallant and high-minded People, the exclusive commission of crimes which the abandoned of all Nations are alike capable of perpetrating, with additional wrong to France herself, of using her Flag to cover and protect them. If the vigour of the American Navy has saved its banner from like reproach, it has done much to preserve unsullied its high reputation, and amply repaid the expense charged upon the Publick Revenue by a system of Laws to which it has given such honourable effect.

But the conclusion to which your Committee has arrived, after consulting all the evidence within their reach, is, that the African Slave Trade now prevails to a great extent, and that its total suppression can never be effected by the separate and disunited efforts of one or more States; and as the Resolution to which this Report refers, requires the suggestion of some remedy for the defects, if any exist, in the system of Laws for the suppression of this Traffick, your Committee beg leave to call the attention of the House to the Report and accompanying Documents, submitted to the last Congress by the Committee on the Slave Trade, and to make the same a part of this Report. That Report proposes as a remedy for the existing evils of the system, the concurrence of The United States with one or all of the Maritime Powers of Europe, in a modified and reciprocal Right of Search on the African Coast, with a view to the total suppression of the Slave Trade.

It is with great delicacy that the Committee have approached this subject, because they are aware that the remedy which they presumed to recommend to the consideration of the House, requires the exercise of the power of another Department of the Government, and that objections to the exercise of this power in the mode here proposed have existed in that Department.

Your Committee are confident, however, that these objections apply rather to a particular Proposition for the exercise of the Right of Search, than to that modification of it which presents itself to your Committee. They contemplate the trial and condemnation of such American Citizens as may be found engaged in this forbidden Trade, not by Mixed Tribunals sitting in a Foreign Country, but by existing Courts of com-

petent jurisdiction in The United States ; they propose the same disposition of the captured Africans now authorized by Law, and least of all their detention in America.

They contemplate an exchange of this Right, which shall be in all respects reciprocal—an exchange which, deriving its sole authority from a Treaty, would exclude the pretension, which no Nation, however, has presumed to set up, that this Right can be derived from the Law of Nations; and further, they have limited it in their conception of its application, not only to certain Latitudes and to a certain distance from the Coast of Africa, but to a small number of Vessels to be employed by each Power, and to be previously designated. The Right of Search thus restricted, it is believed, would ensure the co-operation of one great Maritime Power in the proposed right of exchange, and guard it from the danger of abuse.

Your Committee cannot doubt that the people of America have the intelligence to distinguish between the Right of searching a Vessel on the High Seas in time of War, claimed by some Belligerents, and that mutual, restricted, and peaceful concession by Treaty, suggested by your Committee, and which is demanded in the name of suffering humanity.

In closing the Report, they recommend an adoption of the following resolution, viz.—

Resolved,—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 Slave Trade.

The Report was laid on the Table, and ordered to be printed.

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*No. 3.—The Right Hon. S. Canning to The Marquess of Londonderry.  
(Received September 14.)*

(Extract.)

*Washington, July 16, 1822.*

AFTER allowing a sufficient interval to elapse, I thought it advisable to afford Mr. Adams an opportunity of making me acquainted with the President's intentions, respecting my last Communication on the subject of the Slave Trade. For this purpose I saw Mr. Adams yesterday at his Office.—On my introducing the subject, he informed me that The President had been put in possession of all that I had stated and urged, with reference to the Slave Trade, in our preceding interviews ; that The President's desire to contribute as far as the circumstances of this Country would admit, to the final suppression of the Illicit Traffick, was unabated ; that being disposed to give the most respectful consideration to every suggestion of His Majesty's Government, when directed to that object, he entertained the intention of again taking the advice of his Cabinet on the question, but preferred, as a matter of convenience, to defer that measure till the Autumn, when



the Heads of Departments would be collected at Washington, and he should have more leisure for maturing his views.

This last expression induced me to ask Mr. Adams, whether I might not indulge a hope that The President began to see his way to a more efficient co-operation with His Majesty's Government, but I regret to say that Mr. Adams described him as being still decidedly adverse to the admission of a Right of Search, however modified ; and I apprehend that no proposal of a more extensive nature, than one, perhaps, for engaging to maintain a certain number of Cruizers permanently on the Coast of Africa, is to be expected under the present circumstances.

The proposal of an engagement to this extent, is even more than Mr. Adams had led me to anticipate when I had last the honour of addressing Your Lordship. He explained the difference which I observed between his language on the present and former occasions, by saying, that in the first instance he had only declared what was unavoidably his own impression, until it had been in his power to submit my representations to The President, and take his pleasure on the subject.

I had already offered all that I could urge in the way of argument, and when I found it was vain to expect any recommendation in favour of the Right of Search, I had even insisted on the degree of benefit which might result from Mr. Gallatin's being instructed, in general terms, to remonstrate with the French Government, on the notorious inadequacy of their Laws and Measures for the suppression of the Slave Trade, and to act, up to that point at least, in concurrence with Sir Charles Stuart ; but I fear that nothing is to be expected from the American Government on this score, unless it be their intention to act on the French Ministry through Mr. Gallatin, without making any previous agreement to that effect.

Mr. Adams concluded by informing me that a Corvette, the *Cyane*, would be dispatched to the Coast of Africa, as soon as the sickly season could be considered as drawing to a close in that Quarter ; the *Cyane* will probably cruize in the West Indies before she proceeds to her ultimate destination ; but I have reason to believe that positive orders have been issued to the Commanders of American Cruizers, on no account to search any Vessel sailing under a Foreign Flag.

Desirous of omitting no step which held out the smallest chance of producing a favourable impression on the minds of the American Ministers, I sent Mr. Adams a transcript of such parts of the voluminous Correspondence laid before Parliament, as I thought most likely to corroborate the Representations which I had made in conformity with Your Lordship's Instructions ; and I am assured that the body of information thus communicated to him has been submitted to The

President, and such Members of the Cabinet, as are still at the Seat of Government.

*The Marquess of Londonderry, K.G.*      STRATFORD CANNING.

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*No. 4.—Mr. Secy. Canning to The Right Hon. Stratford Canning.*

(Extract.)

*Foreign Office October 11, 1822.*

YOUR Report of your last Conference with the American Secretary of State, on the subject of the Slave Trade, presents no very satisfactory prospect of the co-operation to be expected on the part of The United States, in our efforts for repressing that abominable Traffick. .

The Report of the Duke of Wellington's Conference with M. de Villèle, the French Minister, on the same subject, contained in the Despatch, dated Paris, 21st September, a Copy of which I inclose to you, is, I am sorry to say, hardly less discouraging.

It is, nevertheless, the duty and the determination of His Majesty's Government, to leave no effort on their part untried; and at least to acquit Great Britain, in the eyes of God and Man, of any responsibility for the continuance of a pest so scandalous and so afflicting to humanity.

I transmit to you, for your information and guidance in any discussions upon this subject, Copy of the Instructions, dated the 1st October, which have been given to The Duke of Wellington, after the receipt of his Despatch from Paris.

You will see therein, what are the several expedients, for bringing to bear upon this Question the influence of the Sovereigns assembled at Verona, to which His Grace is successively to resort; but, after all, the mutual Right of Visit, so often proposed and so often rejected by them, is the one, sole expedient, upon the efficacy of which reliance could be placed; and the pertinacious refusal of which affords countenance, as well as shelter, to the most flagrant acts of violence, rapine, and murder.

It is most unfortunate, that The President of The United States and his Ministers, should see any thing invincibly objectionable, in the proposal for a mutual and regulated, and temporary Right of Visit, a proposal perfectly distinct from the long litigated Question of Belligerent Right of Search, or if it can be supposed to touch it at all, appearing to operate favourably, for the American view of that Question, rather than against it.

There can be no disparagement of National Dignity in equal and reciprocal Concession.

Great Britain desires no other than that any of her Subjects, who so far defy the Laws, and dishonour the character of their Country, as to engage in a trade of blood, proscribed not more by the Acts of the

Legislature, than by the National feeling,—should be detected and brought to justice, even by Foreign hands.

What Great Britain is ready to allow, in a point so vital to her pride and to her power, may surely be allowed reciprocally by any other Nation. If apprehension is entertained of occasional abuses of such permission on either part, or on both, limitations and conditions may be devised that shall prevent them from growing into practice: and, at all events, the fixing of a short period for the duration of the experiment may ensure their speedy termination. Two or three years might suffice to sweep the African and American Seas of the atrocious Commerce with which they are now infested; and the honour of neither Flag would be tarnished, by having for that season withdrawn its protection from those by whom such atrocities were perpetrated. You will judge when the proper opportunity shall arise for presenting another formal Note to the Secretary of State upon this Subject.

The Copy of my Despatch to the Duke of Wellington, will furnish you with the means of quieting any apprehension that may be entertained by the American Government, of an intention on the part of Great Britain to call in upon this subject the Authority of the Congress, as of a Court whose jurisdiction was supposed competent to give Law to the Nations of the World.

*The Right Hon. Stratford Canning.* GEORGE CANNING.

P.S.—I have said that two or three years of regulated visit might be sufficient for the purpose of suppressing the Illicit Slave Trade; but if any objection is felt to a Stipulation for a specifick time, (the principle of the agreement being admitted,) there could be no difficulty in inserting a condition making the agreement determinable upon a notice of six months from either Party. G. C.

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No. 5.—*Mr. Secy. Canning to the Right Hon. Stratford Canning.*  
(Extract.) *Foreign Office, November 11, 1822.*

By the inclosed Extract of a Despatch from Sir Charles Stuart, dated the 10th ultimo, (received not many days after the sailing of the last Packet for America,) you will see that an Instruction has been sent to Mr. Gallatin, directing him, singly, to “press the French Cabinet to take effectual Measures to check the infraction of their own Laws and the abuses of their Flag, which are at present notorious along the whole extent of the African Coast.”

*The Right Hon. Stratford Canning.* GEORGE CANNING.

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No. 6.—*The Right Honourable Stratford Canning to Earl Bathurst.*  
(Received Jan. 3, 1823.)

MY LORD, *Washington, December 4, 1822.*

THE question of the Slave Trade has again been referred, in the House of Representatives, to a Select Committee, of which Mr. Gor-

ham, of Massachusetts, is re-appointed Chairman. While the Resolution for renewing this Committee was before the House, one of the Representatives from Maryland expressed a decided opinion in favour of conceding the Right of Visit at Sea, as the only effectual measure for suppressing the Traffick in Slaves. There is much reason to hope that a vigorous effort will be made in this sense, by the Friends of the measure, before the close of the present Session; but the temper of Congress in general, with respect to its adoption, is still very doubtful. The disposition of the Government on this subject is, to all appearance, so much the same as it was last year, that I am unwilling to take any further steps of an official character, until I receive more detailed Instructions.

At a publick meeting lately held in Boston, it was stated by Mr. Webster, a distinguished Lawyer of that City, and one of the Representatives elected for the next Congress, that Natives of New England were known to him as being concerned in the Slave Trade. Your Lordship will find a report of the speech by this Gentleman in the National Intelligencer of the 26th ult.

I have the honour to be, &c.

Earl Bathurst, K.G.

STRATFORD CANNING.

No. 7.—*The Rt. Hon. S. Canning to Mr. Secy. Canning.*—(Rec. Feb. 6.)  
(Extract.) *Washington, January 1, 1823.*

EVERY attention in my power shall be paid to the Instructions with which you have honoured me, by His Majesty Commands, on the subject of the Slave Trade. I had cherished a hope that the question of Mutual Search, as recommended by a Committee of the House of Representatives during the last Session, would ere this have been taken up with vigour by the Friends of that measure in Congress, but a third of the Session has already been allowed to pass away, without an attempt on their part to bring it forward in any effectual shape, and I still apprehend that nothing short of a decided impulse from that quarter will produce any change in the disposition of the American Government.

In the Official Returns laid before Congress, the *Cyane*, Corvette, is described as having been dispatched to the Coast of Africa. The Secretary of the Navy has since assured me that she is actually under orders for that Station.

*The Right Hon. George Canning.*

STRATFORD CANNING.

No. 8.—*The Right Hon. Stratford Canning to Mr. Secretary Canning.*  
(Received March 10.)

SIR,

*Washington, February 8, 1823.*

IN pursuance of the Instructions which I had the honour to receive from you by the November Mail, I have opened a fresh Corres-



pondence on the subject of the Slave Trade with the American Secretary of State. A Copy of the Note which I have addressed to Mr. Adams for this purpose is herewith inclosed. I have not yet received an answer from him, but since the Note was sent in, he has expressed his intention of replying to it at an early period, and I know that it has been submitted to The President and other Members of the Administration. The Conferences, which I held with Mr. Adams in the Summer, reports of which are contained in my Despatches of last year, I considered, under my Instructions of that time, as preparatory to a more formal repetition of the Proposal, before so frequently pressed in His Majesty's Name, on the acceptance of the American Government. I did not feel myself at liberty to resume a regular Correspondence on the subject with Mr. Adams, so long as there was no appearance of any more favourable disposition on his part than what I had before experienced; the rather as I had already stated my opinion that little was to be expected from the American Cabinet without a previous impulse from Congress, besides that the advantage of my being supplied with further Instructions was sufficient, under such circumstances, to make up for the delay of waiting for them. Even subsequently to the receipt of your Despatches by the October Mail, I deemed it advisable not to engage in the Correspondence which you have empowered me to open, until I had ascertained whether the Report and Resolution of the Committee on the Slave Trade were likely soon to be debated in the House of Representatives. In a matter of such deep concern I was unwilling to afford the American Ministers an opportunity, before the Report had been called up, of again declining His Majesty's offers, and thus, if unhappily so disposed, of discouraging those Members who are known to favour the Proposition, by representing themselves as unalterably committed to a refusal of it. I thought it not unlikely that, except they were driven to an immediate decision, they would prefer leaving the Advocates of the Report to elicit the sense of the House thereon, according to their sense of expediency, and in this way that another chance might perhaps be engaged, in the aid of that great Cause, which a mutual interchange of the Right of Search would so effectually promote.

In proportion as I looked with hope to the exertions of the Committee, and was latterly induced to cherish that hope with greater confidence, from observing a disposition in Congress far more favourable than any that appeared last year, to the temperate discussion of such a subject,—I felt disappointed in learning that a majority of the Committee is now adverse to taking up the Report; and that even the Chairman, whose zealous attachment to the cause of Abolition is well known, himself despairs of being able to take it up with the slightest prospect of success.

*The Right Hon. George Canning.*

STRATFORD CANNING.

(*Inclosure.*)—*The Right Hon. S. Canning to John Quincy Adams, Esq.*  
SIR, *Washington, January 29, 1823.*

GREAT BRITAIN, as you are well aware, has long devoted her anxious and unremitting exertions to the complete Abolition of the African Slave Trade. She availed herself, during War, of her Belligerent Rights and extended dominion in the Colonies to put down the inhuman Traffick: in Peace she has spared no labour, and shrunk from no sacrifice, to supply, by a general co-operation of the Maritime Powers, whatever has been withdrawn from her peculiar controul by the cessation of Hostilities, and the Colonial arrangements consequent on that event.

It is matter of deep regret to His Majesty's Government, that the result of their exertions is far from corresponding, either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavour for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing Measures for the extermination of the Slave Trade is solemnly acknowledged by the Civilized World, this object seems rather to elude the grasp than to approach its consummation; Great Britain perceives, in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled by the noblest motives to persevere in the cause of Abolition, and mindful by what slow, laborious steps, the present point has been attained, she looks forward through surrounding obstacles to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling upon Europe and America to join with them in the discharge of this sacred duty, His Majesty and His Ministers have appealed, Sir, with the more confidence to your Government, as The United States have long proclaimed their decided hostility to the Slave Trade, and are surpassed by no Country in the vigour of their Legislative Enactments for its repression. The identity of principle existing on this subject between the Two Governments is distinctly recorded in the Treaty of Peace; and in answer to every proposal, which has since, by His Majesty's Command, been addressed to your Cabinet for redeeming that pledge, by a broad and effectual application of the Principle, a fresh assurance has been given of the unceasing interest with which The United States continue to promote the Cause of Abolition. When to this accord in principle and sentiment is added the conviction, avowed by both Parties, that, in spite of Laws and Treaties, the accursed Traffick still thrives under the eyes of an indignant

*World*, it would seem impossible that the Two Powers should be long prevented from concerting a joint System of Measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions may have hitherto defeated this expectation, His Majesty's Ministers are still unwilling to despair of finding The United States at length prepared, either to close with the System of Concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both Countries are responsible before God and Man.

A deep sense of this duty, and a reliance, by no means relinquished, on the general disposition of The United States, have prompted the several Communications on this Question, which have been addressed to you, at successive periods, either through me, or by means of the American Envoy in London. You will readily call to mind, Sir, that in the course of last Summer, I apprised you of the intention of His Majesty's Ministers, to press for an early re-consideration of the subject, submitting whether it might not prove agreeable to the American Cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient Proposal originating with itself. I took occasion, in repeated conversations, to urge anew, those various arguments which support and justify the opinion of His Majesty's Government, and I also placed in your hands the Official Papers, then recently printed by order of Parliament, in further evidence of the extent to which the Traffick in Human Beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of His Majesty's Ministers to examine, with respect and candour, whatever scheme of concert, if any, the American Cabinet might think proper to bring forward as a substitute for theirs, you will remember how strongly I expressed my belief, that the only effectual Measure devised, or likely to be devised, was a mutual concession of the Right of Search. In the exercise of that Right, under such guards, and with such limitations as may serve to tranquillize the most apprehensive and scrupulous minds, it is still conceived, that the best and only cure for this intolerable mischief is to be found. You assured me, at a subsequent Conference, that my representations had been duly submitted to The President. I wish it were in my power to add, that the Cause which I pleaded had prevailed.

From the Printed Documents, which I had the honour of communicating to you, it appears that the French Flag is more particularly employed to cover the Illicit Trade on the Coast of Africa. It would, perhaps, be unfair to conclude that French property and French subjects are concerned to the full proportion in which the Colours of that Nation are used; but it is manifest that both are engaged in this commerce of blood, to an extent which reflects discredit, if not on the



motives of the French Administration, at least on the efficiency of its Measures, and makes it imperative on those Governments which are pledged to each other for the suppression of the Slave Trade, to declare their reprobation of what is, at best, a culpable remissness, and to omit nothing that may rouse the French Cabinet to a more active exercise of its authority.

It was a part of my Instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of His Majesty's Ambassador at Paris, might be attended with more effect, if the American Envoy at that Court were directed to concur with His Excellency, in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this Instruction. The Answer which you returned in the name of The President, was unfavourable to the step I had suggested; and such was the result which it became my duty to announce to His Majesty's Secretary of State; but no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feeling of the French Government, you seemed to be equally convinced with myself.

The reasons indeed which you alleged for declining at that time to comply with a Proposal, no less simple in its nature, than useful in its object, I understood to be rather of a temporary character; and under this impression, I cannot but hope that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this Question.

In repeating, therefore, the invitation which I have already had the honour to convey to you on the part of His Majesty's Government, it only remains for me to request an early communication of the intentions at present entertained on this head by the Government of The United States. I beg, Sir, that you will accept, &c.

*John Quincy Adams, Esq.*

STRATFORD CANNING.

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*No. 9.—The Right Hon. Stratford Canning to Mr. Secy. Canning.  
(Received April 20.)*

(Extract.)

*Washington, March 10, 1823.*

A RESOLUTION introduced by Mr. Mercer, one of the Members from Virginia, was taken into consideration on one of the latest days of the Session, and was carried by the very large majority of 131 voices against 9. Mr. Mercer's Resolution makes no mention of the Right of Search, but points to a declaration of Piracy against the Slave Trade, to be effected, in the first instance, by negotiation among such Powers as are disposed to fix that character upon the Traffick in Slaves, and ultimately by a general recognition of it, as forming a constituent part of the Common Law of Nations. The Resolution is thus expressed:



"That The President of The United States be requested to enter upon, and to prosecute, from time to time, such Negotiations with the Maritime Powers of Europe and America, as he may deem expedient for the Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the Civilized World."

*The Right Hon. George Canning.* STRATFORD CANNING.

No. 10.—*The Right Hon. Stratford Canning to Mr. Secy. Canning.*  
(Received May 9.)

SIR, *Washington, March 31, 1823.*

I HASTEN to transmit to you the inclosed Copy of an Answer, which I have received from the American Secretary of State, to my Official Letter of January 29, on the necessity of concerting more effectual Measures for the Suppression of the Slave Trade. It will doubtless, afford you satisfaction to find that the Government of The United States, though they persist in declining to concede the Right of Search, proposed on the part of His Majesty, declare their willingness to join with other Nations in treating the Slave Trade as Piracy; and offer, with that Principle in view, as a substitute for the Right of Search, to enter into a mutual engagement with Great Britain. This proposal you will observe, is grounded on a late Resolution of the House of Representatives, which I have already had the honour of making known to you. I hope to have some further communication on the subject with Mr. Adams, before the departure of the monthly Packet. In the mean time, it only remains for me to mention, that Mr. Gallatin has lately made a separate representation to the French Ministry, with reference to the Slave Trade, agreeably to what it appears he had led His Majesty's Ambassador at Paris to expect. I have, &c.

*The Right Hon. George Canning.* STRATFORD CANNING.

(Inclosure 1.)—*J. Quincy Adams, Esq. to The Rt. Hon. S. Canning.*

SIR, *Department of State, Washington, March 30, 1823.*

YOUR Letter of the 29th January, was, immediately after being received, submitted to the consideration of The President of The United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of The United States, with which it regards every effort and proposal for the full and final suppression of the African Slave Trade; nor by any hesitation with regard to the decision, which had already been formed and declared, respecting the proposal of submitting the Vessels and Citizens of The United States to the search of Foreign Officers upon the High Seas; but by an expectation that Measures, contemplated by the National House of Representatives, might, before the close of the Session of Congress, indicate to the Executive

Government of this Country, views, upon which it would be enabled to substitute a proposal, for accomplishing the total Abolition of the Traffick, more effectual to its purpose, and less liable to objections on other accounts, than that, to which The United States cannot be reconciled, of granting the Right of Search. These Measures were matured in the Branch of the Legislature where they originated, only at the very termination of the Session, and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of The President, that they would have obtained their sanction; and he has, therefore, no hesitation in acting so far upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union, to join with other Nations in the common engagement to pursue and to punish those who shall continue to practise this Crime, so reprobated by the just and humane of every Country, as enemies of the human race, and to fix them irrevocably in the class, and under the denomination, of Pirates.

I have the honour of inclosing, herewith, a Copy of the Fourth and Fifth Sections of a Law of The United States, passed on the 15th of May, 1820, by which it will be seen, that any Citizen of The United States, being of the Crew or Ship's Company of any Foreign Ship or Vessel engaged in the Slave Trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel owned, in the whole or part, or navigated for, or in behalf of, any Citizen or Citizens of The United States, participating in the Slave Trade, is declared to have incurred the penalties of Piracy, and made liable to atone for the crime with his life. The Legislation of a single Nation can go no farther to mark its abhorrence of this Traffick, or to deter the People, subject to its Laws, from contamination, by the practice of others.

If the inference in your Letter of the 29th of January, from the Documents to which it refers, be correct, that the French Flag is more particularly employed to cover the Illicit Trade on the Coast of Africa, and the conjecture likewise suggested in it, that this Flag is used to cover the Property and the Persons of Individuals bound to other Allegiances, be well founded; this Statute makes every Citizen of The United States concerned in such covered Traffick, liable, if detected in it, to suffer an ignominious death. The Code of Great Britain herself, has hitherto no provision of equal severity in the pursuit of her Subjects, even under the shelter of Foreign Banners, and to the covert of simulated papers and property.

I am directed by The President of The United States to propose on their part, the adoption by Great Britain of the *principle* of this Act; and to offer a mutual stipulation to annex the penalties of *Piracy* to the offence of participating in the Slave Trade, by the Citizens or Subjects of the respective Parties. This proposal is made as a substitute for that of conceding a mutual Right of Search, and of a Trial by Mixed

*Commissions, which would be rendered useless by it. Should it meet the approbation of your Government, it may be separately urged upon the adoption of France, and upon the other Maritime Powers of Europe, in the manner most conducive to its ultimate success.*

I have the honour, &c.

*The Rt. Hon. Stratford Canning.* JOHN QUINCY ADAMS.

(*Inclosure 2.*)—*Extract of an Act of Congress, approved 15th May, 1820, "to continue in force 'An Act to protect the Commerce of The " " United States, and punish the Crime of Piracy"—and also to make "further Provision for punishing the Crime of Piracy."*

SECT. IV. *And be it further Enacted,*—That if any Citizen of The United States, being of the Crew or Ship's Company, or any Foreign Ship or Vessel engaged in the Slave Trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel, owned in the whole or part, or navigated for, or in behalf of, any Citizen or Citizens of The United States, shall land from any such Ship or Vessel, and on any Foreign Shore seize any Negro or Mulatto, not held to service or 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 and carry, or shall receive such Negro or Mulatto on board any such Ship or Vessel, with intent as aforesaid; such Citizen or Person shall be adjudged a Pirate, and, on conviction thereof, before the Circuit Court of The United States for the district wherein he may be brought or found, shall suffer death.

SECT. V. *And be it further Enacted,*—That if any Citizen of The United States, being of the Crew or Ship's Company of any Foreign Ship or Vessel engaged in the Slave Trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel, owned wholly, or in part, or navigated for or in behalf of any Citizen or Citizens of The United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such Ship or Vessel, any Negro or Mulatto not held to service by the Laws of either of the States or Territories of The United States, with intent to make such Negro or Mulatto a Slave, or shall, on board any such Ship or Vessel, offer or attempt to sell, as a Slave, any Negro or Mulatto not held to service as aforesaid, or shall, on the High Seas, or any where on Tide Water, transfer or deliver over to any other Ship or Vessel, any Negro or Mulatto not held to service as aforesaid, with intent to make such Negro or Mulatto a Slave, or shall land or deliver on shore, from on board any such Ship or Vessel, any such Negro or Mulatto, with intent to make sale of, or having previously sold such Negro or Mulatto as a Slave, such Citizen or Person shall be adjudged a Pirate, and on conviction thereof, before the Circuit Court of The United States for the district wherein he shall be brought or found, shall suffer death.

## SWEDEN.

No. 1.—*C. M. St. George, Esq. to The Marquess of Londonderry.*  
(Received May 28.)

(Extract.)

*Stockholm, May 16, 1822.*

I BROUGHT to the knowledge of Count Engestrom, in the manner prescribed by Your Lordship, the statement of the facilities afforded to the Slave Trade at St. Bartholomew, and have received in reply the inclosed Note, by which, as your Lordship will perceive, the Swedish Government, has pledged itself to institute the strictest enquiry as to the abuses alleged against that Island, and to visit the convicted with the utmost rigour of the Law.

The Count requests that Your Lordship will consider the last part of his Note, simply as an additional indication of the willingness of this Government to comply with your wishes, by affording an opening for information; and he authorizes me to say that silence will be interpreted as a proof that none is forthcoming from Your Lordship's Office. The French Mission here has also been lately addressed by Count Engestrom on this subject.

*The Marquess of Londonderry, K. G.* CHAS. M. ST. GEORGE.

(Inclosure.)—*Count Engestrom to C. M. St. George, Esq.*

*Stockholm, le 13 Mai, 1822.*

LE Soussigné, Ministre d'Etat et des Affaires Etrangères de Sa Majesté Le Roi de Suède et de Norvège, a reçu la Note que M. de St. George, Chargé d'Affaires de Sa Majesté Britannique, a bien voulu lui adresser en date du 28 du mois passé, par ordre de son Gouvernement, et en conséquence d'une assertion renfermée dans une Note, adressée le 12 Mars dernier, par M. de Caraman à S. E. Le Marquis de Londonderry, comme quoi il se fabriquoit de faux papiers Français relatifs à la Traite des Nègres dans la Colonie de St. Barthelemy.

L'expérience a malheureusement constaté jusqu'à quel point ces abus honteux ont été poussés dans quelques Pays de l'Europe, durant les dernières guerres; mais le Soussigné aimerait cependant à croire, qu'une aussi profonde démoralisation n'aura point encore été introduite parmi les habitans de la Colonie de St. Barthelemy, et il croit devoir ajouter, que si M. de Caraman avait pu appuyer cette accusation sur des preuves suffisantes, la Mission de Sa Majesté Très Chrétienne à Stockholm aurait, d'après toutes les probabilités, reçu l'ordre d'adresser officiellement au Ministère du Roi des plaintes à cet égard.

Néanmoins, et pour donner une preuve de son désir sincère de contribuer en autant qu'il dépend de Lui, au maintien de l'ordre en général et à la découverte de menées, aussi criminelles qu'opposées



aux intérêts de l'humanité, Le Roi a autorisé le Soussigné de déclarer à M. de St. George, que les recherches les plus scrupuleuses seront ordonnées au sujet des abus désignés, et que les coupables, s'il y en a, n'échapperont point à la sévérité des Loix ; mais le Soussigné croit devoir en même tems inviter M. de St. George, à demander à son Gouvernement tous les éclaircissemens que M. de Caraman aura sans doute fourni au Ministère Britannique, depuis l'envoi de sa Note.

Le Soussigné profite de cette occasion, &c. &c.

M. de St. George.

LE COMTE D'ENGESTROM.

No. 2.—*Mr. Secretary Canning to Charles M. St. George, Esq.*

SIR,

*Foreign Office, October 19, 1822.*

THE accompanying Paper will put you in possession of the circumstances under which a Vessel, named the *Joseph*, which was found illegally trading in Slaves, assumed the Swedish Flag in order to escape the penalty to which she would have been subject, under the Flag of that Country to which she belonged.

The Governments of those Countries which have renounced the Slave Trade, although they may object, or may have delayed, to take international Measures to ensure the discontinuance of it on the part of their Subjects, can hardly deny that frauds like these call loudly for their interposition.

It cannot be indifferent to their feelings, or to their honour, that their Flag should be thus prostituted to purposes which they have disavowed, in contravention of their own solemn abjurations.

His Majesty has, therefore, deemed it a proper attention to the Court of Stockholm, that a communication of this fact should be forthwith made to the Swedish Government; not doubting but that His Swedish Majesty, the character of whose Flag has been in this instance indecently and fraudulently abused, will be the first to issue a Declaration so consonant to the principle of His engagements of the 3d March, 1813; "not to permit the Subjects of Sweden to engage in the "Slave Trade;" by which He will disclaim any wish to protect persons who thus wickedly assume and disgrace the Swedish Flag, and will direct that they may be dealt with, as if that Flag had not been so assumed.

Whether such Declaration shall be issued in the shape of a Public Manifesto, or shall be conveyed in that of an Official Note, to be transmitted to the British Government, with permission to furnish Copies of it to British Cruizers, is a matter entirely for His Swedish Majesty's consideration:—but, in one shape or other, it is to be hoped that you will be able to induce M. d'Engestrom to prevail with His Swedish Majesty to consent to the issue of it without delay.

I am, &c.

Chas. M. St. George Esq.

GEORGE CANNING.

(*Inclosure.*)—*Paper relating to the Ship Joseph.*

(Extract.)

*Sierra Leone, July 9, 1822.*

THE Case of the Ship *Joseph* is of a peculiar description, and as it may, and doubtless will happen again, requires early attention.

This Vessel was captured at the Gallinas, and after capture pretended to be a Swedish Vessel. She had on board Swedish, English, and American Colours,—a Clearance from Matanzas, in Cuba,—the Measurement of a Vessel called the *Joseph*, at Gustavia, St. Bartholomews, dated July, 1819,—and a Certificate *in English*, dated the same Place, the same time, and purporting to testify that Johan Krause had made oath he was the Owner of the said Schooner *Joseph*, and signed by a Notary. She had no other Ship's Paper whatever, except her log, kept in English, by Elliot, the Mate. The Master, *Krause*, whose real name is suspected to be *De la Cruz*, called himself Owner, and was the only one on board who pretended to be a Swede. The two Mates pretended to be Americans, the sailors were Americans, French, Danes, and one an acknowledged Irishman.

In the private examinations taken, it was found the cargo was shipped at Matanzas, by one Zacharius Atkins, whom one of the parties believed to be an Englishman. On her arrival on the Coast she was repaired at Bulama, and in the Rio Grande, by the assistance of David Lawrence, a son of old Lawrence's; and Slaves were purchased from him, and Pock, an Englishman. D. Lawrence's signature to the oath of allegiance was produced.

Having thus a fair *primâ facie* Case, A. B. determined to try how far the Judge would act up to law and practice, and oblige the claimants to furnish proof in opposition to our Case, or, in default of claim and proof on their part, would condemn the property. A. B. therefore libelled her under the British Abolition Acts. The Judge, however, determined, that though not properly documented as a Foreign Vessel, yet, if she had a Foreign Flag, we had no right to enquire into the property, unless English interest was so self-evident that it must be seen by all; that it being doubtful in this Case he should consider her as a *bonâ fide* Foreign Vessel; that Bulama, though belonging to His Majesty, was not in His actual possession: that David Lawrence having taken the oath of Allegiance as a matter of policy or convenience, at the time of the Rio Pongas expeditions, could not be considered a British Subject, except when in British Territory: that the fact of purchasing Slaves from a British Subject did not render the Foreign Vessel liable to any penalty; and that, therefore, being a Foreign vessel, and in his opinion not affected by the transactions at Bulama, she must be released: that he could not allow that if no claim was made the seizors were entitled to a Judgment; nor would he allow the "*onus probandi*" to lie on the claimants; he would in all such Cases force the seizors to prove the whole of their allegations.

A. B. quoted Acts of Parliament and Admiralty decisions to shew he was wrong, but to no purpose: she was released. He, however, recommended we should try our luck in the British and Spanish Mixed Commission Court. This decision took up thirty days.

In the Mixed Commission Court a claim for restoration and damages was given in at once. A. B. proceeded over nearly the same ground, and brought home perjury to the Master, several times. Here the Judge (Fitzgerald), was for condemnation, on the grounds that Atkins was part Owner, at least, and that Krause had sworn to so many lies that he could not be believed when he asserted she was a Swede. Mr. Gregory, however, objected; he believed she was a Swede, and did not think, if employed on account of Spanish Subjects, or even if partly owned by them, she could be condemned if sailing under another Flag. A. B. pressed upon him that part of the fifth Article, which declares unlawful, Slave-trading, "either by Spanish Ships or under the Spanish Flag, or for the account of Spanish Subjects by any Vessel or under any Flag whatever; after the 30th May, 1820, &c." and asked him what it could apply to, but to Vessels under circumstances like this. He gave no answer, and we continued in this state of suspense for five weeks, with the Judges of different opinions. Mr. Gregory, however, got enlightened soon after the Commodore's return; found out that Krause was a great liar, the Swedish Papers a sham, the Vessel all Spanish, and he condemned her.

It has at last turned out that she is not *the Joseph*, Krause had at Gustavia, but a Vessel picked up at Matanzas, and fitted out for this voyage under the same name.

No. 3.—*C. M. St. George, Esq. to Mr. Secy. Canning.*—(Rec. Dec. 5.)  
SIR, *Stockholm, November 7, 1822.*

ON the 4th instant I had the honour to receive your Despatch of the 19th ultimo, concerning the Ship *Joseph*, as engaged in the Slave Trade, and have begun to execute the commands contained in it.

I have the honour to be, &c.

*The Right Hon. George Canning.*

CHAS. M. ST. GEORGE.

No. 4.—*C. M. St. George, Esq. to Mr. Secy. Canning.*—(Rec. Dec. 25.)  
(Extract.) *Stockholm, December 14, 1822.*

You will receive with satisfaction the inclosed Note from Count d'Engeström, which, publicly and explicitly, abjures, on the part of The King of Sweden, all concern whatever, in any form or modification of Slave Trade,—excludes from the protection of the Swedish Flag, all Persons or Vessels, whether Swedish or Foreign, that may be found engaged in that Traffick, and authorizes the transmissal to His

Brittannick Majesty's Cruizers of Count Engeström's Declaration to the above effect.

*The Right Hon. George Canning.*

C. M. ST. GEORGE.

(*Inclosure.*)—*Count Engeström to C. M. St. George, Esq.*

*Stockholm, le 13 Décembre 1822.*

LE Soussigné, Ministre d'Etat et des Affaires Etrangères de S. M. Le Roi de Suède et de Norvège n'a pas manqué de mettre sous les yeux du Roi, la Note, que M. de St. George, Chargé d'Affaires de Sa Majesté Britannique, a bien voulu lui adresser, en date du 9 Novembre, relativement aux mesures à prendre pour prévenir l'abus du Pavillon Suédois dans la Traite des Nègres ; et le Soussigné se fait un devoir bien agréable de faire part à Monsieur de St. George des hautes décisions du Roi sur un objet aussi intéressant.

Pour ce qui concerne d'abord le fait particulier, cité dans la Note de Monsieur de St. George, il paroît constaté par la procédure, que le bâtiment, *le Joseph* étoit Espagnol, malgré qu'il se soit illicitement servi du Pavillon Suédois. Les recherches les plus scrupuleuses seront néanmoins ordonnées dans la Colonie de St. Barthelemy, pour obtenir, s'il est possible, quelques renseignemens plus positifs à cet égard, lesquels seront de suite communiqués au Ministère de S. M. Britannique.

Pour ce qui en est des mesures plus générales à adopter contre les abus en question, S. M. Le Roi de Suède et de Norvège sera le premier à y concourir par tous les moyens en Son pouvoir. La Législation Suédoise essentiellement protectrice des droits de l'humanité a depuis un tems immémorial, aboli et défendu l'Esclavage sous quelque forme qu'ils se présentat ; et la Traite des Nègres s'est par conséquent trouvé impliquée dans cette défense générale. Le Roi compte parmi les plus beaux titres de gloire de Son Auguste Père, feu S. M. Le Roi Charles XIII. de s'être associé aux nobles efforts du Gouvernement et de la Nation Britannique, pour prévenir ce fléau de l'humanité, par l'Engagement contracté dans la Section 4 de l'Article Séparé du Traité du 3 Mars 1813 ; Engagement, qui découloit naturellement du texte même de nos Loix, mais qui n'en renfermoit pas moins la déclaration la plus explicite des principes, qui ne cesseront jamais d'être ceux du Gouvernement du Roi. La Suède a depuis pris part aux mesures adoptées par le Congrès de Vienne, pour effectuer l'Abolition d'un Trafic, honteux pour l'humanité, indigne d'un siècle civilisé, et également dégradant pour ceux qui s'y livrent, et pour ceux qui en sont les malheureuses victimes. Confondant ainsi les antiques dispositions des Loix de la Suède avec les Engagemens récemment contractés avec un Gouvernement Allié, qui de tout tems s'est prononcé avec courage et persévérance contre l'oppression, Le Roi se félicite de pouvoir donner en cette occasion un nouveau gage des sentimens qui animent Sa



Majesté, ainsi que de Son désir d'aller au devant des vûes éclairées et bienfaisantes de Sa Majesté Britannique, en autorisant le Soussigné à déclarer :

Que tout bâtiment Suédois ou Norvégien qui, contre toute attente, seroit trouvé employé dans une entreprise aussi illicite que la Traite des Nègres, ayant contrevenu aux Loix du Pays, sera censé avoir renoncé par le fait même, à tout droit de réclamer la protection du Gouvernement Suédois et Norvégien, laquelle lui seroit refusée le cas échéant; qu'à plus forte raison, Sa Majesté n'entend point, que le Pavillon Suédois ou Norvégien frauduleusement porté par des bâtimens étrangers puisse leur servir de protection contre les inconveniens, auxquels ils se seront exposés en se livrant à un Trafic aussi odieux: Que Le Roi sera toujours redevable au Gouvernement Britannique de la découverte et de la punition de tout abus du Pavillon Suédois ou Norvégien, dont Sa Majesté cherche à soutenir l'honneur en toute occasion; et enfin, que par suite de ces principes, Le Roi consent, à ce que tout bâtiment trouvé engagé dans la Traite des Nègres et portant Pavillon Suédois ou Norvégien, soit traité exactement comme s'il n'avoit jamais arboré ce Pavillon.

En donnant ces assurances au Ministère de Sa Majesté Britannique, au nom du Roi, son Auguste Souverain, le Soussigné est chargé d'ajouter, que le Gouvernement Suédois n'a aucune objection à ce que le contenu de cette Nôte soit porté à la connoissance des Officiers Commandans de S. M. Britannique de la manière qui sera jugée la plus convenable.

Le Soussigné profite de cette occasion, &c.

M. St. George.

LE COMTE D'ENGESTROM.

No. 5.—C. M. St. George, Esq. to Mr. Secy. Canning.—(Rec. Apr. 4.)

(Extract.)

Stockholm, March 20, 1823.

In reference to my Despatch of the 14th of December of last year, I have the honour to inclose a Proclamation, lately issued by this Government, declaring the Swedish and Norwegian Flag to be no protection, in any case of Slave Dealing whatever.

The Rt. Hon. George Canning. CHARLES M. ST. GEORGE.

(Inclosure.)—Royal Ordinance respecting the consequences to which Swedish Vessels expose themselves, which shall be employed in the Slave Trade. (Translation.)

WE, Charles John, do hereby declare, that desiring most carefully to maintain the principles which have been adopted by Our Father, King Charles XIII. of glorious memory, and which are conformable to Our own sentiments, against the Traffick of Slaves, We have found

it expedient hereby to declare, that Swedish and Norwegian Vessels which shall be employed in the Slave Trade, shall lose by this contravention of Our Orders, Our Royal protection, and that of our Officers and Functionaries ; that we shall see with satisfaction, discovered and punished, every use which may be made of the Swedish and Norwegian Flag in the prosecution of this odious Traffick ; and that, in consequence, all Vessels which shall be found participating in the Slave Trade under Swedish and Norwegian Colours, shall be looked upon as not carrying those Colours : which shall hereafter be considered as a Law.

In virtue of which, &c.

CHARLES JOHN, (L. S.)

Given at the Palace of Stockholm this Seventh day of February 1823.

C. D. SKOGMAN.

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*No. 6.—Mr. Secretary Canning to Sir Benjamin Bloomfield.*

SIR,

*Foreign Office, May 9, 1823.*

MR. ST. GEORGE inclosed to me, in his Despatch of the 20th of March last, the Copy of a Proclamation which The King of Sweden issued on the 7th of February 1823, declaring that all Vessels, Swedish or Norwegian, or under Swedish or Norwegian Colours, found to be participating in the Slave Trade, should forfeit all right to the protection of the Swedish or Norwegian Flag, or Sovereignty.

I am to direct you to state to the Government of Sweden, that His Majesty has derived great satisfaction from this convincing mark of His Swedish Majesty's firm and honourable determination, to adhere to the principle of "not permitting Swedish Subjects to engage in the detestable Traffick in Slaves."

You will add, that, in order to give due effect to the spirit of this Proclamation, and to enable Great Britain to issue corresponding Instructions to her Cruizers, and to the British Commissioners, and others employed in putting down illegal Slave Trade, it will be essential that a Conventional Arrangement should be entered into between Great Britain and Sweden, binding upon both Parties, with respect to the effect of the Proclamation, and defining (it it be thought necessary,) the measures and the forms which are to be adhered to in carrying the object of that Document into execution.

You will state that you are ready to open a Negotiation upon this matter ; and, if there shall appear to be a disposition to come to some definitive arrangement upon it, you will invite them to prepare the *Project* of a Treaty or Convention, which you will transmit Home for consideration. Full Powers for concluding the same will be sent out to you, as soon as the state of the Negotiation shall render it necessary.

I inclose, in the mean while, for your information and guidance,

Copies of the several Papers which have been laid before Parliament by His Majesty's command, upon the subject of the Slave Trade, including Copies of the Treaties entered into by His Majesty with Spain, Portugal, and The Netherlands, for preventing the continuation of this odious Traffick.

I am, &c.

*The Rt. Hon. Sir Benjn. Bloomfield.*

GEORGE CANNING.

## DENMARK.

No. 1.—*H. U. Addington, Esq. to The Marquess of Londonderry.*  
(Received April 25.)

(Extract.)

*Copenhagen, April 16, 1822.*

I HAVE the honour to acknowledge the receipt of Your Lordship's Despatch of the 26th March, relative to the irregular practices pursued at the Danish Colony of St. Thomas, in furtherance of the Slave Trade.

I lost no time in bringing this subject under the consideration of this Government; and M. Rosenkrantz assured me that Orders should be immediately dispatched to the Governor of the Danish West India Colonies, to sift the matter to the bottom, and to adopt the necessary measures for preventing a recurrence of the practices complained of.

*The Marquess of Londonderry, K.G.*

H. U. ADDINGTON.

No. 2.—*Augustus J. Foster, Esq. to Earl Bathurst.*—(Rec. Sept. 18.)  
MY LORD, *Copenhagen, September 10, 1822.*

I HAVE the honour to transmit to Your Lordship the inclosed Copy of a Reply, which M. Rosenkrantz, His Danish Majesty's Minister for Foreign Affairs, has just sent to me, in answer to the representation which Mr. Addington made to him, pursuant to the Instructions he had received from Lord Londonderry the 26th of last March, in consequence of a complaint of the French Government, relative to a practice, said to exist at St. Thomas's, of counterfeiting French Ships' Papers, for the use of Vessels engaged in the Slave Trade; but which allegation the Danish Minister shews, by the admission of the French Commercial Agent himself, who was said to have given the information, to be wholly groundless.

I have the honour to be, &c.

*Earl Bathurst, K.G.*

AUGUSTUS J. FOSTER.

(*Inclosure.*)—*M. de Rosenkrantz to Augustus J. Foster, Esq.*

MONSIEUR,

*Copenhague, le 4 Septembre 1822.*

Sous le 14 Avril dernier, Monsieur Addington, Chargé d'Affaires de Sa Majesté Britannique, m'a fait part d'un Mémoire, remis au feu Marquis de Londonderry, par Le Comte de Caraman, et portant la dénonciation prétendument faite par Monsieur de Ligny, Agent François à St. Thomas, " que dans cette Ile il se fabrique de faux Papiers de bord, revêtus de la signature contrefaite du Gouvernement de la Guadeloupe, ou de celle du Gouverneur de la Martinique, à la faveur desquels des spéculateurs étrangères rejettent sur le Commerce François l'odieux d'un Trafic illicite—la Traite des Nègres ; et que de plus M. de Ligny se seroit trouvé dans le cas d'avoir à demander au Commandant de St. Thomas, de faire tirer sur un bâtiment qui étoit entré le matin sous Pavillon Danois, et qui sortit le même soir sous Pavillon François."

Ayant requis le Gouverneur-Général des Iles Danoises aux Indes Occidentales, de faire examiner scrupuleusement, l'objet d'une dénonciation faite avec tant d'assurance, en citant des sources officielles, J'ai l'honneur de vous informer, Monsieur, que d'après les éclaircissemens fournis par le dit Gouverneur-Général, aussi bien que par le Commandant de St. Thomas, rien n'a été découvert qui pourroit servir à constater, où même à faire soupçonner la réalité des faites dénoncés ; que dans l'Ile de St. Thomas il n'existe pas même la possibilité de contrefaire des papiers quelconques, vû qu'aucun graveur n'y est établi et qu'il n'y a qu'une seule imprimerie fort imparfaite à peine propre à imprimer une Gazette ; et que finalement l'Agent François à St. Thomas interpellé à s'expliquer sur les faits qui auroient pu motiver sa dénonciation, a formellement et par écrit désavoué d'avoir jamais fait une pareille dénonciation, gratuitement mise sur son compte, ou d'avoir eu recours au Commandant de St. Thomas pour l'affaire du bâtiment en question.

Je me flatte, Monsieur, que ces éclaircissemens suffiront pour qu'aux yeux de Votre Gouvernement, les Autorités du Roi dans les Colonies soient justifiés d'une accusation de négligence répréhensible et peu méritée.

J'ai l'honneur d'être, &c. &c.

*M. Auguste J. Foster.*

N. ROSENKRANTZ.





## Class B.

SIERRA LEONE. (*General.*)

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SIERRA LEONE.—(*General.*)

No. 1.—*Messrs. Gregory and Fitzgerald to The Marquess of Londonderry.*—(*Received July 19.*)

MY LORD,

*Sierra Leone, April 30, 1822.*

IN the very general notice for the year recently terminated, which we had the honour to address to your Lordship on the 10th of January last, in explanation of the Report of the state of the Slave Trade, dated the 5th of January, 1821, no mention was made of the Foreign Cruizers employed on the Coast in the course of that year to counteract and restrain the Slave Traders of their respective Nations.

We consider it a matter of duty now to supply that omission, and to add some further facts which appear material to a correct understanding upon the general subject.

The French armed Schooners, *Momus* and *Iris*, showed themselves in this harbour on the 13th of May, 1821, and sailed two days after with the professed intention of going down the Coast in search of French Slave Traders; but no intelligence has been received of their having taken any, although the reports current in the Colony at the time of their departure stated, that Ships bearing the French Flag were to be found in all the known Stations, trading openly for Slaves.

So far as the immediate information of this Place extends, these Two Schooners formed the whole of the French Cruizing Force sent to the southward of the Bissagos in the year 1821, and this was the whole range and effect of their operations.

Accounts from Goree have, however, stated, that His Most Christian Majesty's Brig *Le Huron*, bearing the broad pendant of Monsieur Du Plessis, who commands the French Squadron on the Coast, went down to the Bight of Benin without approaching Sierra Leone. This Officer, it is understood, detained in the course of his Cruise a French Vessel charged with violating the French Laws prohibiting the Slave Trade, which Vessel the Judicial Administration of Senegal refused to condemn.

Monsieur Du Plessis came into Sierra Leone in the *Huron*, on the 1st of February in the present year, and sailed again on the 7th of the same month, having prolonged his stay some days with the declared design of conferring with Commodore Sir Robert Mends, and of taking advantage of any suggestion which Sir Robert might communicate for the purpose of rendering his Cruise more effective.

Captain Du Plessis, before he entered the Harbour of Sierra Leone, had gone down the Coast, in the month of January, as far as Cape Mount, and had examined several French Ships, without detaining any. It appears that the French National Law gives the right of

seizure, only in the event of Slaves being found actually on board, or or at least that this limitation is established in practice under that Law. Captain Du Plessis, when he sailed hence in February, proposed to return to the same Stations in the hope of finding some of these Vessels with Slaves actually embarked. It has been ascertained by the Log-book of *La Dichosa Estrella*, a Shipwrecked Prize of His Majesty's Ship *Morgiana*, and also by the log-book of the Schooner *Joseph*, a professed Swedish Schooner, brought in by Lieutenant Clarkson, of the *Iphigenia*, that both those Vessels were visited by Commodore Du Plessis, off the Gallinas, on the 12th and 13th of February; but the time that has elapsed without advice of any actual detention being made by that Commodore, gives us reason to think that he has not made any.

The American Cruizing Force on the Coast, in the year 1821, was reduced to a single armed Schooner. The *Alligator*, a Vessel of that class, anchored here on the 13th of May, 1821, at the same time with the French Schooners, *Momus* and *Iris*, and sailed a tide or two before them. The *Alligator* made some captures: the ostensible character of some of the Vessels detained by her was not American. Considerable attention was, consequently, directed to the determination respecting them. It was at first reported that all the Vessels thus taken were condemned by the American Courts; but subsequent information has corrected this statement, and it appears, that some or all of these Vessels, not of American character, have been restored.

The *Alligator* was succeeded on the Station by the *Shark*, a Vessel of the same class. The *Shark* was in this Harbour about the close of the year 1821, and again in the commencement of the year 1822: she had not made any Captures.

On the departure of the *Shark* from the Coast, a Midshipman and a few Men belonging to her were left in a small Schooner, named the *Augusta*, to assist the Settlement for American Coloured People proposed to be established near Cape Mesurado. The presence of this detachment has given occasion for the junction of a British detachment with it from the *Iphigenia*, commanded by Lieutenant Clarkson. A Schooner, named the *Joseph*, assuming a Swedish National character, was detained and brought in here early in the month of March, by the *Augusta*, having these joint detachments on board. Proceedings on charges of Slave Trading were, in the first instance, instituted against the *Joseph* in the Court of Vice Admiralty, on the grounds of British Property or Interest, and British outfit; these allegations were not sustained in evidence, consequently the jurisdiction of the Judge could not reach the Case. But as some prominent facts gave ground to believe, that an examination upon the Standing Interrogatories, would be effectual in eliciting the means of a Conviction in the British and Spanish Court of Mixed Commission, it was recommended from



the Bench that a Suit should be instituted in that Court; these proceedings have been commenced accordingly.

The detention of the Schooner *Joseph* took place while Sir Robert Mends was in this Harbour, and within the range of communicating with his detachment in a short time: but questions of some difficulty may arise in the event of the detention of any Vessel by the detachment, while the *Iphigenia* is at the further extremity of the Coast.

These details comprehend the whole of the information which we have to communicate respecting the Foreign Cruizers on the Coast, and their operations since the 5th of January, 1821.

The additional facts and circumstances which we have to bring under your Lordship's notice are these:

His Majesty's Commissioners, while engaged in the investigation of the Case of the Spanish Schooner *Rosalia*, detained by Lieutenant Hagan, of His Majesty's Brig *Thistle*, in the Rio Pongos, in the month of January, were informed by that Officer that this Vessel had come to that River, in this instance, for the purpose of closing an account of Slave dealing, which had remained unsettled from the preceding year. This, Lieutenant Hagan said he had ascertained in the River, and the limited cargo brought by the *Rosalia* in her present voyage, consisting only of a few bales of cloth and some boxes of tobacco, appears to confirm that statement.

More recently still, in a special visit of search, in which the Creeks of that River were examined by the Boats of His Majesty's Ship *Pheasant*, conducted by Lieutenant Stokes, of His Majesty's Brig *Snapper*, under particular instructions from Captain Clavering, it was ascertained that no Slave Trading Vessel had been in any part of the River during the last three months. This period would comprehend the whole interval from the time of the capture of the *Rosalia* in the early part of the month of January.

Communications received in the Colony, from nearly the whole of the Chiefs, concur in expressing a desire to be secured in the enjoyment of the property which they have already realized; and to be permitted to carry on peaceful and legitimate commerce under British protection. The best assurance of the sincerity of these professions is to be found in the knowledge of the state of constant disquiet in which the Factories of the River are placed, by the visits of the Cruizers in search of Slave Ships. A definitive arrangement is now considered likely to be effected within the present year. In the interval the Chiefs seem disposed to recommend themselves to favourable opinion, by a conduct suited to the relation in which they desire to place themselves with respect to this Colony.

The Rio Nunez, which for some years prior to the present time, had not been visited by any British armed Vessel, was, in the course of the *Pheasant's* Cruise, specially examined by the Boats of that Vessel.

The Officer commanding the Boats, following Captain Clavering's instructions, ascended the stream of the Rio Nunez as far as it was practicable for his Boats, being considerably above 100 miles, without finding a Vessel of any description engaged in the Slave Trade. We are sorry, however, to have to state, that Captain Clavering obtained intelligence of the sailing of a Vessel, named the *Apollo*, from Cacheo or Bissao with a Cargo of Slaves, which were in train of collection for her, when the *Conde de Villa Flor* was brought off from Bissao by the Boats of the *Iphigenia*.

This fact, together with the antecedent proof of the abuses practised in those Places, as disclosed in the mass of Papers found on board of the *Conde de Villa Flor*, will be sufficient to show to the Portuguese Government the necessity of a total reformation of the Settlements of Bissao and Cacheo.

In connexion with the general subject and view of this Communication, it seems proper to notice the termination of a petty warfare between Two Chiefs, named Sanassee and Almami Amarath, residing on the Coast between the Rio Pongos and the Rio Nunez. This petty warfare had lasted for some years, without much bloodshed, but with considerable vexation, by the stoppage of the usual intercourse between the Interior of the Country and the Commercial Towns on the Seaside. The Solima Nation consequently interfered, and a Force of near 10,000 Men, under the command of a Chief named Yarradi, Brother of The King of the Solimas, came down at the instance of one of the Contending Parties, Almami Amurath; but as the result would appear to indicate, influenced by the spirit of impartial pacification.

Although this Chief dictated his Terms with the absolute authority of an unresisted Conqueror, he used his power with rare moderation and disinterestedness. The point which we have to notice more particularly is, that he did not exact or carry off any considerable number of Slaves; for, notwithstanding his general moderation and forbearance, we conceive that he would scarcely have abstained from following the usage of the Country in this respect, if the temptation of an active Slave Trade, and a ready Market upon the adjacent Coast, presented the inducements of former times, to levy contributions in that form.

In laying these facts before Your Lordship, we are not so much influenced by the desire of maintaining any opinion previously advanced by us, nor of offering any present opinion, as we are by the wish of affording, in existing matters of fact, grounds to ascertain, jointly with the actual extent of Foreign co-operation, whether any progress has been made through the system of the Treaties of Mixed Commission towards the repression of the Slave Trade.

While the Foreign Colonies afford profitable Markets for the Sale of Slaves, the attainment of that object will necessarily be in a great

measure local in its commencement, and gradual in its advances; and if it has not made some advance in the Country adjacent to this Colony, and under the immediate operation of the various interests of trade and policy, by which the Native Chiefs and their People are connected with the Colonial Government and the Colonial Merchants and Inhabitants generally, it cannot be supposed to be in a better train in Places less favourably circumstanced.

We will not disclaim a disposition to hail with alacrity any approach towards the termination or material diminution of the crimes and horrors connected with the Slave Trade, upon any part of the Coast of Africa, however limited; but in proportion as we value that reformation, we would be unwilling to assume it to ourselves on insufficient grounds, and the prior caution which we would be induced to exercise in that respect, must necessarily be strengthened by the duty of carefully weighing what we communicate to Your Lordship, as the result of our settled observations upon the matters of fact brought under our view, in the discharge of our official duties, and collected in the range of our immediate researches and enquiries.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.*

EDWARD FITZGERALD.

*No. 2.—The Marquess of Londonderry to the British Commissioners at Sierra Leone, Rio de Janeiro, The Havannah, and Surinam.*

GENTLEMEN,

*Foreign Office, May 17, 1822.*

I FURNISH you herewith, for your information, and that of the other Gentlemen of the Commission of which you are Members, with the Copy of a Letter, dated the 2d of April, 1822, from the Secretary to the Admiralty, to One of the Under Secretaries for this Department, by which you will perceive that there will be in future only *Two* Signatures of the Lords Commissioners of the Admiralty, to the Instructions issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

I am, &c.

*His Majesty's Commissioners.*

LONDONDERRY.

*No. 3.—Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, November 26, 1822.*

IN reference to your Despatch of the 7th of June, 1821, stating the departure of M. Le Fer from Sierra Leone, whereby the Commission, of which you are Members, was left without a Representative on the part of Spain,—I have to send to you for your guidance,—1. The Copy of a Despatch, addressed, on the 22d February, 1822, by the King's command, to His Majesty's Ambassador at The Hague, Minister at Madrid, and Chargé d'Affaires at Lisbon, proposing that the Provisions of the Slave Trade Treaty, for the case of the death of one or

more of the Commissioners, shall extend to the case of Vacancies occurring in the Commissions from illness, or absence on leave. 2dly, I send to you the Copy of a Despatch, dated the 17th of June, 1822, from His Majesty's Minister at Madrid, expressive of the willingness of that Court to adopt the proposed extension of the Provisions of the Treaty. 3dly, The Extract of a Despatch, dated the 27th of June, 1822, likewise from His Majesty's Minister at Madrid, stating that the Spanish Minister had promised that Orders to the effect above mentioned should be sent out without delay to the Commissioners of His Catholick Majesty. 4thly, The Copy of a Despatch, dated the 6th of April, 1822, from His Majesty's Chargé d'Affaires at Lisbon, together with its Inclosure, signifying the readiness of the Portuguese Government to sign an Article to the effect suggested. 5thly, The Copy of a Despatch, dated the 10th of May, 1822, from His Majesty's Minister at The Hague, and of its Inclosure, stating the acquiescence of The King of The Netherlands in this Proposition. And, 6thly, I furnish you with the Copy of an Instruction which I addressed, on the 25th September, 1822, by the King's command, to His Majesty's Envoy at Madrid, and Ministers at Lisbon and at The Hague, inclosing a Project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick Arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your Fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

*No. 4.—Messrs. Gregory and Fitzgerald to The Marquess of Londonderry.—(Rec. Feb. 14, 1823.)*

MY LORD,

*Sierra Leone, September 10, 1822.*

WE have had the honour to receive Your Lordship's Despatch, dated the 17th of May last, inclosing the Copy of a Letter addressed, under date of the 2d of April, by the Secretary to the Admiralty to one of His Majesty's Under Secretaries for the Foreign Department, by which we perceive that there will be in future only Two Signatures of the Lords Commissioners of the Admiralty to the Instructions to be issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

We shall inform the Foreign Members of the Commissions of this change regarding the authentication of the Instructions to British Cruizers under the Treaties. And we have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.*

EDWARD FITZGERALD.



No. 5.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Rec. Feb. 14, 1823.)

MY LORD,

*Sierra Leone, September 20, 1822.*

IN obedience to the Instructions conveyed in your Lordship's Letter, dated March the 10th, that we should continue to transmit to Your Lordship, from time to time, Reports of the state of the Slave Trade, founded upon the most authentick intelligence that our situation enables us to collect; we have the honour to submit the substance of the information obtained by us on that subject, subsequent to our Despatch of the 30th of April.

Considering the Coast in three divisions, as before, we have no information of any Slave Trade in the division to the northward of this Colony, further than that we understand that Lieutenant Hagan, in a visit to Bissao and Cacheo, about the middle of September, was informed that the *Apollo*, already noticed in our Communications, and especially in our Report of the 30th of April, carried off a full cargo of Slaves as then mentioned; and that another Vessel carried off a full cargo since that.

From the Rio Pongos our information is positive and certain. No Slave Ship has been in that River since the capture of the *Rosalia*, on the 11th of January last, by His Majesty's Brig *Thistle*, Lieutenant Hagan. Francisco Freire, the Pilot of that Vessel, to whom the command of the Vessel and the management of the Trade, devolved on the death of the original Master, is still in the River, residing at the Factory of John Ormond, of Bangalan, not having yet found an opportunity to depart. If the opportunity of a Slave-trading Vessel should present itself, there cannot be a doubt that the Slaves retained of those collected for the *Rosalia* would be shipped off on board of her, for only a certain number of these Slaves (60,) and these of inferior class, were delivered up to Lieutenant Hagan. There is as little doubt that Ormond would readily supply as many others as might be wanted to complete a cargo; for he avows his present abstinence from the Trade to be the consequence merely of want of opportunity to dispose of Slaves.

The other chief Traders on the River, more particularly William Lawrence and Lightburn, are strong in professions of having altogether abandoned the Trade, with a determination not to return to it under any circumstances, but to pursue the fair course of legitimate industry and commerce as planters and general merchants. They declare further, that they find their profits in this course satisfactory and encouraging; and they speak in high terms of the tranquillity that they enjoy in being released from apprehension of the Cruizers, and in the consideration of being assured of the protection of the British Arms.

These Converts from the Slave Trade are, however, but newly entered on this virtuous course, and no secure reliance can be placed on their professions, unless they are guarded from relapse, and from the

temptations of opportunity for Slave Trade, by frequent returns of British Cruizers to the River.

William Lawrence, who resides at Dominge, at the entrance of the River, has been recently at Sierra Leone.

The objects of William Lawrence's visit to Sierra Leone were to recommend himself to British protection, and to make arrangements for a regular commercial intercourse with the Colony. He succeeded in both objects, which necessarily implies a full assurance of his abandonment of the Slave Trade.

William Lawrence left Sierra Leone to return to his residence at Dominge towards the end of August; he carried with him a large stock of coffee plants supplied from the Chief Justice's farm, near Free Town, at the request of Mr. Macaulay. These plants were intended, not for the use of Lawrence alone, but also for distribution to Lightburn and others, among whom Irving and Sterne, of the Kissing Branch of the River, were particularly named.

We have been induced to be minute and particular in our account of the circumstances connected with the Trade of the Rio Pongos, because the vicinity of that River to the Colony of Sierra Leone, and the commercial intercourse already established, give fair hopes of the speedy and complete eradication of the Slave Trade from its Banks.

A commencement would thus be made in the abolition of the Slave Trade in the Countries of the native Africans, which we regard as the only perfect Abolition.

We have been favoured with some Notes concerning the Rio Pongos, by ....., who, being recently stationed on medical duty at the Isles de Los, availed himself of an opportunity to visit the River, and passed some days among the principal Traders. These Notes are worthy of attention as being collected from personal observation.

The Rio Pongos is in reality an estuary from which many Creeks branch out, some of them communicating with the Sea, others uniting with other Creeks, others penetrating further into the Country, not, however, beyond sixty miles, at the utmost, when they terminate, receiving small Streams or Rivers. Upon these Creeks the Traders have their Factories; and as these Traders are already numerous, and the Places suitable for other Trading Establishments almost innumerable, the opportunities for good and for evil commerce cannot easily be equalled.

In the Country between Sierra Leone and the Rio Pongos, dissensions and disturbances have arisen from opposite pretensions to the succession to the late King Mungo Demba. The Chief of Foricaria has extended the confusion, by insisting that all Trade from the Foulah Country shall pass through that Place. The People of this Chief hold one of the principal towns on the path of Port Logo, by which a direct

intercourse between the Foulah country and Sierra Leone was lately established. That path is now stopped.

In the middle division of the Coast, between Sierra Leone and Cape Coast Castle, much Slave Trade has been carried on. The principal resort of these Traders is the Rio Gallinas. The Vessels employed in this Trade have been chiefly French; but some of all the Countries concerned in the Trade have been occasionally seen there. We have been informed that Krause, the Master and part Owner of the Schooner *Joseph*, lately condemned in the British and Spanish Court of Mixed Commission, has a Factory at the Gallinas, and has been for some years a constant Slave Trader there.

According to the information which we have received at various times from Individuals who had opportunities of personal observation, or of communicating with those who had such opportunities, the Station of the Gallinas has scarcely at any time been free from Slave Traders, and generally from three to five Vessels may be found there in search of Slaves.

In the range of Coast southward from Cape Coast Castle to the Equator, which is the third division in the apportionment made in our former Reports, a remarkable change has taken place, by the transfer of the Portuguese Slave Trade from its recent favourite haunts in the Bight of Biafra to the Bight of Benin.

After the Capture of the French and Spanish Slave Ships in the River Bonny, on the 7th of April, by the Boats of His Majesty's Ships *Iphigenia* and *Myrmidon*, under the command of Lieutenant Mildmay, Captain Leeke proceeded in the *Myrmidon* to examine the Calabar.

The Calabar was examined on the 27th and 28th of April by the Boats of the *Myrmidon* and *Iphigenia*, under the command of Lieutenant Elliot. The Portuguese Schooner *Defensora da Patria*, having 100 Slaves on board, bound to Princes Island and Bahia, was taken by Lieutenant Elliot. The Vessel being found not seaworthy was destroyed: the Slaves were brought to Sierra Leone, and emancipated by the British and Portuguese Mixed Court. A French Vessel called *La Tamise*, of Marseilles, belonging to Rougemont and Co. was in the River at the time, and had come for a cargo of 400 Slaves. She was boarded by Lieutenant Elliot, who ascertained these facts from her Papers.

No other Slave Ships had been in the Calabar during the four months preceding. This information Lieutenant Elliot received from the Masters of the English Vessels trading for palm oil. A Tender belonging to one of those Vessels arrived from the Cameroons a short time before Lieutenant Elliot visited the Calabar: the information derived from the Crew of the Tender was, that no Slave-trading Vessel had been in the Cameroons during the last five or six months. In consequence of this information, Lieutenant Elliot did not proceed to the

Cameroons. That River was formerly a Station of great resort for the Slave Trade.

Leutenant Hagan visited the Calabar in the end of the month of June, and learned that no Slave Trade had taken place in the interval since the visit of the Boats of the *Iphigenia* and *Myrmidon*, with the exception of a shipment of 30 Slaves on board of a very small Vessel called the *San José Xalaça*. This Vessel put to Sea with a short supply of provisions and water, in the expectation of arriving speedily at Princes Island. The number of Slaves was, in the same expectation, greatly overproportioned to her means of accommodation. Contrary winds drove her unfortunately out of her course, and, after extreme suffering, she returned to Duke Ephraim's Town at Calabar. Ten of the Negroes died of their sufferings, either on board or after the return to the Calabar. The others were delivered up to Lieutenant Hagan and brought to Sierra Leone, with the exception of three, whose exhausted state surpassed the humane efforts of Lieutenant Hagan for their recovery. For the further details of this shocking case, we refer to the particular Despatch respecting it.

In the River Bonny, no Slave-trading Vessel had arrived since the Capture of the *Vecua* and *Icanam* by the Boats of the *Iphigenia* and *Myrmidon*. The Captain of the *Vecua*, and her Crew, as well as the Crews of the French Vessels taken at the same time, were still at King Peppel's Town at Bonny, no opportunity for their departure thence having occurred.

Lieutenant Hagan noticed, as a happy result of the check given to the Slave Trade in the Rivers Bonny, Calabar, and Cameroons, the improved state of the legitimate commerce. The *George Canning*, a Ship of 700 tons, from Liverpool, come for palm oil, had completed her cargo in four months. While the Slave Trade was in full vigour, this would have been a business of nearly twelve months.

In the Bight of Benin, Lieutenant Hagan took the Portuguese Brig *Estrella*, having on board a cargo of Slaves. For the details of that Case, we beg leave to refer to the particular statement respecting it. We have only to add here, that the letter of instructions from the Owner, indicates an intention of taking a number of Slaves beyond the regular proportion to the tonnage of the Vessel, for each of which extraordinary Slaves, an additional freight was to be charged.

Lieutenant Hagan could have taken another Vessel with a cargo of Slaves, if the strength of his Crew had been sufficient to allow him to man two Prizes, with due regard to their security and that of the *Thistle*. He saw no less than nine Vessels, under the Portuguese Flag, all come for Slaves. He considered the Portuguese Slave-traders to have transferred themselves entirely to the Bight of Benin from their former haunts in the Bight of Biafra. Lieutenant Hagan conceived that the motives of this change were, the depth of water along the shore in the



*Bight of Benin and the vicinity of the Slave-trading Stations to the Sea, by means of which the Slave-trading Vessels are enabled to get away rapidly on the approach of a Ship of War, and to attain a safe distance in a short time, after they have taken advantage of a favourable opportunity to embark their Slaves.*

In the Rivers of the Bight of Biafra, they had hoped that they would be inaccessible to attack, or capable of resisting with success the attacks of boats. But events have proved that they are accessible, and that the attacks by boats are not to be successfully resisted by them, while they are disabled from escape by flight, being so completely land-locked.

We have had occasion to notice, particularly in our Reports of many of the Cases brought before the British and Portuguese Courts of Mixed Commission, the undue facilities given to the illegal Traffick by those in authority at Prince's Island, and the perversion of the liberty to call at that Island, and at St. Thomas's, in voyages from Brazil, to the purposes of Slave Trade in the Stations North of the Line. In the Cases of the *Defensora da Patria*, of the *Nymfa del Mar*, and some others, the collusion to this illegal purpose was most foul and glaring, as the particular Reports of those Cases, and the parts of the evidence especially noticed in those Reports, will shew in a more decisive manner.

The Papers of all Vessels cleared out from the Ports of Brazil for the Coast of Africa, are perfectly regular. If the destination be avowedly for the Coast, North of the Equator, the objects of the voyage are distinctly limited to legal commerce, with an express prohibition against meddling in any way with the Slave Trade. In the Case of the *Des de Fevereiro*, these Documents were coupled with private Letters of the same tenor, so numerous, so uniform, and so strong, that nothing short of the positive proofs found, of her being actually engaged in obtaining a cargo of Slaves, could efface the impression of innocent and laudable commerce, made by the contents of these Papers. Subsequent Cases of the same description, although without the same combination of private as well as public Papers, have shewn that Papers of that description are used as common means of deception.

The Vessels that clear out avowedly for the Slave Trade have Papers of express destination to Molembo or Cabinda, South of the Line, sometimes with liberty adjoined to call at Princes Island, or at the Island of St Thomas, the uniform abuse of which permission, for the purpose of inlet to the Slave-trading Stations North of the Line, has already been noticed.

The general practice of keeping the Slaves on shore until the whole cargo is collected in readiness for embarkation, causes many Vessels so engaged to be left unmolested; and in the cases in which Vessels found in such circumstances have been detained, on the ground

of having had one Slave, or more, actually on board, for the purposes of the Traffick, the proofs have been found in some instances deficient, as in the Case of the *Rosalia*, Spanish Schooner, taken in the Rio Pongos, in January last, by His Majesty's Brig, *Thistle*; in some imperfect, as the Case of the *Estrella*, Spanish Schooner, Prize to His Majesty's Ship *Morgiana*, Captain Knight, taken in the month of March, off Trade Town; in others very difficult, as in the *Joseph*, Spanish Schooner, Prize to the detachment from the *Iphigenia*, placed under Lieutenant Clarkson, on board of the American Schooner, *Augusta*; the *Des de Feveiro*, Portuguese Brig, Prize to His Majesty's Ship *Iphigenia*, Commodore Sir Robert Mends; and the *Nymfa del Mar*, also Prize to the *Iphigenia*.

If we may presume to recommend to Your Lordship the amendment of any particular deficiency in the existing Treaties, otherwise than in our usual manner of presenting to your Lordship's notice the circumstances that furnish the suggestion, we would entreat that, if Vessels having Slave-trading outfit, cannot,—at least, this crying abuse of having cargoes of Slaves collected on shore should,—be made equivalent to having them on board, and that Vessels in such circumstances should be made liable to detention and condemnation.

With respect to the state of foreign co-operation; since the date of our last Report, we have to mention merely the appearance of the French Corvette *La Diane*, off this harbour, on Sunday the 17th of May. She cruized off and on during the whole of the day, but did not come in, nor communicate with any of the small Vessels or Boats in the Offing; and when the Harbour-master approached her in his boat, for the purpose of offering his services to bring her in, she made all sail from him. No account has been received of her proceedings on the Coast.

No Vessel of force belonging to The United States of America has appeared on the Coast

We have the honour to be, &c.

E. GREGORY.

The Marquess of Londonderry, K. G.

EDWARD FITZGERALD.

(Inclosure)—Notes on the Rio Pongos and its Slave-trading Factories.

In compliance with your request, I commit to paper the observations that I had opportunity to make in my recent visit to the Rio Pongos. I had, for some time, been desirous to see that River, and the extraordinary Persons that reside on its banks. On the 7th of May, I accompanied Mr.———, who was going to the Factory of Mr. Lightburn, one of the principal resident Merchants of that River, on a commercial expedition. We sailed from Crawford's, in the Schooner belonging to Mr.———, on the 7th, but as there was not any breeze, we made so little way, that it was not until three. P. M. of the 8th that we arrived off the Bar of the Rio Pongos. About eight o'clock in the evening of that day, we came to an anchor off a Place

called Dominge, situated on the left, a short distance within the Bar, where we went on shore.

Mr. William Lawrence, the owner of this place, received us very kindly, and we had some interesting conversation with him.

In the course of this conversation, Mr. Lawrence informed us that he had finally relinquished the Slave Trade, as he had for a considerable time found it unprofitable and dangerous, and was subject to endless trouble and vexation in consequence of it. The situation of Dominge is high, and apparently healthy. There are not either hills or swamps in the immediate neighbourhood, yet the inhabitants are sometimes subject to intermittents.

On the 9th at 5 A. M. we proceeded up the River, passing by Devil's Island, where it was divided into two principal branches. That which we followed, lies to the left in passing upwards; its position is to the northward and eastward. This branch is larger than the other, and possesses more advantages for commerce. On our left, we saw the ruins of two or three deserted Factories, one of these had belonged to a Gentleman of the medical profession (Dr. Botifeur,) who, as we were informed, had made a considerable fortune by the Slave Trade, and by his professional services to Slave Traders. He is said to be now living in affluence, in one of the Foreign West India Islands.

One of the others had been in the possession of the Curtises, who were obliged to retire from this part of the River by the other Chiefs, in consequence of the expedition from Sierra Leone, sent to avenge the murder of Mr. Inman, Master's Mate of His Majesty's Brig, *Thistle*, and the Seamen of the Boat's Crew who accompanied him. This expedition raised in the other Chiefs an apprehension of being made victims to the hostility excited by that barbarous act of the Curtises, and all the members of that Family were compelled to withdraw from the main branch of the River. A little beyond, on the same side, is the Factory of a Trader named Puck: this also appears to be in a state of decay.

After we had passed these Factories, we did not see any thing remarkable, until we arrived in front of Bangalan, the place of Ormond, of which I will speak more particularly hereafter, as we did not at this time stop there.

Off Bangalan we left the Schooner, which could not conveniently proceed higher up, in consequence of the small depth of water: we went up the remainder of our way in a small boat. The banks on both sides are overgrown with mangrove swamps. There are many Creeks branching off in every direction.

About seven miles above Bangalan, we found the Factory of Mr. Lightburn. The position is to the right of Bangalan, as you go upwards; it is on the same side of the River, and Passengers sometimes go from one place to the other on foot, in the dry season, when the

small Creeks may be passed. Lightburn's Factory stands on a rising ground, at a little distance from the River. The house is enclosed in a large square, surrounded by a mud wall, with loop holes for musketry.

We were received in a very kind and hospitable manner by Mr. Lightburn, who invited us to take up our quarters at his house, during our stay in the River. He said to me, "I think I have seen you before, Sir." On being undeceived in this, he said, "Well, Sir, I have to tell you that you are now among Slave-traders, and now, Sir, as you know all about it, you may make yourself easy." I thought this somewhat extraordinary; but, as I was directed to do, I made myself easy.

At dinner the table was well supplied, but here, as at the other places that we visited in the River, we saw no wine but what we brought with us. Rum and water is the substitute in the family use of these Persons, unless when the Slave Ships supply them with some extraordinary luxuries. We dined in a large apartment, between 60 and 80 feet in length, one extremity of which was appropriated for our chamber at night. This great room was, as I conjecture, a general lodging place in the time of the Slave Trade. I had several conversations with Mr. Lightburn, on the subject of the Slave Trade: he always declared himself determined never again to engage in that Trade. He assured me that his trade in gold, ivory, black cattle, and horses, had increased very much, and he was confident of further increase, so as fully to make good any loss that he might have suffered by relinquishing the Slave Trade. He had, at this time, one very fine horse, which he valued at £50. besides others of less value. These he intended for the Sierra Leone Market, more particularly the one valued at £50.; but he appeared rather to wish that some person should come up to purchase him, and to take the charge of conveying him down to Sierra Leone. Mr. Lightburn expressed a desire to become a Planter, either in his present residence, or somewhere in the neighbourhood of Sierra Leone. Coffee, I conceive, would be the best article for such a plantation. Cotton also would probably be productive. While I was at Mr. Lightburn's, I understood that some Slaves had been brought to him for sale, but that he refused to purchase them.

About 200 yards above this Place, the River terminates abruptly, receiving a small stream of very fine water, which runs from a chain of hills about four miles distant. The prospect from the top of these hills is very extensive. The Bar of the Rio Pongos, the Sangaree Mountains and the Isles de Loss, may be seen distinctly, as well as a long range of Coast on both sides of the River.

The country in the neighbourhood of these hills presents large patches of sand, interspersed with irregular rocks of sand stone, which,



at a distance, resemble ruined buildings. Similar appearances are found in various places on the banks of the River.

The abrupt termination of the River and the smallness of the Stream that falls into it, when compared with the extent into which it is spread out farther down, and the number of creeks branching out from it, shew that in the larger part it is rather an arm of the sea than a river. The mangrove, with which it is surrounded, is found only where there is a mixture of salt water with fresh water. On descending to Mr. Ormond's Place, about seven miles lower down, the water is spread out into a very fine bason, but it is not deep. The anchorage, even for Vessels of a moderate size, is distant from the shore, and at low water there is a great extent of mud upon the banks. Mr. Ormond's Factory, called Bangalan, is very large. The situation is commanding, but, as it is surrounded with mangrove swamps, and mud banks, it is extremely unhealthy. The Factory is inclosed with a very high wall, built chiefly with mud. At regular intervals there are round towers, two stories high, with 2 brass guns in each. There are 33 guns mounted in the whole circuit of the walls. There is a kind of wharf, which is also built principally with mud, and continued by mud banks to some distance. I suppose that the walls and towers were intended as a defence against the Country People, and to suppress insurrections among the Slaves, who are often very unruly when shut up in great numbers in the Slave-trading Factories. When the boats of the *Thistle* lately visited the Place, for the purpose of getting possession of the Slaves belonging to the Spanish Schooner *Rosalia*, no thought of resisting the demand occurred to any body.

The Person to whom these Slaves belonged, named Francisco Freire, late Master of the *Rosalia*, was still at Mr. Ormond's, at whose house we dined in company with him. He appeared to be in a feeble state of health, and conversed little even with his Slave-trading friends; probably he felt a little shyness in consequence of our presence. We were informed that he requires Ormond to replace the Slaves given up to Lieutenant Hagan. No opportunity had offered for him to leave the River since the capture of the *Rosalia* by Lieutenant Hagan. Mr. Ormond told me that he had recently refused to purchase Slaves brought to him for sale, and that he took only such as he had previously paid for: that is, the Slaves that were due to him for goods given on credit, to be paid for in Slaves. He, at the same time, avowed plainly his intention to resume the Trade if favourable opportunities should offer. His reason for not purchasing Slaves at present, was, that he should have the charge of maintaining them too long without a chance of getting rid of them, as the Merchants of The Havannah would not venture to send their Vessels into the River for some time, in consequence of the recent Captures. He was also apprehensive of exciting unfavourable suspicions, and incurring unkind

treatment from the Cruizers, if he should be found collecting Slaves in any considerable number. This man used no disguise in respect to his attachment to the Slave Trade.

It is said that Ormond has some thousands of attached Slaves, who are employed in cultivating, in trade, and in other services. They are called his people; and, according to the custom of the Country, they are not to be sold: but as they may be seized in payment for debts, and may be given in payment, in cases of particular urgency, of which the Master is himself the judge, they are never secure from sale when a number of Slaves is wanted, at a short notice, to make up a cargo. I think the number of Slaves belonging to Ormond must be overrated when thousands are at all named; but they say five or six thousand. He has certainly the most considerable number. Lightburn, also, is said to have thousands.

From Ormond's we returned again to Lightburn's. We came back to Ormond's on the 14th; but nothing occurred worth mentioning. We sailed for Crawford's Island on the 15th of May, and arrived on the 16th.

We did not visit the branch of the River which we left on the right of Devil's Island as we went up. It is less considerable than the other for facilities of trade and navigation; but I am inclined to think, that the fresh water stream is more considerable, and that it extends farther into the Country. The termination of the other branch is not 60 miles from the Bar. On this branch, to the right of Devil's Island, as we entered, the Church Missionary Society had formerly an establishment at a place called Bashia. The River is sometimes called Bashia River. The principal resident at present is Paul Faber, an American. Lightburn and Ormond have places of trade on this Branch also, which has communication with the other by some of those creeks and channels which are so frequent.

The Curtises retain the settlement of their family on this Branch; but their principal possessions are at a place called Kissing River, which has a separate opening to the sea to the northward of the Rio Pongos Bar: it communicates with the main branch of the river between Dominge, William Lawrence's Place, and Devil's Island. Two Traders, named Irving and Sterne, have Factories in the Kissing Branch.

The Slave-trading Vessels generally came to anchor in the Bason in front of Ormond's Factory at Bangalan. There they discharged their Cargoes, and took on board their Slaves, which were generally brought thither by the Traders to be delivered to them.

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No. 6.—*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*  
(Received May 16, 1823.)

SIR, Sierra Leone, December 7, 1822.

EARL BATHURST'S Letter of the 14th of August 1822, conveying

the intelligence of the lamented death of the Marquess of Londonderry, came to our hands by the same conveyance by which we had the honour to receive his Lordship's second Letter, dated the 16th of September, announcing that the King had been graciously pleased to appoint The Right Honourable George Canning to be His Majesty's Principal Secretary of State for Foreign Affairs. We had the honour to receive, by the same opportunity, your Letter, communicating the same Appointment, with your desire that we should address to you our Despatches on public business, to which desire we shall have the honour to conform.

We have the honour to be, &c.

E. GREGORY.

*The Rt. Hon. George Canning.*

EDWARD FITZGERALD.

*No. 7.—Messrs. Gregory and Fitzgerald to Mr. Secy. Canning.—  
(Rec. May 16.)*

SIR,

*Sierra Leone, January 1, 1823.*

In obedience to the directions received by us, under date of the 10th of March 1822, from the late Marquess of Londonderry, that we should transmit, at the beginning of each year, for the purpose of more convenient reference, a general Abstract of our Proceedings during the year just elapsed; we have the honour to inclose herewith Abstracts of the Proceedings of the past year under the Mixed Commissions established in this Colony.\*

The number of Cases adjudicated under the British and Spanish Commission in the year 1822 was six; they were all deemed to be Cases of condemnation; and the number of Slaves emancipated was 500.

The number of Cases adjudicated under the British and Portuguese Commission was eleven; they were also deemed to be Cases of condemnation; and the number of Slaves emancipated was 1356.

There was only one Case of adjudication and condemnation under the British and Netherlands Commission; 178 Slaves were emancipated under that adjudication.

We beg leave likewise to inclose for your further information, a general list of Cases adjudicated under the Mixed Commission to this date. You will perceive, Sir, that the number of Cases adjudicated during the past year is 18; the number of Slaves emancipated, 2034: that the total number of Cases adjudicated since the establishment of the Mixed Commissions is 40; and that the total number of Slaves emancipated is 3716.

We have the honour to be, &c.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

\* The Proceedings, of which Abstracts were sent in this Letter, relate to the Cases of the Spanish Vessels—*Rosalía, Dichosa-Estrella, Joseph, Vecua, Icanam, and Josefa*:—to the Portuguese Vessels—*Conde de Villa Flor, Des de Fevreiro, Esperança, Esperança Felix, Defensora da Patria, Estrella, San Jose Xalapa, Nymfa del Mar, Comerciante, San Antonio de Lisboa, and Juliana*; and the Netherland Vessel *Aurora*:—all of which will be found at length in other Letters from the Commissioners.

(Inclosure.)—List of Cases adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st of January, 1822, and the 1st of January, 1823.

No. of Cases adjudged between June, 1819, & 1st Jan. 1823.	No. of Cases adjudged between 1st Jan. 1822, & 1st Jan. 1823.	Nation.	Name of Vessel.	Class.	Condemned.	Liberated.	No. of Negroes emancipated.	
No. 23	No. 1	Spanish	1 Rosalia . .	Schooner	Condemned under a special decree	...	59	Total number of Slaves emancipated between June, 1819, and Jan. 1st, 1822 . . . 1,682
24	2	..	2 Dichosa Estrella	..	Condemned	...	29	
25	3	..	3 Joseph . .	..	Condemned	...	217	
26	4	..	4 Vecua . .	..	Condemned	...	12	
27	5	..	5 Icanam . .	..	Condemned	...	183	
28	6	..	6 Josefa . .	..	Condemned	...	500	
		Portuguese						
29	7	..	1 Conde de Villa Flor . .	Brigantine	Condemned	...	171	
30	8	..	2 Des de Fevereiro	Brig	Condemned	...	10	
31	9	..	3 Esperança . .	..	Condemned	...	147	
32	10	..	4 Esperança Felix	Polacca	Condemned	...	85	
33	11	..	5 Defensora da Patria . .	Sloop	Condemned	...	80	
34	12	..	6 Estrella . .	Brig	Condemned	...	292	
35	13	..	7 San Joze Xalaca	Schooner-boat	Condemned	...	17	
36	14	..	8 Nymfa do Mar	Schooner	Condemned	...	2	
37	15	..	9 Commercioante	Brig	Condemned	...	167	
38	16	..	10 San Antonio de Lisboa . .	Brigantine	Condemned	...	291	
39	17	..	11 Juliana . .	..	Condemned	...	94	1,356
		Netherlands						
40	18	..	1 L'Aurore . .	Schooner	Condemned	...	178	178
								Total number of Slaves emancipated between Jan. 1st, 1822, and Jan. 1st, 1823 . . . 2,034
								Total number of Slaves emancipated between June, 1819, and Jan. 1st, 1823 . . . 3,716



SIERRA LEONE.—(*Spain.*)

No. 8.—*Messrs Gregory and Fitzgerald to the Marquess of Londonderry.*—(*Rec. June 21st.*)

MY LORD,

*Sierra Leone, March 15, 1822.*

IMMEDIATELY on the receipt of your Lordship's Despatch of the 30th of October 1821, (received 29th of January 1822,) we proceeded to the fulfilment of that part of your Lordship's Instructions, intimating that the Mixed Courts should be considered as open to all Persons, whilst the Commissioners should be engaged in the exercise of their judicial functions.

The absence of the Commissioners of His Catholick Majesty having left us at liberty to act at once in the British and Spanish Mixed Court, a Minute of Court was expedited on the 30th of January, so as to allow the opinions then prepared for delivery, in the Judgment of the Case of the *Rosalía*, detained by His Majesty's Brig *Thistle*, Lieutenant Hagan, to be delivered in open Court on the ensuing day; and these opinions were read in Judgment in open Court accordingly, on the 31st of January.

A Copy of the Minute was affixed on one of the pillars in front of the Court House on the 30th of January.

A communication, announcing the fact of the opening, together with the Appointments of certain Officers, whose attendances and services would be required to give effect to the measure, was subsequently made to His Excellency Governor Sir Charles Mac Carthy, in a Letter, a Copy of which accompanies this, together with a Copy of His Excellency's answer.

In respect to the further part of your Lordship's Instruction, founded upon the opinion of His Majesty's Law Advisers, it is our intention to act in conformity with the intimation therein conveyed, by abstaining from personal attendance at the Examinations of Witnesses.

We have the honour to be, &c.

E. GREGORY.

*The Marq. of Londonderry. K. G.*

EDWARD FITZGERALD.

(*Inclosure 1.*)—*The British Commissioners to Governor Mac Carthy.*  
SIR,

*Sierra Leone, February 1, 1822.*

WE have the honour to inform your Excellency, that in pursuance of Instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all Persons, when the Commissioners are engaged in the exercise of their judicial functions, the Order, of which a Copy is inclosed, was passed in the British and Spanish Court, on Wednesday the 30th of January 1822.

Some new Arrangements and additional Appointments of Officers being necessary to the transaction of the Business of the Court in an open state, we have the honour to communicate to your Excellency, the following nominations, and we beg leave to request that your Excellency will be pleased to give such Orders as may be necessary, to secure to the Persons named, the general assistance of His Majesty's Subjects, in the performance of the duties with which they shall be respectively charged, in virtue of their several Offices.

MR. CHARLES BONETT, Marshal. WILLIAM FORBES, Tipstaff.

MR. R. GROVE, Deputy-Marshal. ABRAHAM HAZELY, Court-keeper.

We have the honour to be, &c.

E. GREGORY.

Sir Charles Mac Carthy.

EDWARD FITZGERALD.

(Inclosure 2.)—Order of the Court.—Sierra Leone, January 30, 1822.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before Edward Gregory, Esquire, His Britannick Majesty's Commissary Judge, and Edward Fitzgerald, Esquire, His Britannick Majesty's Commissioner of Arbitration, acting in the absence of His Catholick Majesty's Commissioners.

Present, Mr. F. Sawyer, Clerk to the Mixed Commission, in the absence, through indisposition, of James Woods, Esquire, Acting Registrar.

ORDERED.—That this Court shall henceforth be considered as open to all Persons, when the Commissioners are engaged in the exercise of their judicial functions.

By the Court,

F. SAWYER,

in the absence of J. Woods, Acting Registrar.

Wednesday, January 30th. 1822.

(Inclosure 3 )—Governor Mac Carthy to the British Commissioners.

SIRS,

Sierra Leone, February 3, 1822.

I HAVE the honour to acknowledge the receipt of your Letter of the 1st instant, informing me that, in pursuance of instructions received from His Majesty's Government, having for their object to cause the Court of Mixed Commission, established in this Colony, to be open to all Persons, when the Commissioners are engaged in the exercise of their Judicial Functions, you had issued an Order to that effect, a Copy of which was inclosed.

I have also to acknowledge your Communication relating to the additional Appointments of Officers, whom you deem necessary to the transaction of the business of the Court, and requesting of me to give such Orders as might be necessary, to secure to those Persons the general assistance of His Majesty's Subjects, in the performance of the duties of their Offices.

I have the honour to state, in answer to the latter part of your Communication, that I have given the necessary directions to have the Appointments of the several Officers named in your Letter notified in the Gazette, and that I will issue any further directions which may be required to secure to those Persons every assistance in the performance of their duties.

I have the honour to be, &c.

E. Gregory, and E. Fitzgerald Esqrs.

C. MAC CARTHY.

No. 9.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Rec. June 21.)

MY LORD,

*Sierra Leone, March 16, 1822.*

THE name of one Massa, stated to be an inhabitant of the Isles de Loss, a Dependency of this Colony, having been disclosed to the British and Spanish Mixed Court, as the Purchaser and Seller of one of the Slaves interrogated in the course of the examinations taken in the Case of the Spanish Schooner *Rosalía*, seized in the Rio Pongos by His Majesty's brig *Thistle*, Lieutenant Hagan, commanding, we thought it our duty to communicate the fact so disclosed to His Excellency Sir Charles Mac Carthy, in order that proper proceedings may be taken to bring the said Massa to justice.

We have the honour to inclose, for your Lordship's information, Copies of the Correspondence which took place on this occasion.

According to subsequent intelligence, the Person named Massa had some time before gone to reside on the Continent of Africa, opposite to the Isles de Loss.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K. G.* EDWARD FITZGERALD.

(Inclosure 1.)—*The British Commissioners to Governor Mac Carthy.*

SIR,

*Sierra Leone, January 25, 1822.*

HIS Majesty's Commissioners under the Treaties for preventing illicit Traffick in Slaves, beg leave to call your Excellency's attention to a disclosure made yesterday, in the course of the investigation respecting the Schooner *Rosalía*, detained and prosecuted by Lieutenant Hagan, for a breach of the Treaty between Great Britain and Spain. It appears by the deposition of a Negro named Tom, now on board the Schooner, that a person named Massa, now and for several years resident at the Isles de Loss, where he formerly acted as tradesman to the late Mr. Lee, purchased that Negro from a Slave trader, named George Anderson, resident at York Island, in the Sherbro', and subsequently sold him to a Slave Dealer in the Rio Pongos, named Paul Lefevre, who sold him to the Master of the *Rosalía*: both the last mentioned sales took place very recently. We have the honour to inclose a Copy of the Deposition of the Negro, who has given this information,

in order that Your Excellency may direct that proper Proceedings should be taken.

We have the honour to be, &c.

E. GREGORY.

*Brigr. Gen. Sir Charles Mac Carthy.* EDWARD FITZGERALD.

(*Inclosure 2.*)—*Deposition of a Negro named Tom, of the Schooner Rosalia.*

EXAMINATION of Tom, a native of the Foy Country, near Cape Mount, a Negro belonging to the said Schooner, through the interpretation of Philip Gordon, being duly sworn,

Saith, that he is the Son of a King, named King Willy; he was taken prisoner in war and was brought to York Island, and sold to George Anderson, who formerly belonged to Bance Island Factory; Anderson afterwards sold him to Massa, who was formerly head trade man to Mr. Leigh, of the Isles de Loss. He said he lived with Anderson, from the rising of the Plantain until it was cut down, being about four months, and about eleven months with Massa at the Isles de Loss. He says that Massa took and sold him to Charley Puck, of the Rio Pongos; it is about three months since; says that Puck sold him afterwards to the Captain of the Schooner in which he came here. Says, that the Master put him on board the Schooner; he was put on board in John Ormond's canoe; when he was going on board the irons belonging to the factory were taken off, and on board he was tied with a rope; the canoe which took him on board was rowed by Ormond's Grumettas; the Captain and Charley Puck were in the canoe at the same time. He does not know the Captain's name, but would know him personally. The Captain remained behind in the Rio Pongos. He, the witness, remained on board, from that time until the Schooner was brought down here. When the alarm was given of the Man of War's appearance two canoes were hurried off with Slaves and those on board now were left behind. Massa who sold the Deponent resides now on the Isles de Loss with his family. He does not know what Mr. Puck paid to Massa for him, for immediately after being sold he was put in irons and placed in the factory. He does not know what the Master of the Schooner paid for him in particular, but he saw Mr. Puck's canoe come twice from the Schooner with goods to pay for Slaves; the goods were rum, tobacco, cloth, powder, guns, and cutlasses. Says, the Schooner was lying in the Rio Pongos, about a mile and a half below Ormond's place, at the time of Capture.

	his	his
PHILIP GORDON	✕	TOM ✕
	mark	mark

January 24, 1822.

(*Inclosure 3.*)—*Governor Mac Carthy to the British Commissioners.*

SIRS, Government-House, Sierra Leone, January 1822.

I HAD the honour of receiving your Letter of yesterday's date, and



its Inclosure, and in returning you my thanks for the information it conveys, I beg leave to inform you that I have this day sent instructions to the Officer commanding at the Isles de Loss, to secure the person of Massa, and to send him down for his trial. I have further requested of him to ascertain, if possible, the name of the persons who accompanied Massa to the Rio Pongos, at the time the transactions alluded to took place, and to send them to Sierra Leone.

I have the honour to be, &c.

Messrs. Gregory and Fitzgerald.

C. MAC CARTHY.

No. 10.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received June 21.)*

MY LORD,

Sierra Leone, March 17, 1822.

THE Spanish Schooner *Rosalía*, detained on the 11th January 1822, in the Rio Pongos, by His Majesty's Brig *Thistle*, Lieutenant Hagan, commanding, and brought to Sierra Leone for adjudication, was, on the 31st January, condemned under Special Judgment, by the British Commissioners, acting on behalf of the King of Spain, as well as on behalf of His Majesty.

We have the honour to forward to your Lordship Copies of the written Opinions delivered by us severally in Open Court, in pronouncing Judgment upon the Case of the *Rosalía*. These Copies comprehend all the material facts and circumstances of the Case. Although these Opinions were by no means designed to invite further seizures by similar means under the like circumstances, we have reason to think that a disposition of that kind is likely to arise, or rather to be confirmed in consequence.

The deficiencies found in the Provisions of the Treaties, as applicable, even in the present extended construction resulting from the Case of the *St. Salvador*, only to Cases of the "actual embarkation of a Slave or Slaves for purposes of the traffic during the current voyage," excite inclinations to amend those deficiencies by means of experimental Seizures. The Vessels so seized may, it is supposed, be sent to take their chance of condemnation in the Mixed Courts, with a full confidence that whatever may be the decision there, the feelings of the British Nation will be in favour of the Captors, and hostile to the Traders in Slaves.

These experimental Seizures can rarely be attended with satisfactory decisions.

The British Commissioners are not to be supposed to be animated by any other feelings, in this respect, than those of the British Nation; but they are bound by the Treaties, under the obligation of a special oath, "to judge faithfully, impartially, fairly, and without preference or favour, either for Claimants or Captors, or any other Persons," and your Lordship's Instructions, "to be careful not to lose sight of

our judicial character, but uniformly to endeavour to combine a fair and conscientious zeal for the prevention of the illegal Traffick in Slaves, with the maintenance of the strictest justice towards the Parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's Subjects and those of His Most Faithful Majesty."

By the departure of both the Commissioners of His Catholick Majesty, the British Commissioners are charged with the sole jurisdiction in the British and Spanish Courts, and in each of the other two Mixed Courts they have a majority of two voices to one.

With whatever natural participation of British views, the British Commissioners cannot, in a fair sense of their duty, leave out of view the Foreign Rights with which they are equally charged.

The distinction, in the general sense of their duty under the Treaties, between the Foreign and the British Commissioners, was this;—The British Commissioners, according to the established principles of their Country, regarding the Slave Trade as contrary to justice and humanity, were desirous to emancipate Slaves and to condemn the property of Slave Dealers, wherever the Treaties could be properly construed to enjoin or to permit them to do so; on the other hand, the Foreign Commissioners having been accustomed to regard the Slave Trade as a legitimate branch of commerce, highly beneficial to the Colonies of their respective Countries, while they were prepared to fulfil the obligations of the Treaties, in all Cases clearly brought under the provisions by which condemnation is enjoined, considered the respective Articles, in all other cases, as so many securities for the protection of the property of their Countrymen concerned. They were consequently, with certain distinctions and degrees as to Persons and Cases, extremely averse from admitting forfeiture to be incurred, under circumstances in which any of these restrictions appeared to afford a security against it.

The introduction of a practice of making experimental Captures will necessarily involve the Mixed Courts in the inconvenience of pressing instances for condemnation in disregard of the restrictions, which condemnation the Foreign Powers would conceive to be dictated by a partial consideration of the English objects of the Treaties alone.

We intreat your Lordship's attention to these observations, in the hope that a concurrent understanding and practice may be maintained by the Commanders of His Majesty's Cruizers, and the Judges of the Courts of Mixed Commissions, either by obtaining for those Courts a corresponding extension of powers, or by holding the Commanders to the limitations and restrictions of the Treaties as they now stand.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K. G.* EDWARD FITZGERALD.

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(Inclosure 1.)—*Mr. Gregory's Opinion on the Case of the Rosalia.*

THIS Case presents two Points for the consideration of the Commissioners.

The first is respecting the Nationality of the Vessel.

The second Point is in regard to the Negroes stated to have been purchased for the *Rosalia*, and as to whether the circumstances under which the *Rosalia* was seized by Lieutenant Hagan, are within the meaning of the Treaty between Great Britain and Spain, for the suppression of the Slave Trade.

On the first Point, the witnesses, Robert Days, Juan Lopez, and Joaquim Jozé, part of the Schooner's original Crew, depose, that the *Rosalia* was owned by Don Jozé Soler, a resident of The Havannah, and a Spanish Subject; that he was the person who hired them, with the other People belonging to the Schooner. They say, that the Vessel sailed from The Havannah under Portuguese Colours; and, they believe, with Portuguese Papers. Three Portuguese Flags and a Spanish Ensign were on board. To the 12th Interrogatory, Days states, that he does not know whether any bill of sale was made to the Owner, but that Don Jozé Soler gave 2,000 dollars for the Schooner, which was sold at publick auction, and that the 2,000 dollars were paid.

No Papers were found on board of the Schooner by the Captor, nor was any Document delivered up to him by the Master of her, when required by Lieutenant Hagan. The Court, then, must decide on the nationality of the *Rosalia*, by a presumption of what her character was when she left The Havannah.

There are, I think, sufficient grounds to presume that her character was Spanish. A sale by publick auction at The Havannah, a purchase by a Spanish Subject, must have effaced her previous Portuguese character; her condition being changed, she could not have legally sailed with her former Portuguese Papers, and new ones she could not acquire at The Havannah.

Besides the Owner of the Schooner, her Master, and First and Second Mates were Spaniards; they are stated to have been hired by Soler subsequently to his purchase of the Schooner, therefore they must have embarked under the sole sanction of the Spanish Authorities.

Under these circumstances, I presume that the character of the *Rosalia* is Spanish, and I, accordingly, consider her as such.

On the second Point, I am of opinion that the Negroes now on board should be considered as having been purchased by Francisco Frere, who, after the death of the original Master, assumed the command of the *Rosalia*, and took upon himself the direction of her concerns.

It does not appear that the Negroes were actually delivered into Frere's hands, but it is beyond doubt that they were considered by the Slave Traders as purchased by Frere, who, for objects of conveni-

ence and of safety, chose that the Negroes should remain in the custody of their former Masters until such time as they could be safely embarked on board his Vessel. All the Negroes who have been particularly examined, though they belonged to different Slave Dealers, depose that they were sold to the Captain, or White Man, of the Schooner; they all state that in exchange for themselves, their several Masters received goods from John Ormond; that their goods came from the Schooner.

The statements of these Negroes are supported by the Depositions of Mahommadoo, the Interpreter, who explains that it is usual for Vessels coming to the Rio Pongos, to deliver the whole of their cargoes to Ormond, the principal headman of that river, who shares it among the minor Chiefs, according to the proportions in which they can supply Slaves. Ormond guarantees the payment of the Slaves. The Slaves now on board of the *Rosalie* were delivered over to John Ormond when about to be embarked.

The purchase of the Slaves by Frere being proved, it remains to be ascertained, first, whether they were ever put on board of the *Rosalie* by the Purchaser, previous to the general embarkation of the Negroes that took place on the 11th of January; and, secondly, whether the embarkation that took place on that day is to be considered as being within the meaning of the Treaty.

Five Negroes, of seven who have been examined, clearly and positively state that they were never on board of the Schooner before they were placed in her by the Captor. Two Negroes, Tom and Quana, on their first examination, deposed as if they had been put on board previously to the general embarkation on the 11th of January, but their deposition is opposed to the fact declared by the Captor, that he did not find any Negro in the Vessel when he first boarded her, and is inconsistent with their subsequent deposition.

Quana, on his re-examination, states that he never was on board of the Schooner, before he was sent with the other Negroes at the time that the Brig of War came into the river; he says that no White Man was with him in the Canoe when he was conveyed on board; that Paul Lefevre, who sold him, was at his Town, whereas, he before stated that Paul Lefevre and some White Men belonging to the Schooner were with him when he was taken on board.

The inconsistencies of Tom, the other Negro, are still greater: on his re-examination he says, that he was put on board of the Schooner with many others; that the Schooner went towards the Bar of the River; the alarm being given of the approach of the Brig of War, part of the women, and the children, were put into a canoe towards the evening, and were sent on shore; that those Negroes who remained on board were to have been conveyed out of the Vessel the next morning, but that, in the mean time, the Man of War came and seized the Ves-



sel and the Negroes who are now on board. This is not the fact as stated by the Captor.

On being further examined, Tom says that he was put into a Canoe, with others, to be carried on board the Schooner; that when they came alongside of the Vessel, and on the approach of the Man of War, the Canoe was rowed to the shore; he was landed with the others and was concealed; he says that he was afterwards put into John Ormond's Canoe, with the other Black Men, and sent on board of the Schooner; that Charley Puck, who sold him, was at his Town, and the Captain of the Schooner at Ormond's Town; that no White Man was with him in the Canoe, when he was sent on board; whereas he, on his former examination, stated, that both Puck and the Captain were with him, and that he remained on board from that time to the present. The desire of liberty, which is implanted in every human breast, may have given rise to tales which promised freedom to the fabricators.

It not being proved that any Slaves were shipped on board of the *Rosalía*, previously to the 11th of January, we come now to inquire whether the embarkation of the Negroes that took place at that time is within the meaning of the Treaty; whether it forms a sufficient ground for the Condemnation of the Vessel.

According to the Tenth Article of the Treaty, "no British or Spanish Cruizer shall detain any Slave Ship not having Slaves actually on board; and in order to render lawful the detention of any Ship, whether British or Spanish, the Slaves found on board such Vessel must have been brought there for the express purpose of the traffic."

Lieutenant Hagan in his first Declaration, dated the 17th of January, states, that he seized the Schooner on the 11th of January, and that at the period of the seizure there were on board 60 *Slaves*.

In a subsequent Declaration, of the 24th of January, Lieutenant Hagan states, that he first boarded the Schooner on the 7th of January, but quitted her on the same day, and proceeded up the River; that on the 9th of January he placed part of his boat's crew on board of the Schooner, to avoid exposure to the night air; that from the 9th to the 11th he was engaged in arranging palavers with the Native Chiefs; that he made an application through the Native Chiefs to the Master of the *Rosalía*, requiring him to deliver up and send on board of the Schooner, the Slaves purchased by him for her; that the Master did send on board 60 Slaves, who were all embarked in the Schooner previously to his (Lieutenant Hagan's,) going on board and seizing her.

It is said that no seizure was made of the Schooner until the 11th; there existed no ground for detention prior to that time, although it was notorious that those who were concerned in the Schooner were engaged in the Slave Trade. Betwixt the 9th and the 11th, when some of the *Thistle's* men were on board, no seizure was avowed. The Vessel remained protected by the terms of the Treaty.

But if no seizure was avowed betwixt the 9th and the 11th, is it to be inferred that the the Schooner was absolutely in the possession of the original crew? I think not; but that she was, in some degree, under the controul of Lieutenant Hagan. Juan Lopez, in answer to the fifth Interrogatory, says, "the Captain of the Brig caused the Schooner to be got ready for sea; when the Schooner was ready, the Captain brought the Negroes on board."

This statement, which has not been directly contradicted, establishes the idea that the Vessel was not in the entire possession of the original crew; it certainly leads to the inference that a superior power than they, controlled the management of the Schooner.—Under these circumstances the crew could not be answerable for facts done by a power foreign to the Vessel; less could the Vessel suffer for the acts of such a power.

In this state, whilst a part of the crew of the Capturing Ship was on board of the *Rosalia*, and whilst her own crew were not entirely at liberty, a number of Negroes were sent to the Schooner and were received on board of her.

The Declaration already mentioned of Lieutenant Hagan, of the 24th of January, shews how these Negroes came on board; it shews that they were sent to the Schooner by her Master, on an application made to him through the Native Chiefs by Lieutenant Hagan.

Does the embarkation of these Negroes come within the meaning of the Tenth Article of the Treaty? The object for which they were embarked will best resolve the question.

It is evident that the object of the embarkation of the Negroes was, not that of disposing of them by traffick, but, that of liberating them from their chains. Humanity may rejoice when it contemplates the restoration of these Africans to their homes, but justice must require that the intention of the Treaty should be complied with by all who act under its authority.

These Negroes were embarked "in pursuance of a demand or requisition conveyed to the Master" from the Captor.

Lieutenant Hagan stood in the situation of a guardian of the Treaty, the Master in that of one about to violate its enactments. Compliance on the part of the Master to deliver up the Negroes, to him who was appointed to check this nefarious Trade, does not warrant the conclusion, that those unfortunate Beings were placed in the power of the Seizor for the purpose of traffick; on the contrary, such compliance authorises the conclusion, that the Master was compelled to deliver them out of his possession, in order to their being placed in a state of freedom.

Lieutenant Hagan says, that he did not assist personally in the embarkation of the Slaves, but he was present at John Ormond's Town when the Slaves were embarked;—he further says, that they were all

about to be embarked in a canoe given for that purpose by Ormond ; it was mentioned to him that they could not be all conveyed in the Canoe on board of the Schooner, without considerable risk, and he offered one of the *Thistle's* boats, in which some of the Negroes were sent on board of the Schooner. They were embarked in the boat belonging to the *Thistle* after the Canoe was already sufficiently loaded. This evidence I consider decisive, to authorize me to say that the Negroes were not brought on board for the express purpose of the Traffick.

The *Thistle's* boat under the eye of the Commander of the *Thistle*, could never be employed, as it was not employed in fact, in the errand that is within the meaning of the Treaty.

The fact of Slave-dealing being pursued on shore, does not by the Treaty implicate a Vessel in the guilt of her crew. It is required in order to her implication, that she should have received on board, for the purposes of Traffick, those who are the victims of injustice and of avarice; it is necessary that the Slaves purchased to be shipped in the Vessel should have been placed on board of her; condemnation follows such an act when detected, but it does not take place without the act has been committed.

The Case of the Portuguese Schooner, *San Salvador*, gave rise to the construction which the British Government put upon the Tenth Article of the Treaty between Great Britain and Spain. The construction was, that "if there should be clear and undeniable proof that a Slave or Slaves had been, for the purpose of illegal Traffick, put on board a Vessel in the particular voyage on which the Vessel should be captured, then and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel should be detained by the Cruizers and finally condemned by the Commissioners."

The Cases of *La Caridad* and *La Nueva Virgen* came, and were condemned, under this construction of the Tenth Article of the Treaty. In those Cases, Slaves had been placed on board of the Vessels by their Crews, but had been removed by the Crews from the Vessels to the shore on the approach of the Capturing Ship, whose Commander subsequently succeeded in rescuing the Negroes from the clutches of the Slave Traders.

I think that the situation of the *Rosalia* is the same as that in which she was first found by Lieutenant Hagan, where the Slave Trading pursuits of the Master on shore were known, yet the Vessel, by the tenor of the Treaty, could not be detained. I do not think that the Case of the *Rosalia* comes within the meaning of the Treaty, and were there here present a representative of the Vessel to claim her, though it would be painful that she should return into the possession of her Master, I should deem it my duty to order her restitution. As however, there is no one here to claim her, or to take charge of her; as

she would perish through abandonment and be lost to all Parties, I think it right, with the view that the property in the Vessel should be realized, to deliver my opinion that she, the *Rosalia*, be condemned as prize to the Crowns of Great Britain and Spain. The emancipation of the Slaves follows the Condemnation of the Vessel.

*Sierra Leone, January 31, 1822.*

E. GREGORY.

(*Inclosure 2.*)—*Opinion of Mr. Fitzgerald, on the Case of the Rosalia.*

THIS Vessel is acknowledged and proved by the Seamen of her crew, examined on the Standing Interrogatories, to be the property of Don Jose Soler, a Subject of the King of Spain, resident at The Havannah, she is, therefore, properly brought under the jurisdiction of the British and Spanish Mixed Court, notwithstanding that it is asserted by the same Seamen, that she was navigated under the Portuguese Flag, manned principally with Portuguese Seamen, and furnished with Portuguese Papers. If these assertions were true, which is very doubtful, this would only go to establish a mixture of national characteristics contrived to defraud the Treaties, but furnishing the means of defeating itself, by rendering the Case cognizable under the Treaties with Portugal as well as under the Treaty with Spain.

Those Seamen deny that any intention of trading for Slaves was contemplated in their engagements with the Owner of the Vessel. The declared purpose of the voyage was to purchase gold and ivory at Bis-sao; the entry into the Rio Pongos is alleged to have been incidental to the conveyance of a family of liberated Negroes from The Havannah to that river, of the banks of which they were Natives. The object of the landing of the cargo, and the traffick carried on by the Mate, now acting as Master, are said to be wholly without the knowledge of these Seamen. They profess themselves to be utterly ignorant of the nature of that traffick.

It is barely possible that these allegations should be true; and if true, they may avail to the personal immunity of the Seamen; but, with reference to the Ship, the acts of the Master, as the agent of the Owner, must be binding, and the ship must abide the consequences of those acts as far as they extend.

In considering the question, whether this Schooner be liable to condemnation under the Treaty between Great Britain and Spain, much difficulty arises from the peculiar circumstances of the Case. It is sufficiently proved, by the situation in which the Vessel was found near the Slave Factories in the Rio Pongos, by the landing of the outward Cargo, and by the actual purchase of a number of Slaves under the direction of the Mate, who assumed the command on the death of the Master, that the object of the homeward voyage at least was to take away a Cargo of Slaves. But no Slave appears to have been put on board by the Master, nor by the Mate, now acting as Master, nor by any Person acting on his behalf, or on behalf of the Ship,



so as to constitute an embarkation for the purposes of the Traffick, as required by the Treaty, to warrant seizure and detention: not one Slave was put on board until a general embarkation, of the whole of the Negroes recently on board, was made at once, in consequence of a demand, or requisition, from the Commander of the Capturing Vessel. This is the concurring effect of the testimony of the Captor and of the Seamen of the Schooner, and of that of the Negroes brought forward in the first instance, as well as of those introduced by the Captor, in consequence of the order of Court requiring further proof, first of an embarkation for the Traffick, and next of an actual purchase and possession by the Master, or by the Mate, or by any person acting on behalf of the Ship. Proof of the embarkation for the Traffick would, of course, have precluded the necessity of proof of the purchase, which was required merely for the purpose of ascertaining how far the actual evidence would go, if it could not be carried to the very points specified in the Treaty.

It appears further, that, on the part of the Captor, the embarkation, in the manner in which it was carried into effect, was purposely contrived and managed, in order to establish ground for a seizure. This seizure was not actually, or at least not avowedly, made until after the embarkation, although the Schooner was effectively in the power of the Captor for two days before. He visited her on the 7th of January, but left her immediately again; but, on the 9th he returned and placed some of his people on board for the convenience of cooking and for the preservation of their health, by relieving them from a part of the exposure which they must otherwise have to undergo. These are probably, with perfect correctness, given as the causes and motives of placing some of the capturing Seamen on board of the *Rosalie* on the 9th of January. But what was the effect,—the remainder of the boat's crew were at hand, the Schooner could not possibly have escaped, and the Captor might have taken her at any moment he thought proper to declare her seized. She was in fact already seized in every respect but in name. The *Thistle's* Quarter Master, Jeremiah Cox, brought forward in further proof, says, "the party might have seized her, but Lieutenant Hagan told us not to touch a rope yarn belonging to her,"—and afterwards he says, "I had strict orders from Lieutenant Hagan to confine myself to my own duty until he should return; when Lieutenant Hagan came on board the Schooner he gave me orders to go forward and to take care that not any of the crew or Slaves left the Vessel, for he had then taken possession of her as a prize."

Two of the Negroes brought forward in further proof, named Tom and Quana, gave reason in their first examinations to believe that they had been put on board the Schooner, before the general embarkation on the 11th January, by the Master of that Vessel, or his agents and the Slave-dealers of the River, but upon more particular investigation, by

means of further interrogatories, it was found that Quana had not been on board the Schooner before the general embarkation on the 11th, and Tom, who was proved to have been embarked at the same time with Quana, gave such various and inconsistent accounts, as to raise strong doubts of his veracity, as well as of the accuracy of the interpreter in his first examination.

The Captor himself in his supplementary evidence says, that the general embarkation, immediately previous to the seizure, was the only one of which he was aware.

The facts and circumstances actually proved, as here enumerated, present a Case altogether distinct from any before adjudged by the Courts of Mixed Commission.

In the Case of the Portuguese Schooner *San Salvador*, one Slave was proved to have been actually on board for the purposes of the traffick, and to have been put out of the captured vessel into a boat on the approach of the Captors. The sufficiency of this proof to constitute a breach of the Treaties with Portugal, liable to condemnation, as declared by His Majesty's Commissioners in their official Report of that Case to His Majesty's Government, has since received the sanction of the other Governments concerned in the Treaties.

That approved construction is thus declared in the Circular addressed to the Foreign Courts, "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 the Vessel, in the particular voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel is to be detained by the Cruizers, and condemned by the Commissioners."

But in the present Case there is not any sufficient proof that any one Slave has been on board for the purposes of the traffick, until the general embarkation of the whole at the instance of the Captor, who in the manner explained by himself, caused some of the Slaves to be conveyed on board in his own boat, the canoe which was provided for the conveyance of them, by the Slave dealer Ormond, being already overloaded.

The condemnation of the Spanish Schooners *Caridad* and *Nueva Virgen*, was decreed by the British and Spanish Mixed Court in a great degree, if not altogether, in conformity with the approved construction in the Case of the *San Salvador*. The Slaves taken on board these Vessels, although embarked in consequence of a requisition of the Captor, had been all previously on board, and had been re-landed, and the Captor had not taken possession in any way, nor had he put any men on board of the Schooner, until the Slaves were actually re-embarked in consequence of the requisition. In that case, if the Vessels had been brought away without the Slaves, they would have been

equally liable to condemnation, on proof of the previous embarkation and landing of the Slaves. The re-embarkation of the Slaves was distinct from any act of prior occupation, and, although made in pursuance of a requisition from the Captor, it was in consequence of the previous embarkation. Thus the actual seizure had the foundation of the prior embarkation, as well as of the actual presence of the Negroes on board, before any entry was made. The Captors had not taken any part in the shipment of the Negroes; they had not meddled either with them or with the vessels until they actually seized.

In the present Case, there is sufficient proof of an intention to carry off Slaves, and of the purchase of the Slaves now on board, for the purpose of embarking them and carrying them off; but there is not any proof of the embarkation of any one Slave, otherwise than in the general embarkation at the instance of the Captor. On the contrary, the supposition of any such prior embarkation may be considered as distinctly disproved. The embarkation made at the instance of the Captor, and with the assistance and participation of his boat, cannot be considered as the act of the Master, who cannot be regarded as a free and voluntary Agent in it; it must rather be holden to be the act of the Captor who issued his requisition, and personally took care to see it carried into execution.

How then does the Case stand with respect to the Vessel now under adjudication? The illegal proceeding upon which the Ship should be forfeited if it had been committed by the Master, is only commenced and pursued to a certain stage by him; at that stage the Captor interferes to procure the completion; and it is consummated in the actual embarkation made at the instance of the Captor.

A gross abuse has been committed by the Master of the detained Vessel; a gross fraud against the Treaty was contemplated, and nearly brought to maturity. But can that abuse be punished by the condemnation of the Ship, if it has not been fully matured, by the voluntary agency of those concerned with the Ship, to the state at which the condemnation is directed by the Treaty? Can the Captor take the charge of the remaining part of the illegal work upon himself to finish it, or to exact the finishing from those before concerned, giving his own assistance so far as that assistance was necessary? The circumstance of the assistance of the boat may seem casual and unimportant, but it is material in this view, that it certainly would not have been given in aid of an embarkation really designed for the Traffick, or for the purposes of the Master as connected with the Traffick.

But can the Captor be allowed, as a public Prosecutor, to complete the Offence in order to lay ground for the exaction and infliction of the penalty? I do not think that the Captor can be sanctioned in taking advantage of a wrong doing, which is in fact his own; or that the Master of the Schooner or his Owners can be punished under the Treaty

for a wrong doing which is not his, nor theirs, in the full extent required by the Treaty to incur condemnation. Could this Vessel have been condemned if these Negroes had not been put on board, as the *Caridad* and the *Nueva Virgen* might have been, on proof of the prior embarkation and re-landing? The idea of such a Condemnation could not for a moment be entertained.—Can a Decree of Condemnation pass upon this embarkation, made at the instance of the Captor, so as to make him profit by the wrong which he must himself be holden to have done? for what a man does by others must be understood to be done by himself. I do not think that such a course is warranted by the Treaty, or by any Case decided in conformity with the approved construction adopted upon the Report of the Case of the *San Salvador* nor by the Instructions given by His Majesty's Government to the British Commissioners in consequence, which Instructions have since been sanctioned by the acquiescence of the other Powers engaged in the Treaties.

The absence of the Master, the concealment of the Papers, or any other default of such nature, cannot warrant condemnation, when the examinations enjoined by the Treaty furnish evidence so strong against the right to condemn.

In the course of these considerations I have thought it right to rely principally upon the evidence of the Negroes and of the Captors themselves. The statements made by the Seamen of the *Rosalia*, respecting the assumption of the entire possession and command of the Vessel by the Captors, since the division of capturing Seamen was placed on board on the 9th of January, would, if allowed to have weight in the Case, render it still stronger against the Captors, as indicating an actual seizure from the first entry.

On all the grounds that have been already recapitulated, I do conceive that if the Master of the *Rosalia* was now before the Court as a Claimant, and on behalf of the Owner; or if he or any Person competent to represent the Owner, or to be entrusted with the Vessel, were present in the Colony to take charge of her upon her release, it would be the duty of this Court to restore her; connecting with the Judgment of restitution such declarations of opinion upon the circumstances in which she was found engaged in the traffick, as those circumstances would appear to require.

But this Vessel stands before the Court at present without Claimant; without representative; without any body in connection with her that can be held authorized to receive her, or qualified to take charge, or in any way fit to be entrusted with the management or disposal of her, on behalf of the Master or of the Owner.

This is a Case in which, because all the Parties are not properly before the Court, and because Condemnation is not warranted by the Treaty, and further, because a restitution under the circumstances



could not be expected to prove beneficial or satisfactory, the probability of Appeal must be taken into contemplation; and this raises the question, how the Commissioners now sitting in judgment on this Case can best prepare it to meet Appeal, by making the fairest decision that the circumstance in which the Case is placed before them will admit.

If they cannot condemn the Vessel, in conformity with the Treaty, are they therefore to abandon her to her fate, or to throw her back to the Captor upon his responsibility: knowing as they do by the Treaty that in the event of failure on his part, that responsibility becomes the responsibility of his Government?

Will they not act most conformably to their duty, and with the most assured regard to the interests of justice, to the interests of those who shall ultimately be held entitled, and to all the interests in whatsoever way concerned, by taking the necessary measures to cause the property to be disposed of to the best advantage, and to cause the proceeds to be preserved, so that they may be forthcoming for the benefit of those whose right to them shall in the end be legally established; whether the Owner shall make good a claim upon Appeal, or the Crown of Spain shall insist upon forfeiture for the violation of National Law, or the operation of the Treaty be extended to this kind of contravention, as well as to those already under its recognized restraint? The preservation of the property to abide the results of the ulterior interests of justice, whatever they may prove to be, appears the best view of the duty of the Commissioners, and this can be accomplished only by Condemnation.

I therefore think, that a Condemnation ought to take place, not for the infringement of the Treaty, but under the special circumstances, in order to preserve the property, to answer the ultimate purposes of justice. A special detail of the grounds and circumstances of the Condemnation must accompany the statement of the Case to the Superior Authorities to whom the Commissioners are bound to report their decisions.

In considering the case of the Slaves brought to this port on board of the *Rosalía*, the special circumstances of the Condemnation lead to a distinction between the rights and the duty of the Court respecting them, and those rights which would result from a formal Condemnation for actual infringement of the Treaty.

In Cases of Condemnation for actual infringement of the Treaty, the emancipation of the Negroes is necessarily incidental, and is enjoined by the Treaty as a consecutive act.

In the present Case the emancipation is not so much a matter of injunction by the Treaty as it is a matter of propriety on general grounds. The Negroes could not well be emancipated incidentally to the Condemnation of the Vessel, when it is expressly said, that according to the Treaty, the Vessel ought to be restored, if a Claimant

had presented himself; but on such a restoration the Negroes could not be involved in a return to Slavery, they could not be replaced as private property in the hands of a private owner, prohibited by the Laws of his Country from acquiring or holding them under the circumstances adduced in evidence. Upon such a restoration of the Vessel, the Negroes must have been retained in this Colony, and it appears that it would have been due to the Sovereigns concerned in the Treaty, to give the fullest assurance against the possibility of their being employed otherwise than in the free service which the Treaty directs. This assurance can only be afforded by emancipation; the grounds and the circumstances of that emancipation, as well as those of the Condemnation of the Vessel, must be specially reported to the higher Authorities.

EDWARD FITZGERALD.

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No. 11.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have the honour to forward to Your Lordship an Abstract of the Case of the Schooner *Dichosa Estrella*, taken under Spanish Colours, and brought for adjudication by Captain Knight, of His Majesty's Ship *Morgiana*, under a charge of Trading for Slaves, in violation of the Treaty between Great Britain and Spain.

There were on board this Vessel French as well as Spanish Papers. The Master was a Frenchman, and the log-book was kept in the French language. It is to be inferred, that there was an intention to assume the French national character, if the presence of French Cruizers on the Coast, when the Capture took place, had not rendered such a scheme unavailing. One of these Cruizers, the Brig *L'Huron*, visited this Vessel while she lay off Trade Town.

The particular point in this Case, to which we would beg leave to attract Your Lordship's notice, is the shipment of certain Slaves belonging to this Vessel, in consequence of certain communications from Captain Knight to the Native Chief at Trade Town. The statement given by Captain Knight of the circumstances of this transaction, in the Affidavit made by him in further proof, will convey the best information of the matters of fact.

The Commanders of His Majesty's Cruizers justly consider it as a great abuse, that Cargoes of Slaves should be collected on shore in readiness for embarkation, and that the Vessel for which they are collected should brave them on the same station, and be considered not liable to Capture and Condemnation.

The Commissioners of the Mixed Courts, while they are sensible of the grossness of the abuse, do not find themselves warranted to afford a remedy for it by Condemnation, unless proof can be given of the actual embarkation of a Slave for the purposes of Traffick. What

is considered warranted by the fair interpretation of the Treaty, and by the analogy of corresponding practice in cases of contraband, is to hold the detention of Vessels so found not liable to demurrage or damages, when there is any reasonable ground of suspicion that a Slave has been on board for the purposes of the Traffick.

In Cases in which the detention is founded upon ascertained illegal embarkation, previously existing, we conceive that all proper means may be employed to obtain the delivery of Slaves kept in depôt on shore for the Vessel detained, and that such Slaves when delivered up are to be emancipated in the regular course of the judicial administration under the Treaties. In Cases in which such a delivery is obtained, without any proof of previously existing embarkation of a Slave for the Traffick, we think the most appropriate course respecting the Slaves is to pronounce a Special Decision, giving emancipation in order to guaranty the freedom covenanted by the Treaties. There is no title to restitution in such Cases, the Slaves having been illegally purchased; and the ordinary emancipation, according to the Treaties, cannot take place on account of the irregularity of the Capture. We have to request your Lordship's Instructions on these Points.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

(Inclosure 1.)—*Case of the Spanish Schooner Dichosa Estrella.*

THE Schooner *Dichosa Estrella*, Domingo Larose, Master, sailing under Spanish Colours, was taken on the 17th of March 1822, by His Majesty's Ship *Morgiana*, Captain Knight, off Trade Town, in lat. 5, 44 N. long. 9, 50 W.

This Vessel had on board Spanish Papers from Porto Rico, in which she was described as the property of Don Santiago Rufane of that place. There was a bill of sale of a Vessel named *Borrighuen Laura*, to this Rufane, and it was stated that he had changed the name of *Borrighuen Laura*, to *Dichosa Estrella*. There was, however, a French Pass from Martinique, evidently for this Vessel, under the name of *L'Heureuse Etoile*; she was described as the property of the Sieur Morin, of Martinique, commanded by Mons. Larose. It appeared that the name of *L'Heureuse Etoile* was simply translated into the Spanish *Dichosa Estrella*, and that Mons. Larose still retained the command under the Spanish designation of Don Domingo Larose. He kept his log-book in the French language, still calling her *L'Heureuse Etoile*.

From this mixture of national characteristics it may be inferred, that it was intended to make this Vessel pass for French, in the event of falling in with British Cruizers, if the scheme had not been deranged

by the presence of the French Corvette *La Diane*, and the French Brig of War *Le Huron*, on this part of the Coast. The *Estrella* had already been boarded by a Lieutenant of the *Huron*, and released after examination, as appears by an entry on the log-book.—(Il m'a largué après m'avoir visité.)

The Spanish characteristics attached to this Vessel were fully sufficient to bring her under the influence of the Treaty between Great Britain and Spain for preventing illegal Slave Trade, and under the jurisdiction of the British and Spanish Mixed Court.

The *Dichosa Estrella* had not any Slave on board at the time of Capture, but she had a Cargo of Slaves purchased and ready for embarkation on the shore, collected from the different Slave Trading Stations in the vicinity of Trade Town, Grand Bassa, Petit Bassa, Grand Corron, &c. and some of the Slaves purchased at these Places had been, according to information received by Captain Knight, conveyed from those Places to Trade Town, on board the *Estrella*.

The Vessel was detained in order to ascertain this fact, and a negociation was opened between Captain Knight and the Native Chief at Trade Town, for the purpose of obtaining the delivery of the Slaves kept in depôt on shore. A number of those Slaves was sent off in consequence, and, of these, four were put on board the Schooner. Upon the embarkation of these four, the seizure and prosecution were founded.

As this embarkation, exacted from a Native Chief, could not be considered as an embarkation for the purposes of the Traffick, on the part of the Master of the Vessel, the Court, according to the judgment formed under circumstances of a similar embarkation in the preceding Case of the Spanish Schooner *Rosalía*, taken in the Rio Pongos, by His Majesty's Brig *Thistle*, Lieutenant Hagan, would have felt itself bound to decline passing a Decree of Condemnation, until proof should have been given of some prior shipment of a Slave or Slaves for the Traffick. A delay of Judgment on this ground did in fact take place at the request of the Agent for the Captors after the first hearing.

The Vessel had been previously wrecked on the Coast of Mesurado, on her way to the Colony.—The Natives had made an attack on the wreck, and carried off nine of the Slaves. The remainder, twenty-five in number, had been preserved from the rapacity of these Barbarians, by the prompt and gallant assistance of the Inhabitants of the new American Settlement at Mesurado. The Slaves thus rescued were brought to Sierra Leone in the American Schooner *Augusta*, with the Prize Master, Mr. Maclean, Midshipman of the *Morgiana*, and the rest of the Prize Crew.—Mr. Maclean died on board the *Augusta* shortly after her arrival at Sierra Leone. The Master of the *Dichosa Estrella* had gone on board a French Vessel on the passage to Sierra Leone, before the shipwreck, and that Vessel made sail immediately



after and took him away, consequently there was not any claim at that time.

On the arrival of Captain Knight, with the *Morgiana*, the Mate of the *Dichosa Estrella* presented himself as a Claimant, but the Court did not consider the grounds of his application sufficient to warrant his appearance in that character.

The Court having considered such further evidence as Captain Knight was enabled to furnish, and having seen a report from the Registrar, who, upon confronting the Slaves of the *Estrella* with the Seamen of that Vessel, by order of the Judges, stated, that several of the said Negroes pointed out one of the Seamen, named José Rido, as the person who purchased them at Trade Town, and that the said Negroes appeared generally to recognize each other, as belonging to the said Schooner ;

The Court was of opinion, that as the Schooner *Dichosa Estrella* was no longer in existence, having been wrecked on her passage to Sierra Leone, without any imputation of misconduct or negligence on the part of the Captors, and as some deficiency remained with respect to proof of the embarkation of a Slave or Slaves for the Traffick prior to the embarkation, exacted from or through the Native Chief at Trade Town, (which deficiency, however, Captain Knight was confident that he should be enabled to supply, if the ulterior destination of the *Morgiana* did not take him away from the Coast)—the Judgment most appropriate to the circumstances of the Case would be to declare, that the *Dichosa Estrella* was justifiably and legally detained, so to bar any attempt to bring actions against the Captors ; and that the Slaves belonging to her should be specially emancipated in the same manner as the Slaves belonging to the *Rosalía*.

E. GREGORY.

EDWARD FITZGERALD.

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(Inclosure 2.)—*Affidavit of Captain Knight.*

I, CHRISTOPHER KNIGHT; do hereby swear, that, on the 14th of March, 1822, I boarded the Spanish Schooner *Dichosa Estrella*, off Trade Town, and ordered her to keep company with me, until I had obtained further information as to the truth of what two Natives had told me, who came from Trade Town in their Canoe.

The story of the above men was, that the Schooner had landed some Slaves at Trade Town, whom she had bought at other Places, and that she had above 100, purchased and in irons on shore.—The Mate had come on board the Ship at first with the papers ; but in order to make further enquiries, I sent for the Master also.—As I intended to anchor at Trade Town for the night, and that was also the destination of the Schooner, I gave the Master directions to order his Vessel to follow us there.—A tornado came on, which drove the Schooner far to leeward, and the next day, as the Crew on board her did not seem to

make the necessary exertions to rejoin us, the Master (Larose) urgently requested me to send an Officer from the *Morgiana* to bring her up.—I accordingly sent a Midshipman and some men, with orders to tell the Spaniards, that he came by *their Master's* wish to work her up to Trade Town.—It did not suit my views at that time to run the *Morgiana* to leeward. I conceived it to be my duty to have a true statement from the King, or else more evidence from other of the Natives than the first two that had come off. As the wind did not allow the Ship to get close in with Trade Town, until the 16th, and my original informants persisted in their story, without the least prevarication, I sent a boat on shore to demand the Slaves actually belonging to the *Dichosa Estrella*. The King instantly promised full compliance, and soon after sent off twenty-nine to the Ship, alledging as an excuse for not sending the remainder, that the people who had had charge of them had fled into the woods on the near approach of the *Morgiana*, and left the Slaves to themselves, who, in consequence, had fled also.—The King, however, said he would use every endeavour to find them, and send them off. At this time I had not fired a shot either at or near the town.—When the Schooner came up, and anchored near us, I told the Master not to conceive that I had then Captured his Vessel, but that, as I had met him under such suspicious circumstances, I was fully authorized to examine minutely into the affair. The Master allowed I was correct in so doing, and wanted to compromise for his safety, by the private offer to me of having all the Slaves, and allowing him to make his escape with the Schooner. After such proposal, as the King had not sent any more Slaves off, I fired a few shots over the town. Soon after it was reported to me, that a Canoe had come off with five Slaves, I immediately ordered her away; but, in the mean time, one of the five had been put on board this Ship: I put that Slave with the other twenty-nine, and sent the Canoe away with the other four.—I believe she pulled towards the Schooner.—Soon after it was reported to me, that there were four Slaves on board the Schooner, I then sent an Officer to her, who was qualified to seize Slave Vessels; the Officer was the Master of the *Morgiana*. At the same time, I told the Master of the Schooner (Larose) that I should send his Vessel to Sierra Leone for judgment, but that he was to go in her that he might defend his own Cause.

The Supercargo had constant opportunities of seeing me, had he chosen to have done so: he did not appear.—A young man, who acted as Clerk to the Supercargo, came off; he declared in the presence of me, and nearly all the Officers, by means of an Interpreter, that the Supercargo had purchased 110 Slaves for the Schooner. I do further swear, that the Master (Larose) did own to me that he was a Frenchman, and it appears by the two registers, that he had, until very lately, actually been employed under the Flag of France.

That the Master of a Spanish Slave Vessel should not be a Native Spaniard, is in express contradiction of Article IV. of the Treaty between Great Britain and Spain. This last circumstance would have induced me to send the Schooner in, had I had no other plea against her.

Taken and sworn, this 12th  
Day of June, in the Year of Our  
Lord, 1822, (being written on  
two sheets) before me,

CHRISTOPHER KNIGHT,  
Commander of H. M. S. Morgiana.

D. M. HAMILTON, Registrar.

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No. 12.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received September 12.)

MY LORD,

*Sierra Leone, July 24, 1822.*

THE Case of the Spanish Schooners *Vecua* and *Icanam*, of which an Abstract is inclosed in this Despatch, has a new and painful characteristic in the hostility and violence opposed by those Vessels to the Boats of His Majesty's Ships *Iphigenia* and *Myrmidon*, under the command of Lieutenant Mildmay of the *Iphigenia*, while these Boats were proceeding towards them, with Colours displayed, in the full confidence of the peaceful exercise of the legal Right of visitation, according to the Treaty between His Majesty and the King of Spain for preventing illegal Traffick in Slaves.

This aggression, sufficiently atrocious in itself, was, we regret to state, accompanied and preceded by circumstances which greatly aggravated the criminality of the parties concerned. Three French Vessels, at anchor in the same place, were induced to join their fire to that of the Spaniards, and two British Seamen were killed and five wounded in the conflict, which terminated in the Capture of the French Vessels as well as of the Spanish.

These Spanish Vessels were of large size, formidably manned and armed; purposely fitted out in order to carry into effect a determination of illegal Slave Trade by force of arms.

The Officers and Crews were pledged by special engagements, and further by large benefits, depending altogether upon the success of the enterprize, to make every effort for the defence and assistance of the Vessels and Cargoes to the last extremity; the Seamen were to yield a blind obedience to the orders of the Captain without pretending to inquire into his designs. All further claims were renounced in the event of the loss or Capture of the Vessels.

These articles of engagement are the same in both these Vessels, and they exhibit so distinctly and so forcibly the spirit of lawless violence in which the expedition was fitted out and despatched, that

we have thought it our duty to send Copies of them, annexed to the Case, for your Lordship's more particular information.

The Passports of both these Vessels, directed to objects of legitimate Commerce, have a clause enjoining the Master to bear in mind the Penalties attached to the violation of the Laws prohibiting the Slave Trade. These Passports, as well as the other Papers of both Ships, name Don Luis Martinez as sole Owner of the Vessels and Cargoes. A Seaman belonging to the *Icanam*, on the authority of the general conversation on board that Vessel, stated, that Don Antonio Frias was her sole Owner. But there is among her Papers a bill of sale transferring her from Frias to Martinez. We are persuaded, however, that the outfit of Two Vessels of such magnitude, on such an enterprise, was a matter of too much cost and hazard to be the affair of a single Individual. Martinez was, we have no doubt, merely an ostensible Proprietor, taking upon himself the whole of the disgrace in the event of defeat and capture, and screening more cautious Participants, who would be let into their respective shares of the advantage in the event of success.

We trust that the signal defeat which has been sustained in this instance will prevent a repetition of such criminal and desperate adventures.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

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(Inclosure 1.)—*Cases of the Spanish Schooners Vecua and Icanam.*

As these Vessels were the property of the same Owner, as they were fitted out and sailed together from The Havannah, as they were taken at the same time and brought for adjudication one immediately after the other, the Cases of both may, it appears, be most conveniently blended in one statement. The facts and circumstances of both are the same in every respect, with the exception of the loss of the *Icanam* at Sea, by a Tornado, on her way to Sierra Leone for Adjudication, by which calamitous event, nearly all those who were on board perished.

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The *Vecua*, Don Vicente Gomez, Master, and the *Icanam*, commanded by Don Antonio Moreyra, two Spanish Schooners of the largest class, were taken on the 15th of April in the River Bonny, in lat. 4. 42 North, long. 7, 22 East, by the Boats of His Majesty's Ships *Iphigenia* and *Myrmidon*, commanded by Lieutenant Mildmay, acting under orders from Commodore Sir Robert Mends.

The *Vecua* had on board at the time of capture 300 Slaves, and 25 more were subsequently given up by the Native Chief of the Place as belonging to her.

The *Icanam* had on board 380 Slaves.



These facts alone are sufficient to establish the charge of illicit Traffick in Slaves, contrary to the Treaty between Great Britain and Spain.

But there are other facts and circumstances which greatly aggravate that violation, and ought, therefore, not to be passed over without due animadversion.

These Vessels were of great force and were formidably prepared with every description of hostile armament. The *Icanam* had ten guns mounted, and a crew of 46 men; she was, moreover, amply provided with muskets, pistols, swords, and ammunition. The *Vecua* was nearly of equal strength, she carried ten guns, of which one was dismounted, and a crew of 40 men, supplied in the like manner, with small arms and ammunition.

On the approach of the Boats conveying the British Detachment, the hostile purpose of this Armament was immediately disclosed. The *Icanam* and the *Vecua*, without showing any Colours, opened a fire upon the Boats of His Majesty's Ships as they advanced towards them. Three Vessels under French Colours, laying at anchor in the same place, joined in this act of unwarrantable violence and hostility; the British Boats having at the time their Colours displayed and being in progress to the exercise of the legal right of visiting the Spanish Vessels, according to the provisions of the Treaty between Great Britain and Spain.

This formidable opposition was overcome by the gallantry of the British Detachments; and the Vessels of the Aggressors were taken, with the loss of two men killed and five wounded on the British side.

The guilt of this lawless effusion of blood would be great if it arose only from an immediate concert and combination of illegal Slave Traders found on the scene of the transaction. But it appears this outrage was the consequence, not only of a previous arrangement with the immediate co-operators, but also of an earlier design of criminal violence, interwoven with the original outfit of the Expedition from The Havannah. This design is exhibited in the fulness of its contemplated atrocity by the Papers found on board both the Vessels.

Both these Vessels, as the Papers show, were the property of Don Luis Martinez, of The Havannah; a Seaman of the *Vecua*, examined on the Standing Interrogatories, represents Don Antonio Frias, also of The Havannah, to be the Owner of that Vessel; but there is among the Papers a bill of Sale from Frias to Martinez.

There was among each set of Papers a Passport for a Trading Voyage to the Coast of Africa: the same Officer who authenticated these Passports had endorsed on each of them a Note, declaring that the Trade was to be "For raw hides, oil, ivory, and other objects of permitted commerce; the Captain to bear in mind the penalties attached to the infringement of the prohibition imposed by the First

Article of the Royal Cedula, dated Madrid, the 17th December, 1817, on the purchase of Slaves in any place within the range of his destination."

A particular Clause in the Articles of Agreement, signed by the Crew of each Vessel, will show how little this prohibition was regarded.

These men bound themselves to throw all their chests and boxes overboard, as soon as they should arrive on the Coast; and further to give up the place assigned for their births in the fore-castle, contenting themselves to lodge wheresoever the Captain should direct.

These Covenants could not have any other object in view than that of an enlargement of space, in order to afford the most ample accommodation for a Cargo of Slaves.

There are other engagements which show as distinctly a determination to employ every effort to accomplish that Slave-trading purpose by force of arms.

The Articles of the Captain of the *Vecua* with the owner, covenant for a salary of 100 dollars for every month, and 8 per Cent. upon the gross proceeds of the return cargo; but he agrees to abandon all claims in the event of the loss or *Capture* of the Vessel. He had besides an interest of 1400 dollars in the adventure; this share was to abide the general event of the expedition. The Mate of the same Vessel was to receive 60 dollars a month, and one dollar for every pipe of oil,—meaning for every Slave; he also abandons all claims in the event of loss or capture.

The Seamen of both Vessels were to receive, according to their several classes, 30 or 25 dollars a month each; they engaged to forego all claims in the event of loss or capture. They further bind themselves to conform to the orders of the Captain, and to all other Superior Officers, and on failure in this duty, to submit to all proper chastisement, the forfeiture of their wages being the first penalty, and to yield an absolutely blind obedience in every thing that may be ordered, and that may tend to the successful issue of the expedition, as well during the stay on the Coast of Africa, as on the return, defending and assisting the Ship and the Cargo with their utmost efforts, even to the last extremity, following the instructions and orders of the Captain without meddling to ascertain his designs.

These Articles, while they hold forth extraordinary advantages to the Captain and other Officers, and to the Seamen also, upon the success of the voyage, make those interests altogether dependent upon that success, and thus pledge every one of them in his place to contend to the last extremity against those contingencies of capture or other loss, which would deprive them of their promised benefits.

Under these engagements the Vessels sailed together from The Havannah, on the 24th of October, 1821, but the *Vecua* having sprung a leak, both put into Porto Rico on the 16th of November, and it ap-

pears, by a Protest made there by Captain Gomez and his Crew, that a Letter of Instructions given to Moreyra, of the *Icanam*, as commanding the Vessel of superior force, directed that they should always keep in company one with the other. They sailed together from Porto Rico on the 27th of November, and continued their voyage to Bonny, where they immediately engaged in the Slave Trade.

The engagements which have been recapitulated, and others of a similar nature, point directly to the contingency of falling in with a British Ship of War, cruising under the authority of the Treaties for preventing illicit Traffick in Slaves. It was expected, no doubt, that the powerful and united strength of two Vessels, so formidably manned and armed, and the determined and desperate spirit with which that strength was to be brought into action, would deter or conquer any force that could come against them, in the recesses of the Slave-Trading haunt which they had selected. But these hopes, and the designs connected with them, have happily been frustrated by the gallantry and determination of the Capturing Party.

To this Summary the Commissioners of the Mixed Court have to add their earnest hopes, that the individuals concerned in the outfit of these Slave-trading Corsairs will not be suffered to escape with impunity.

The Judgment of the Mixed Court was, that the *Vecua* be condemned as Lawful Prize to the British and Spanish Crowns, and that the Slaves belonging to her be emancipated.

E. GREGORY.

EDWARD FITZGERALD.

(Inclosure 2.)—Translation.

DON VICENTE GOMEZ, Captain and Master of the *Vecua*, Spanish Schooner, and Don Luis Martinez, Owner of that Vessel, have agreed as follows :

1. The former binds himself to discharge, with all punctuality, the duties annexed to the above offices, and to try at all the Ports on the Coast of Africa to collect the Cargo of the sorts specified in his instructions ; he at the same time engages not to demand any pay whatsoever in case the Vessel should be lost or taken, except his share of what may be saved.

2. The latter binds himself to compensate the pains which the former takes in discharging the functions of both these trusts, with 100 dollars a month, to be calculated from the day of his setting sail, and eight per centum commission on the proceeds of the sale of what may be imported into this Harbour.

3. The former binds himself to take out no venture on his private account, as the whole undertaking is understood to be on account of the Freighter.

And that both of us may adhere to the above, we have signed Two

Copies of the same tenour, binding ourselves by every legal form, to abide by and execute what is set forth in the present Agreement.

*Havannah, September 29, 1821.*

LUIS MARTINEZ.

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(Inclosure 3.)—*Translation.*

*Havannah, October 10, 1821.*

RECEIVED from Don Vicente Gomez, the sum of 1,400 dollars, in specie, which just-mentioned sum he tenders on account of his share in the *Vecua*, Spanish Schooner, commanded by him, and fitted out for the Coast of Africa; it being understood that the said Don Vicente Gomez is obliged to abide by the success or failure of the voyage to be performed by the said Schooner, conformably with the proportion accruing to him of the expenses and the issue of the said adventure, in consideration of the above-stated 1,400 dollars, which I place to his credit.

Dollars, 1,400.

LUIS MARTINEZ.

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(Inclosure 4.)—*Translation.*

DON JUAN JOSE DE LA ROSA, Boatswain of the *Vecua*, Spanish Schooner, and Don Luis Martinez, Freighter of the said Vessel, have come to the following Agreement:

1. The former binds himself faithfully to serve as Boatswain on board the said Vessel, and to obey the orders of ———, Master, in whatever may tend to the success of the adventure, engaging to make no demand whatever if she should be lost or taken, excepting his proportion of what may be saved.

2. He also binds himself, in case the superior officers should die, to discharge their functions without any emolument.

3. That Don Luis Martinez, to recompense him for his trouble and employment, gives to Don Juan José de la Rosa, 60 dollars per month, and one dollar for a pipe of vinegar.

And that both of us may adhere to the above, we sign Two Copies of the same tenour, binding ourselves, by every legal form, to abide by and fulfil what is set forth in this Agreement, it being understood, that the wages just mentioned shall not commence until the day that the Vessel shall set sail.

*Havannah, September 27, 1821.*

LUIS MARTINEZ.

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(Inclosure 5.)—*Translation.*

DON VICENTE GOMEZ, Captain and Master of the *Vecua*, Spanish Schooner, and Don William Bogue, have come to the following agreement:

1. That Don Vicente Gomez affords the said Bogue a situation on board for the purpose of whatever he may need, as well during his voyage out as on his return, paying to him for his labour, at the



return of the Vessel, and when the Cargo shall be in safety, the sum of 2,250 dollars, and 100 dollars per month from the day that the Vessel shall set sail from this Port, and giving him here, before the departure, a month's pay in advance, on the express condition, that if the Vessel be lost or captured he will claim nothing.

2. That I, Don William Bogue, will comply with all that is specified in the preceding Article, binding myself to fulfil, in every respect, the directions of the Captain; and if I should fail in discharging what is laid down in the present agreement, nothing shall be paid to me; on the contrary, I will be responsible for any damages and prejudices that may be occasioned by my remissness.

And as we both have concurred in the above, we bind ourselves, by every legal form, to the performance of the part belonging to each of us, to which end we have signed Two Copies of the same tenour.

Havannah, October 11, 1821.

WILLIAM BOGUE.

(Inclosure 6.)—*Translation.—Articles agreed to by the undersigned Crew of the* { *Vecua, Don Vicente Gomez,*  
 { *Icanam, Antonio Moreyra,* } *Master, Spanish Schooner.*

1. THAT each of us Seamen is to be credited for 30 dollars per month, and each of the Boys for 25.

2. That we shall have one month's wages advanced to us.

3. That, as soon as we shall have quitted this Port, our board is to consist of bread, flesh meat, and soups, and one day in the week of salt cod, or other salt fish, if it can be procured, and of a bottle and a half of brandy a day, portioned out to the meals of each mess, composed of 10 individuals, it being understood that if the spirits should be consumed previous to our return to this Port, the deficiency shall be made up to us in money, according to the price at which brandy may sell at the time of our arrival; but this shall not apply to coffee, which shall be served out to us morning and evening until we shall reach the Coast.

4. That, if this Vessel be captured or lost, we shall have no claim, either respecting our wages or on any other account, unless some of the fragments be saved, of which, on being sold, the proceeds shall be shared according to proportion.

5. That we bind ourselves scrupulously to discharge our duties, by paying obedience to all our superiors; and that if we should fail in so doing, or evince any disposition to transgress any of the articles herein specified, we shall be compellable thereto, and liable to be corrected in the manner we may deserve, more particularly by forfeiting our wages, together with any other remuneration, inasmuch as our submission to the Master and the Mates is to be absolutely implicit, relative to whatever we shall be enjoined, and what may tend to the success of the voyage, as well during our stay on the Coast of Africa, as while re-

turning thence to this Island ; and likewise, that we will defend, and use the greatest efforts in standing by the Vessel and her Cargo, even to the last extremity, and will comply with the directions and commands of the said Master, nor will presume to interfere in, or pry into, his designs.

6. That on the day of our arrival on the Coast we will cheerfully throw overboard any trunks and chests which we may have carried along with us.

7. That as soon as the lading begins to be taken on board we will quit the forepart of the Vessel for any other birth which the Master, or in his absence or disability, some other person, may assign us to occupy and sleep in.

8. That the moment the Vessel shall have come to an anchor in any of the different places on the Coast to which, according to circumstances, she may be destined, we will keep watch, day and night, until our return to this Port without alleging weariness or any other plea.

9. That in case of illness we shall have given up to us the best accommodation that can be found, without any distinction or favour, the same as though it were wanted for the Master.

10. That from the departure of the Vessel out of this Harbour to her return, two successive top-mast watches shall be kept up ; but in case we, the Ship's Boys, by reason of sickness, or on some other ground, should be insufficient for the discharge of that duty, the Seamen shall be obliged to fill up the vacancies which we are not capable of supplying.

11. That we will give security for what we shall receive in advance before quitting this Island, lest a Ship's Company, consisting of Men of character, such as the present Individuals, should be obtruded upon by Persons likely to injure our credit with the Master and the Mates.

And to the performance of all and each of the above Articles we reciprocally bind ourselves, on the one part Don Antonio Moreyra, and on the other the Individuals who have signed their names hereinafter, in order that we may at any time be made to fulfil the duties which we are taking on ourselves in the mode and form before stated ; the said Articles serving as a guidance and rule for our conduct on all occasions ; and we disavow, in the most effectual manner known, all such Laws as may favour and justify us in infringing the present Agreement, to the end that we may not hereafter be competent to put in any claim contrary to its express tenour, and far less if such claim should tend to the prejudice and disadvantage of the Master or the Owners of the Vessel, in which case we desire not to be attended to or admitted before any Court of Judicature, declaring for the present, and for every time to come, that we alone shall be responsible and liable to punishment, and authorising to that effect the Tribunal to

which we shall make application ; and furthermore, that the said Tribunal shall impose upon us a fine of 500 dollars, which we fix as our penalty, the payment of which is to be paramount to all other steps, be the proceedings instituted on the occasion of what nature they may. *Havannah, September 27, 1821.*

*Note.*—It is fully understood and agreed upon, that the wages shall not commence until the day that the Vessel shall put to sea, an arrangement for that purpose having been made with the Master.

Signatures of Boys.

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Signatures of Seamen.

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*No. 13.—Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received February 14, 1823.)*

(Extract.)

*Sierra Leone, August 15, 1822.*

WE have the honour to lay before Your Lordship the inclosed Statement of the Case of the Schooner *Joseph*. This Vessel, under the mask of a pretended Swedish National Character, was employed at the time of her Capture in carrying on the Slave Trade for the account of one Zachariah Atkins, resident at Matanzas, in the Island of Cuba. This Atkins was also proved to be part Owner of the Schooner.

The decision of this Case was attended with unusual delay and difficulty, arising principally from deficiency of evidence, and from contradictions in the evidence actually produced in some of the most material points. No Person could be found to translate a Paper in the Swedish Language, alleged by the Master and Claimant to be a Passport for Free Navigation, and Certificate of Registry, until the arrival of the *Iphigenia* from her cruize on the Leeward Coast, when a Swedish Seaman belonging to that Ship gave a Translation, which shewed the Paper to be merely a Certificate of Admeasurement.

This discovery, joined with some other circumstances, induced Mr. Gregory to concur in the opinion previously declared by Mr. Fitzgerald for the Condemnation of the Vessel, on his own view of the questionable Paper, as well as of the other evidence.

In the course of the protracted Investigation which this Case underwent, it assumed different appearances at different periods. At one time it seemed to be the case of a Vessel really Swedish, carrying on the Slave Trade for the account of a Subject of His Catholick Majesty.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

*(Inclosure.)—Abstract of the Case of the Joseph, Krause, Master.*

THIS Vessel was prosecuted in the British and Spanish Mixed Court, in consequence of a suggestion of the Judge of the Court of Vice Admiralty, in which Court, proceedings were first instituted against her on the ground of British Ownership, and of several alleged

violations of British Law. These allegations the Judge in that Court held not to be sustained, but as the Vessel had been fitted out for the present voyage at Matanzas, in the Island of Cuba, with circumstances manifesting an intention of carrying off a Cargo of Slaves from the Coast, and, as it appeared that she had actually been engaged in trading for Slaves, and that a Cargo of Slaves was in readiness to be embarked on board of her at the time when she was taken, he considered that there was sufficient presumptive evidence of Slave Trade, in violation of the Treaty between Great Britain and Spain, to warrant the institution of proceedings in the British and Spanish Mixed Court, in order that the real character of the Case and its connections may be elicited by the strict scrutiny of the standing Interrogatories.

Proceedings were accordingly taken in the British and Spanish Court.

The Schooner *Joseph* was detained on the 26th of February, 1822, at the Gallinas, in lat.—by Lieutenant Clarkson, of His Majesty's Ship *Iphigenia*, and a detachment of Seamen despatched by Commodore Sir Robert Mends, on board the American Schooner *Augusta*, in search of illegal Slave Traders.

The Master of the *Joseph*, who also declared himself sole Owner, professed himself to be a Subject of the King of Sweden, and his Vessel to be a Swedish Vessel registered at the Swedish Island of Saint Bartholomew, in the West Indies, and navigated under the Swedish Flag. But it appeared, by the Papers found on board, that she was fitted out on this voyage at Matanzas, in the Island of Cuba, for the purpose of taking a Cargo of Slaves from the Coast, and that the outward Cargo was put on board at that Place by one Zachariah Atkins. The log-book, and the ordinary papers of the Ship's business, as well as the private papers of the Master and of the Mate, were in the English Language. There was a Spanish clearance from Matanzas, describing the Vessel as Swedish, and naming Krause as the Master. This paper stated, that the Goods of the outward Cargo were shipped by Atkins, as Consignee of the Vessel, for the account and risk of the Master. There were two papers, dated at St. Bartholomew, the 15th of July, 1819; one of these was in the English Language, and was attested, by a note at the bottom, to be a True Copy of the corresponding Original Oath remaining at the Justiciary's Office in that Island. It was an Oath of the Master, Krause, declaring himself to be sole Owner of the Schooner *Joseph*, and pledging him, in the event of any sale or transfer of the Vessel, to retain and return to the Justiciary's Office in that Island the Passport obtained for her, so as to prevent use thereof being made by any other person than the said Johan Krause.

There was not any Slave on board at the time of seizure; but a Note written by the Master on shore at the Gallinas to the Mate on board, mentioned, that they had begun to send him some Slaves, and



that he hoped to be ready on the 25th. This was the day preceding the Capture.

A claim was given by Krause, in which he stated himself to be Master and Owner of the Vessel; a Subject of The King of Sweden, and an Inhabitant of the Island of Saint Bartholomew. In an Affidavit annexed to the Claim, he swore that he was not engaged in the unlawful Traffick in Slaves; the same Affidavit states that The King of Sweden was not a Party to the Treaties of Mixed Commission; and that therefore the detention of the said Swedish Schooner *Joseph*, was unlawful.

In his examination on the standing Interrogatories, Krause declared himself Master and sole Owner of the Vessel and Cargo, that he was a Subject of The King of Sweden, that his Vessel was navigated under the Swedish Flag, and that he had not engaged in Slave Trade.

One of the Seamen of the *Joseph*, named Michael Roddy, called Zachariah Atkins, of Matanzas, part Owner of the Vessel, and Owner of the whole of the Cargo; he believed this, because he had heard Mr. Atkins say so. This man swore also, that seven Men Slaves and one Woman Slave had been taken on board the *Joseph* at the Island of Bulola, but had been landed again through fear that some of the Men of War might come and find them on board.

Krause acknowledged the fact of this shipment and relanding, but explained it by stating, that he kept these Slaves for the accommodation of a Person of the Place, named Jack Simpson, whose premises were crowded.

Others of the Seamen examined in the Cause, declared themselves unable to explain the shipment and relanding; they were also unable to give any information respecting the Ownership of the Vessel, or her Cargo.

No translation of the Swedish Paper could be obtained.

On the 17th of May the Cause came on for Judgment.

Mr. Gregory, considering the fact, that the *Joseph* was cleared out by the Spanish Custom House, at Matanzas, as a Swedish Vessel, that she was so cleared out upon the authority of the Papers before the Court; considering that it did not appear that Atkins interfered directly, or indirectly, with the Vessel or her Crew, and, on other grounds also, regarding the *Joseph* as a Swedish Vessel, was of opinion, that she was not liable to the operation of the Treaty between Great Britain and Spain for preventing illegal Slave Trade.

Mr. Gregory, in the course of the observations made by him upon some of the arguments of the Proctor for the Captors, and upon the Case generally, expressed an opinion that Foreign Vessels, that is, Vessels not subject to the Powers, parties to the Treaty, could not be adjudicated under the Treaty betwixt Great Britain and Spain, which he thought solely authorized the visit, detention, and adjudica-

tion of British and Spanish Vessels. Mr. Gregory further entertained the idea that the British and Spanish Court of Mixed Commission could not exercise a jurisdiction over, or proceed to the adjudication of Spanish or British property that might be on board of such Foreign Vessels. In support of his opinion, Mr. Gregory referred to the different Slave Trade Restriction Treaties, which only allowed to Great Britain a very qualified right of search over Spanish, Portuguese, and Netherlands Vessels, to the late Act of Parliament granting Bounties to Captors of Slave Vessels of such Nations, and to the Case of the French Vessel *Le Louis*, that was decided in the year 1817, by the Judge of the High Court of Admiralty in England.

Mr. Fitzgerald's opinion was, that, according to the Third Clause of the Fifth Article of the Treaty between Great Britain and Spain, Slave Trade carried on for Spanish account, under any Flag whatsoever, was subject to the operations of the Treaty, and that Vessels so trading, might be visited and detained accordingly. But in the present Case, regarding the Swedish Paper, from its aspect, and such examination as he could give to it, merely as a Paper of Measurement, and considering the evidence of Roddy as more credible and better sustained than that of Krause, he held it to be proved, that Zachariah Atkins, of Matanzas, was Part Owner of the Schooner *Joseph*, as well as Sole Owner of her Cargo: his impression was also, that the embarkation of the Eight Slaves taken on board at Bulola, was for the purpose of the Traffick. He, therefore, thought that the Vessel, and any part of the Cargo that might be remaining on board, should be condemned as Lawful Prize to the Crowns of Great Britain and of Spain.

His Majesty's Commissioners, thus differing in opinion, left no means untried to lead them to a better and more uniform understanding, but neither the additional evidence obtained, nor the repeated conferences upon the questionable points, led to any decisive result. No person competent to translate the Swedish Paper could be found until the arrival of His Majesty's Ship *Iphigenia*, from the Cruise to the Southward. A Swedish Seaman on board of that Vessel having furnished a translation, which showed that Paper to be merely a Paper of Measurement, Mr. Gregory reconsidered the case, and finally concurred with Mr. Fitzgerald in a Judgment of Condemnation against the Schooner *Joseph*.

E. GREGORY.

EDWARD FITZGERALD.

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No. 14.—*Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, September 25, 1822.*

I HAVE to acknowledge the receipt of your Despatch of the 17th of March, 1822, (Spain,) stating the condemnation by you of the Spanish Schooner *Rosalia*, and inclosing your respective Opinions on the Case of that Vessel.

This Case has received the serious consideration of His Majesty's Government, and with reference to the probability intimated by you, that a disposition to make captures in similar Cases is likely to arise from the Judgment you have pronounced on the *Rosalía*, I hasten to press upon your attention the following observations :

The Treaty with Spain, under which you act, had limited the forfeiture of the property to Ships having Slaves actually on board for illegal Trade at the time of capture ; and the subsequent extension of that provision of the Treaty to the Case of a Ship having had a Slave or Slaves on board of her for illegal Trade at any time during the voyage on which she was detained, while it enables you to act up to that extension, strictly limits the propriety of condemnation to the Cases which may come under that extended provision.

On no other grounds than on those stated in the Treaty, or subsequently agreed upon by the High Contracting Parties, could a Sentence of Condemnation be with propriety passed upon the Vessel.

Now, the opinion given jointly by you in the Case of the *Rosalía* is, that there was no sufficient proof that any one Slave had been on board for the purposes of the Traffick before the Captor boarded the Vessel ; and that those Slaves who were subsequently embarked, were sent on board of the Vessel from the shore at the instance of the Captor, who urged the Native Chiefs to this step, with a view to obtain a colourable pretext for her detention.

You both concur in the opinion, that, under these circumstances, the Vessel was illegally captured ; and that if any one competent to represent the Owner had been present, it would have been the duty of your Court to order her restitution.

It is with much concern, therefore, that I perceive the conclusion to which you have come, in ordering the Condemnation of the Vessel to the Crowns of Great Britain and Spain ; thus, in fact, going beyond the terms of the Treaty, and sanctioning a Capture, of which you very properly speak in terms of reprobation ; preventing the restitution of the Vessel, or her value, unless upon an appeal, and, if no appeal be made, perhaps entitling the Captors to bounties, as if they had made a meritorious seizure.

Full justice is done by His Majesty's Government to the expression of your earnest desire to act up to your Instructions, and to the character you hold as Judges to administer Justice between the Captors and the Captured, " strictly, impartially, and conscientiously ;" and due weight is given to the reasons alleged by you for the condemnation ; namely, " that there might thus exist a legal custody of " the Vessel, and an authority for the conversion of the property." But the proceeding taken to obtain this end, I am sorry to observe, is irregular. Under your apprehension of what might happen in deterioration to the property for want of legal custody, directions might more

properly have been given by the Court for sale of the Vessel as perishable, the proceeds to be delivered to the Governor at the disposal of the Crown :—but a Sentence of Condemnation, which, according to your own opinion, was not borne out by the evidence adduced, should, by all means, and at all other hazards, have been avoided. It was your particular duty, and I feel confident you will never again lose sight of it, to decide conscientiously according to the Treaty, and to rely on the wisdom of the Legislature to provide a remedy for the inconveniences that might result therefrom.

I have expressed myself thus plainly upon the subject, not from any doubt of your proper feeling, but to guard you against similar errors in future, lest the difficulties of your situation should lead you to do that, which, not being pursuant to the Treaty and Act of Parliament under which you are appointed, may establish a precedent, encouraging British Officers to repeat a conduct so reprehensible, as that pursued in this instance by the Captor of the *Rosalia*.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

*No. 15.—Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, September 25, 1822.*

IN reference to your Despatch of the 15th of December, 1821, regarding the abuse practised by the Colonial Authorities of Spain, in the renewal of the Royal Licenses, formerly granted by the Spanish Government for carrying on the Traffick in Slaves ; I send to you, for your information, the Translation of a Note, dated the 3d of June, 1822, received by His Majesty's Minister at Madrid, from the Spanish Minister for Foreign Affairs ; by which you will perceive, that His Catholic Majesty has sent out orders for preventing a repetition of similar abuses.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

*No. 16.—Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, October 25, 1822.*

I HAVE received your Despatch, dated the 24th of July, 1822, regarding the detention of the Spanish Schooner, *Dichosa Estrella*, in which the attention of His Majesty's Government is called to the peculiar circumstances attending the shipment of the Slaves on board of that Vessel, subsequent to her detention by His Majesty's Ship *Morgiana*.

The Case of this Vessel so much resembles that of the *Rosalia*, upon which I had to convey to you the sentiments of His Majesty's Government in my Despatch of the 25th of September, that I have on the present occasion only to refer you to that Despatch, and to communicate to you, confidentially, the Copy of a Letter written under



my directions to the Secretary to the Admiralty upon that subject, so as to serve for a guide to you in as far as your Judgments may have to bear upon the point in question, in future Cases. I also send you the answer which has been received at this Office from the Admiralty.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

(*Inclosure 1.*)—*Joseph Planta, jun. Esq. to J. W. Croker, Esq.*

(*Confidential.*)

SIR,

*Foreign Office, Sept. 30, 1822.*

IN reference to your Letter of the 7th of March, 1822, upon the subject of the Capture of the Schooner *Rosalia*, by Lieutenant Hagan, of the Gun-brig the *Thistle*, I am directed by Mr. Secretary Canning to send to you, confidentially, for the information of the Lords Commissioners of the Admiralty, the Copy of a Despatch from His Majesty's Commissioners at Sierra Leone, dated March the 17th; and of one, which, by His Majesty's Command, Mr. Canning has addressed to His Majesty's Commissioners at that Settlement, upon the subject in question: and I am to request, through you, their Lordships' attention to this instance of the great misconception of the powers given to the Commanders of His Majesty's Ships, for enforcing the Provisions of the Slave Treaties, and to the mischiefs which may result therefrom, unless due caution be exercised by His Majesty's Officers engaged upon this Service.

There can be no doubt that Lieutenant Hagan transgressed the bounds of his duty, in making himself instrumental to the shipping the Slaves, or the holding them in captivity, for an instant, though for the purpose of affording an occasion of seizure: and their Lordships will feel that, while it was the object of the Treaty to simplify the remedy against illegal Slave Trade, by the exclusion of loose and interested suspicions on the part of Seizors, and thereby also to prevent cavils and objections, and the danger of disagreements between the Two Governments, the objects of the High Contracting Parties are likely to be defeated, by a conduct on the part of His Majesty's Officers, similar to that pursued in the present instance by Lieutenant Hagan.

Under these circumstances, it will be for their Lordships to give such Instructions as they shall think proper to the Officers under their controul, employed to carry the Treaty into effect, with a view to avoid these experimental seizures in future.

I am, &c.

*J. W. Croker, Esq.*

J. PLANTA, Jun.

(*Inclosure 2.*)—*J. W. Croker, Esq. to Joseph Planta, jun. Esq.*

SIR, *Admiralty Office, October 15, 1822.*

HAVING laid before my Lords Commissioners of the Admiralty your Confidential Letter of the 30th of last month, with the Papers which accompanied it, respecting the circumstances under which the Spanish Schooner *Rosalía* was detained on the 11th of January last, in the Rio Pongos, by Lieutenant Hagan, of His Majesty's Gun-brig *Thistle*; I am commanded by my Lords to acquaint you, for the information of Mr. Secretary Canning, that their Lordships have directed the Officer commanding His Majesty's Squadron on the Coast of Africa, to convey to Lieutenant Hagan their decided disapprobation of his conduct on the occasion alluded to; and to issue such Instructions to the Commanders of the several Vessels under his orders, as may prevent the repetition of such a proceeding.

And my Lords have stated the circumstances of the Case to the Lords Commissioners of His Majesty's Treasury, with a suggestion, whether there are not means to prevent Lieutenant Hagan's enjoying any advantage by his irregularity. I am, &c.

*Joseph Planta, jun. Esq.*

J. W. CROKER.

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*No. 17.—Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*  
(*Received May 10, 1823.*)

SIR, *Sierra Leone, December 10, 1822.*

WE have the honour to inclose for your information an Abstract of the Case of the Spanish Slave-Trading Schooner *Josefa* (alias *Maracayera*), detained on the 19th of August, 1822, off Bonny, in lat. 3 N. long. 6, 35 E. by His Majesty's Ship *Driver*, Captain Wolrige.

The *Josefa* arrived at Sierra Leone on the 28th of September; and on the 5th of October she was condemned as Lawful Prize to the Crowns of Great Britain and Spain, and the Slaves belonging to her were emancipated: they were 183 in number.

Any matters connected with this Case that appeared worthy of particular notice are made prominent in the Abstract inclosed, so as not to require that we should trouble you with the repetition of them here. It seems, however, to be a mere ordinary Case of Spanish illegal Slave Trade.

We have the honour to be, &c.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

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(*Inclosure.*)—*Abstract of the Case of the Josefa (alias Maracayera.)*

THE Spanish Schooner *Josefa*, (alias *Maracayera*) Joseph Moyano, Master and Part Owner, was taken on the 19th of August, off Bonny, in lat. 3 N. long. 6, 35 East, by His Majesty's Ship *Driver*, Captain Wolrige. She had on board at the time of Capture 216 Slaves.

The *Josefa* sailed from The Havannah, on the 16th of April, with

Papers for a voyage to the Coast of Africa, for objects of legitimate commerce; ivory and wax, gold-dust and palm-oil, are mentioned among the articles for which the Master was to trade.

The Passport is indorsed with an express prohibition against taking any Slaves from the Coast, under the most severe penalties of the Royal Orders, and of the Articles of the Code.—This Passport had been originally issued to Juan Bautista Zavala, for a similar voyage, accompanied with similar conditions, on the 11th of August, 1821. It was renewed in favour of the new Captain, Joseph Moyano, by a Note dated the 9th of April, 1822.

Another Schooner, named the *Galga*, left The Havannah in company with the *Josefa*, apparently for the same destination; but having become leaky soon after putting to Sea, she was obliged to make the best of her way for Charleston in order to repair. A considerable number of other Vessels sailed at the same time under convoy of a French Frigate, but it does not appear that any other but the *Josefa* and the *Galga* were destined for the Coast of Africa.

The *Josefa* came in sight of the Coast a little to the Northward of Sierra Leone, on the 25th of May: on the 26th and 27th, she was in sight of Sierra Leone. She passed on the following days by the shoals of St. Anne: on the 31st of May she was off Cape Mount.

On the 4th of June she came to an anchor in Gallinas Roads, where the Captain went on shore with patterns of his goods, but not succeeding in his efforts to establish a trade, probably on account of the full occupation of the market by a French Brig and Schooner, to which another Schooner of the same Nation was added in a day or two after, the *Josefa* sailed again on the 8th. Passing down the Coast, the Master landed again at Grand Bassa, and subsequently at Trade Town, where it was found, according to an entry in the log-book, impracticable to hold the Trade. One or two Schooners, apparently French, were hovering off these Places. From Trade Town, the *Josefa* ran directly to Bonny, where she anchored on the 30th of June; arrangements for obtaining a Cargo of Slaves were commenced on the first days of July, and continued until the sailing. On the 21st of July, the Boats of His Majesty's Ship *Driver* visited the *Josefa*, and Lieutenant Saumerer endorsed a note of the visit on her principal papers. On the 17th of August, every thing was in readiness. On the morning of the 18th, the Slaves were embarked and the Vessel sailed. On the same day she was seen and chased by the *Driver*, and was taken by that Vessel on the morning of the 19th. On the 28th of September, the *Josefa* arrived in the harbour of Sierra Leone, and the Marshal of the Courts of Mixed Commission visited her in pursuance of a general Order of the Commissioners, made with a view to ascertain, at the earliest possible moment, the actual condition of the Negroes, in order that appropriate relief may be afforded without delay,

in every instance in which the state of these victims of unfeeling and criminal avarice should render such relief necessary.

The Report of the Marshal gave the Court to understand, that the Vessel had lost 32 Slaves in her Passage to this Port, and that of 183 who remained on board, 26 were labouring under various disorders.

This Report was immediately followed by an affidavit from the Prize Master, Mr. Lane, stating, in addition to the circumstances mentioned in the Marshal's Report, that the Negroes were affected with that fatal desperation which so often impels Africans on board of Slave Ships to throw themselves into the Sea, and to adopt other means of self-destruction. A Petition for the immediate landing was dispatched without delay. His Excellency, Governor Mac Carthy, having on similar information from the Captors, given corresponding orders, the landing was carried into effect at six o'clock on the ensuing morning, and very soon after that hour the Negroes were conducted to Regent Town, by settled Residents of their Country, whose conversation had already relieved them from their terrors and put a stop to their desperate designs of self-destruction.

The Master of the *Josefa* had been, at his particular desire, allowed to leave the Vessel and to go to Princes Island, on account of the reduced state of his health; the witnesses examined were Juan de Sierra, the Second Mate, and Jose de Zabala, the Third Mate, both of whom declared that the whole of the Slaves on board at the time of Capture, were embarked at Bonny.

The facts of this Case being so clearly in violation of the Treaty between Great Britain and Spain, the Commissioners, without any remarks, adjudged the Vessel to be condemned as a lawful prize to the Two Crowns, and the Slaves on board of her to be emancipated.

The Slaves on board the *Josefa* were all males, and with the exception of a very few, all full grown men. Mr. Gregory having questioned the Second Mate concerning the cause of this extraordinary fact, the answer was that they were intended for the coffee plantations, for which males were better adapted.

The cause of not trading at Gallinas, was said to be the high price asked for the Slaves by the Chief at that Place.

Some Seamen belonging to the *Vecua* and *Icanam*, taken by Commodore Sir Robert Mends, had embarked on board of the *Josefa*, for a passage to The Havannah. They state that the French Vessel left at Bonny by Sir Robert Mends sailed shortly after with a Cargo of Slaves: another French Vessel arrived subsequently. No Spanish Vessel had been at Bonny since the Capture of the *Vecua* and *Icanam*, until the *Josefa* arrived there.

With reference to the short stay made by the *Josefa*, and her touching in the same transient manner at all the Slave Trading stations along the Coast as far as Trade Town, whence she ran for Bonny, Mr.



Fitzgerald has been informed by the Traders of the Colony who resort to the Gallinas, that Spanish Slave Trading Vessels do not remain at that or at the neighbouring Stations unless they can make arrangements to secure an immediate supply of Slaves. Their practice is to run along the Coast, trying every place in succession, and not to remain stationary until they find a place where they can be suited. The Slave Traders conceive that they, in this manner, avoid the exposure to the Cruizers which must be incurred, when the Slave Trading Vessels remain off a Slave market of slow and tedious influx from the Country, and when they come to one where the Factories are full, they all calculate on getting clear off before they shall be discovered.

E. GREGORY.

EDWARD FITZGERALD.

No. 18.—*Mr. Secy. Canning to the British Commissioners at Sierra Leone, and The Havannah.*

GENTLEMEN,

*Foreign Office, May 16, 1823.*

IN reference to the Instructions conveyed to you by the late Marquess of Londonderry in his Despatch of February 19, 1819, inclosing Copies of the Treaty concluded at Madrid, September 23d 1817, for preventing illegal Slave Trade; and, in reference to subsequent Correspondence, regarding a proposed extension of that Treaty, I now furnish you with Ten Copies of certain Articles, Explanatory of, and Additional to that Treaty, which were signed at Madrid on the 10th of December 1822, between the Plenipotentiaries of His Majesty and of The King of The Spains, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the Stipulations therein recorded.

I am, &amp;c.

*His Majesty's Commissioners.*

GEORGE CANNING.

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SIERRA LEONE.—(*Portugal.*)

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No. 19.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received July 21.)*

MY LORD,

*Sierra Leone, March 15, 1822.*

WE have much satisfaction in being enabled to acquaint your Lordship, that the Instructions conveyed in your Lordship's Despatch of the 30th of October 1821, (received the 29th of January 1822), intimating that the Mixed Courts should be considered as open to all Persons, whilst the Commissioners are engaged in the exercise of their

judicial functions, have been fulfilled in the British and Portuguese, as well as in the British and Spanish Mixed Court.

Although the absence of immediate judicial business rendered the duty less pressing in the Portuguese Court, we lost no time in making the proper communication on the subject to Mr. Altavilla, verbally in the first instance, and subsequently by Letter, of which we have the honour to inclose a Copy. Mr. Altavilla expressed a feeling of difficulty in consequence of having referred this point to his Government.

On receiving the Duplicate of your Lordship's Letter of the 30th of October, containing a Postscript with reference to certain Documents in the Printed Correspondence, indicating dispositions on the part of the Foreign Powers engaged in the Mixed Commission Treaties, to comply with the desires of Great Britain on these heads, we availed ourselves of the opportunity to strengthen our representation to Mr. Altavilla by these authorities : and when, on the 2d of March, the Portuguese Schooner *Conde de Villa Flor* was brought in for adjudication, we took the liberty to employ those instances, for immediate compliance with the object of your Lordship's desires, which the occasion required.

Mr. Altavilla favoured us with the very satisfactory answer, a Copy of which accompanies this Despatch.

A preparatory Sitting was holden on the 5th of March, at which a Minute of Court was passed, declaring the Sittings open ; a Copy of this Minute was affixed in front of the Court, and an Official Notification was made to Governor Sir Charles Mac Carthy, a Copy of which Notification, with a Copy of His Excellency's answer we inclose.

In pursuance of these arrangements, the Registrar proceeded, with open doors, to take the Depositions in the Case of the *Conde de Villa Flor*, on the 6th of March, and following days ; and on the 13th instant the Opinions of the Commissioners in the Case were delivered in Judgment in Open Court.

We trust that the course pursued by us in these matters will be approved by your Lordship.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.*

EDWARD FITZGERALD.

(Incl. 1.)—*The British Commissioners to the Portuguese Commissioner.*

SIR,

*Sierra Leone, February 1, 1822.*

IN pursuance of Instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all Persons when the Commissioners are engaged in the exercise of their judicial functions, we have the honour to

invite you to concur in an Order and Declaration to that effect, in the instance of the British and Portuguese Court.

We, at the same time, have the honour to request your attention to Pages 106, 134, and 161, of the Volume of Printed Papers which accompanies this, in which Pages you will see the opinions of your own Court, and those of the other Courts connected with the Mixed Commissions, decidedly expressed, in coincidence with the wishes of His Britannick Majesty's Government on this subject.

We have the honour to be, &c.

E. GREGORY.

EDWARD FITZGERALD.

J. Altavilla, Esq.

(Incl. 2.)—*The Portuguese Commissioner to the British Commissioners.*

(Extract.)

*Sierra Leone, March 5, 1822.*

MR. ALTAVILLA presents his compliments to Messrs. Gregory and Fitzgerald, and, in answer to their Note, begs leave to state, that he deferred answering their Communication, in the hope of receiving some Instructions from his Government, on the subject of opening the Court of Portuguese and British Commission; but, as none has arrived, Mr. Altavilla is not aware of any objection that can be made to the opening of the Court, and, therefore, coincides in the wish to render the Sittings of the Mixed Court open to all Persons, when the Commissioners are exercising their judicial functions.

(Inclosure 3.)—*The British Commissioners to Governor Mac Carthy.*

SIR,

*Sierra Leone, March 5, 1822.*

WE have the honour to inform Your Excellency that, in pursuance of Instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all Persons, when the Commissioners are engaged in the exercise of their judicial functions; the Order, of which a Copy is inclosed, was passed this day in the British and Portuguese Court of Mixed Commission.

Some new Arrangements and additional Appointments of Officers being necessary to the transaction of the business of the Court in an open state, we have the honour to communicate to Your Excellency the following nominations; Charles Borrett, Esq., Marshal; Mr. Edward Beck, Deputy Marshal; William Forbes, Tipstaff; Abraham Lazley, Court Keeper.

We beg leave to request that Your Excellency will be pleased to order that these Appointments be publicly made known in the Colonial Gazette; and, as the object of the publicity of these Appointments is to cause the Officers so appointed to receive the necessary facilities in the performance of their duties, we further beg leave to request that

Your Excellency will enjoin all, and every, His Majesty's Subjects, to be aiding and assisting to the Persons herein named, in the exercise of their Official duties. We have the honour to be, &c.

E. GREGORY.

*Brig.-Gen. Sir Charles Mac Carthy.* EDWARD FITZGERALD.

(*Inclosure 4.*)—*Order of the Court.*—*Sierra Leone, March 5, 1822.*  
*British and Portuguese Court of Mixed Commission, Sierra Leone.*

Before Edward Gregory, Esq., His Britannick Majesty's Commissary Judge; Edward Fitzgerald, Esq., His Britannick Majesty's Commissioner of Arbitration; and J. Altavilla, Esq., His Most Faithful Majesty's Commissary Judge.

Present Jas. Woods, Esq., Acting Registrar.

*Tuesday March 5, 1822.*

ORDERED.—That this Court shall henceforth be considered as open to all Persons, when the Commissioners are engaged in the exercise of their judicial functions.

By order of the Court,

JAMES WOODS, Acting Registrar.

(*Inclosure 5.*)—*Governor Mac Carthy to the British Commissioners.*  
SIRS, *Sierra Leone, March 8, 1822.*

IN answer to your Letter of the 5th instant, received yesterday, transmitting a Copy of an Order which had passed on that day in the British and Portuguese Court of Mixed Commission, and stating that new Arrangements, and additional Appointments of Officers, being necessary to the transaction of the business of the Court in an open state, and communicating to me the nomination which had taken place accordingly: I have the honour to state, that, agreeably to your wishes, I shall order that their Appointments be made known in the Gazette, and that I shall direct all His Majesty's Subjects to be aiding and assisting the Persons named in your Letter, in the execution of their Official duties.

I have the honour to be, &c.

*E. Gregory, Esq. and The Hon. E. Fitzgerald.* C. MAC CARTHY.

*No. 20.—Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Rec. June 21.)*

MY LORD,

*Sierra Leone, March 20, 1822.*

FOR your Lordship's earliest information, in a Case of the utmost importance to the interests of the Treaties with Portugal for preventing illegal Slave Trade, we expedite by this opportunity the Opinions delivered severally by us in the Judgment pronounced upon the Portuguese Schooner, *Conde de Villa Flor*, on the 13th instant, in Open Court.

The visible fact of a full cargo of Slaves on board of this Vessel and the interested participation of the Governor of Bissao in the property and embarkation of that cargo, were, upon due consideration



regarded by us as sufficient, and indeed as indispensable, grounds for a Judgment of Condemnation, notwithstanding the distinct breach of the prohibition contained in the Second Article of the Instructions to Ships of War employed under the Treaties; that, "No Merchantmen or Slave Ship can, on any account or pretence whatever, be visited or detained whilst in the Port or Roadstead belonging to either of the Two High Contracting Powers, or within caannon-shot of the batteries on Shore."

Mr. Altavilla concurred in the Condemnation, with a reservation which he did not fully explain, announcing the intention of placing a written statement in the hands of the Registrar.

We trust that this decision will be sanctioned by Your Lordship's approbation.

The Case has, however, excited much discussion here; and we have reason to think that some degree of uncertainty still prevails among all parties concerned, as to the ultimate issue, not merely in the particular instance, but in respect to the correct understanding to be established in consequence, upon the main points which the Case involves.

We are, therefore, extremely anxious that the Case should have the advantage of Your Lordship's consideration, before any further seizure should be brought under our view, attended with similar circumstances of locality, without the same countervailing facts of illegal Slave Trade, and criminal participation on the part of the highest Local Authorities.

The Papers found on board the *Conde de Villa Flor* were very numerous and very important, comprizing not only Documents clearly manifesting the history and character of this voyage, but of other voyages also of this and of other Vessels; constituting in fact a complete developement of the system of fraud against the Treaties, carried on by combined operations, of which the Settlements of Bissao and Cacheo are the principal scenes.

A selection of the most material of these Documents will be despatched by the earliest ensuing conveyance.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.*

EDWARD FITZGERALD.

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(Inclosure 1.)—*Mr. Gregory's Opinion on the Case of the Conde de Villa Flor.*

THE Case of this Vessel is of a nature which, whilst it gives us reason to lament the obstinate depravity that has been the cause of its being brought before this Court, gives us ground to hope that the nefarious practices which have been brought to light, in the evidence now before the Court, and in the Letters found on board, which are under our view, will be the occasion of the punishment of those who have, in

this case, offended the Laws of God and of their Country, and will be the means by which the illicit Slave Trade will be checked in a Quarter where it has hitherto been carried on with impunity.

This Vessel sailed from Pará, in the Brazils, in the month of July last, with a professed destination for the Cape de Verd Islands, and Cabinda. She arrived at Saint Antonio, and at Saint Jago; at the latter Island she remained about a month, and then proceeded, not for Cabinda, but for Bissao. The Cabinda of M. Brandao, as appears by his Papers, is Bissao; and it is worthy of remark that his Brazil Associates in the Trade have the same idea of the situation of the former Place, one of them in an account of Slaves sold at Pará in March 1821, for Brandao, stated them to have been brought from Cabinda, whereas it appears they had been brought by Brandao from Bissao.

At Bissao the cargo was landed, and the Master busily employed himself in the collection of Slaves. At the time of the detention of the Schooner the Master had collected what he would term his cargo. The unfortunate Beings who formed this cargo, appertained, some of them to the Master, some of them to Private Persons of Bissao, and some to the Governor of Bissao.

The Letter that I have now before me, is addressed to Brandao by a man named Antoine Leger; it is dated Bissao, the 21st of January, 1822; an Extract from it is as follows:—

“On the present occasion I have embarked on board your Brigantine, *Conde de Villa Flor*, six assorted Pieces (Pessas) of this place; their value is 100,000 reis each, and they are consigned to you that you may do me the favour to sell them at your destination to the best of my interests.”

There is also the Copy of what appears to have been a Letter addressed by Brandao to the Governor of Bissao, Luis Freire de Andrade; it is dated at the time that the Schooner was about to depart from Bissao, and is to the effect, that Brandao had received on board ten Pieces (Pessas) belonging to the Governor, which he would dispose of to the best advantage.

The word Pieces (Pessas) is explained by the word Slaves, in an entry or account that was made of some Slaves belonging to Leger, that were taken on board of the Schooner. These Slaves were entered with the mark by which Leger described his “Pieces.”

Besides the Slaves taken by the Master at Bissao, some were taken by him at the Cape de Verd Islands. And some, it would appear, were to be delivered to Brandao, at Bissao, for account of Persons at those Islands. The following is an Extract from a Letter, dated Villa de Praga, the 11th of November, 1821, addressed by Francisco Cardozo de Mello to Brandao:

“My friend. Should my cousin, Senhor Pedro Souberve, deliver to you some logs of bloodwood (paos de sangue) on my account, I hope

that you will do me the favour to receive them, and to take them with you to Maranham, or whithersoever you may proceed with your own ; that you will take them under your own consignment, and do with them as if they belonged to you ; and that on your return you will bring me their value in metal, or in goods upon which something may be gained here. In short, I expect that you will act as if they were your own ; and I have only to add my hope that you will give me the opportunity of serving you."

After the explanation of the word *Pieces*, I need scarcely explain what the term *Blood-wood* means. It is apparent that by this term was meant, not logs of inanimate substances, but bodies of human Beings, they being to be added to the stock of human Beings that Brandao was to collect for his own account.

Another Letter dated Villa de Praga, the 8th of November, 1821, is addressed by Antonio José Silva to Brandao ; it is as follows :—

" My friend. Wishing to avail myself of your generous and sincere offer, I take the liberty to send by the present opportunity of the Sloop, commanded by Senhor José Bernado Alfama, and under his care, one, who is my carpenter, Francisco by name, in order that you may do me the favour to take him whither you may be destined for my account and risk ; and that you will sell him as a thing belonging to yourself, or to your friend. I remain under an obligation for his freight, and all other expences that you may incur on his account."

The Master had collected the number of Slaves that the Schooner was to carry, had 171 of them on board, and was about to depart from Bissao, when, on the night of the 21st of February, the *Conde de Villa Flor* was boarded by Boats sent from His Majesty's Ship *Iphigenia*, under the command of Lieutenant Mildmay, who, on perceiving that there were Slaves on board, detained the Schooner.

The declaration of Lieutenant Mildmay is to the effect, that he detained the *Conde de Villa Flor* in the River Bissao for illicitly Trading in Slaves.

Were the illicit Slave Trade that was carried on by the *Conde de Villa Flor* the only point in question, the present Case would have been decided on the conclusion of the examinations of the Crew ; but another point, when those examinations had been gone through, arose upon the answer of Sebastiano Marquess de Carvalho to the 9th Interrogatory. Carvalho said, that " the Vessel was at anchor at the time of the Capture under the Fort."

The question of whether this Vessel could suffer the forfeit of her Master's illegal acts, under the circumstance stated by Carvalho, was to me a question for consideration, and I trust, in consequence of the novelty of the Case itself, that I shall not be deemed to have been dilatory in forming an opinion upon it.

To the Depositions of Carvalho have been added the Depositions of

Lieutenants Mildmay and Stokes, which do not contradict the statements of Carvalho. These Gentlemen depose, the first that "he does not know whether the Schooner, or Brigantine, *Conde de Villa Flor*, was within cannon-shot of the Fort at Bissao; that it was about half-past eleven o'clock at night, and quite dark, when he boarded the Schooner; and that he does not know where the Fort of Bissao is situated." The second Gentleman deposes, that "he cannot tell whether the Portuguese Brigantine, *Conde de Villa Flor*, was within cannon-shot of the Fort at Bissao, at the time of her detention, not knowing the situation of that Place, nor even that there is a Fort at Bissao."

On the uncontradicted evidence of Carvalho I am required to pronounce my opinion on this Case. On the one side there is a gross violation of the letter and of the spirit of the Convention, on the other side is an Article of the same Convention, which forbids the detention of Merchantmen or Slave-ships, on any account or pretence whatever, whilst in the Port or Roadstead belonging to either of the Two High Contracting Powers, or within cannon-shot of the Batteries on Shore.

The opinion that I have formed will not be given upon a solution of the abstract principles of the point in question, for the application of these principles to the present Case may be more properly left to the high Authorities in Europe, but my opinion will be given upon a view of the pecu'iar circumstances of the Case itself.

Here is a Vessel that has consummated an act that violates the very purpose for which the Convention was framed. Here is a Man, the Master of a Vessel, who has outraged the Laws of his Country—who has outraged the Laws of God, by a series of systematic and deliberate actions of iniquity.—Here, I regret to say, is a Person, the Governor of Bissao, more culpable than the wretch Brandao, who had neither character to lose, nor dignity of situation to support; because, so far from opposing these actions of iniquity, he, the Governor, is the foremost to encourage, to assist, and to join in their execution.

There is no Claimant in this Case. Shall I then, when these actions obtrude themselves upon me, take upon myself to favour the Master, by rigidly deciding according to the abstract merits of this Case? Shall I take upon myself to decide according to strict points of National Law, and place myself in the situation to favour a Man whose crime is as glaring as it is iniquitous? I shall not, for in the present Case I am disposed to give to the Second Article of the Instructions, intended for the British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves, the most liberal and enlarged construction that that Article will admit of. I am disposed to think, that, as a breach of trust, in a Person who should be invested with Supreme Authority in a Colonial Settlement or Possession, never was contemplated by the Framers of the Convention, so that breach of



trust will be deemed a sufficient warranty for the detention of illicit Slave Traders. In the cause of African freedom, in the cause of humanity, such a Case as the present, I conceive, will not be adjudged by the strict principles of the independence of Nations, but it will be thought that extraordinary conduct may demand extraordinary measures. This I say with due deference to higher Authorities.

In my opinion this is a Case for Condemnation; I therefore say, that the *Conde de Villa Flor* should be condemned as Prize to the Crowns of Great Britain and Portugal, for illegally Trading in Slaves, and that her Slaves should be emancipated.

March 13, 1822.

E. GREGORY.

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(Inclosure 2.)—*Mr. Fitzgerald's Opinion on the Case of the Conde de Villa Flor.*

THIS Vessel was taken in the night, between the 21st and 22d of February, 1822, by the Boats of His Majesty's Ship *Iphigenia*, commanded by Lieutenant St. John Mildmay, acting under Orders from Commodore Sir Robert Mends.

The Vessel was taken in the River of Bissao, in lat. 11 deg. 47 min. N. She sailed under Portuguese Colours, and was the property of a Portuguese Subject named Manoel Antonio da Silva Brandao, who acted also as Master. She had on board a full cargo of 171 Slaves, destined to be sold at Parà, in Brazil, for the benefit of their respective Owners, of whom, as it appears by the answers of the first Mate, Diego de Hoyos, to the 13th Standing Interrogatory, the Governor of Bissao was one. The fact of that Governor having shipped some of the Slaves, is confirmed by entries in the written Memoranda of the shipments of the Slaves, and by other written Documents found on board of the Vessel.

No claim has been given. The embarkation of these Slaves, and the destination and objects connected with it, are in the ordinary course of the illegal Traffic in Slaves, which the Treaty and the Convention between Great Britain and Portugal were designed to prevent.

No doubt or question could arise respecting the liability of this Vessel to condemnation for violating the Treaty and Convention, if the circumstances of the Place in which the Capture was made did not interfere with the Judgment, and claim prior and peculiar consideration.

The Vessel was taken in the River of Bissao, an ancient and well known Settlement of the Portuguese Nation. The Second Mate, Carvalho, says, in his answer to the 9th Standing Interrogatory, that the Vessel was at anchor at the time of Capture under the guns of the Fort. This statement is not contradicted by the answers of the Capturing Officers to the Special Interrogatories put to them upon these points. These answers go merely to shew that these Officers were disabled, by the state of the night, from ascertaining the point in ques-

tion with any degree of precision. The fact may therefore be taken to be as stated by Carvalho.

This brings the Case to that particular exception contained in the Second Article of the Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves, which Instructions are annexed to the Convention, and by the Twelfth Article of that Convention, *form an integral part thereof*.

The Second Article of the Instructions for British and Portuguese Ships of War is in these words:

“ No Merchantman or Slave-ship can, on any account or pretence whatsoever, be visited or detained whilst in the Port or Roadstead belonging to either of the Two High Contracting Parties, or within cannon-shot of the Batteries on Shore. But in case suspicious Vessels should be found so circumstanced, proper representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses.”

According to this Article, the *Conde de Villa Flor* has been irregularly detained and taken; but the question now is, whether that irregularity deprives the British and Portuguese Court of Mixed Commission of its jurisdiction in the Case.

It appears that this Article was framed in the confidence which an honourable Government had, that a corresponding sense of honour would be found in the Authorities of its Colonies, so that not even a *suspicious* Vessel could be found in any Port or Roadstead belonging to any of those Colonies, without a certainty that *upon proper representation to the Authorities of the Place, effectual measures would be taken to prevent such abuses*.

If this Case came before the Court merely as a Case of suspicion, however strong that suspicion might be, it is probable, indeed I may almost say it is certain, that this Court, imbibing the honourable confidence upon which the Second Article of the Instructions to British and Portuguese Ships of War is founded; and giving to the Governor of Bissao full credit for a disposition to fulfil the obligations of the Treaties of his Sovereign, and to uphold and maintain the Laws of his Country, with the good faith due to his exalted station:—It is probable, almost to very certainty I may say, that this Court would decline proceeding to Judgment under these circumstances, and would refer the business to the Governor, and to the Legal Authorities of Bissao, with a full assurance that justice would be done by them. Such a case of suspicion of the strongest kind, properly to be referred to the jurisdiction of the Local Authorities, may be supposed to exist in the contingency of only a very small number of Negroes being found on board, without any circumstance of connexion with those Authorities, and a question being raised, whether those Negroes were embarked for the purposes of Traffick. Under the same circumstances of locality

of detention, that, or any similar indifferent Case, might be deemed such a one as would be, in strict propriety, to be referred to the Local Authorities of the Place of detention.

The Third Article of the same Instructions makes provision for a departure from the strict observance of the Second Article, under particular circumstances. The words of the Third Article are these :—

“ The High Contracting Parties having in view the immense extent of the Shores of Africa to the North of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for the illicit Traffick, on Points where either the total absence, or at least the distance of lawful Authorities, bar ready access to those Authorities; in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant, to each other the power, without prejudice to the Rights of Sovereignty, to visit and detain, as if on the High Seas, any Vessel *having Slaves on board*, even within cannon-shot of the Shore of their respective Territories on the Continent of Africa, to the North of the Equator, in case of there being no Local Authorities to whom recourse could be had, as has been stated in the preceding Article.—In such Case Vessels so visited may be brought before the Mixed Commission in the form prescribed in the First Article of the preceding Instructions.”

In the construction of this Article, with reference to the present Case, there might be some room to consider a Colony, the Governor of which is glaringly implicated in the illicit Traffick in Slaves, in the immediate instance in question; in the situation of a Colony, or Place, having no Local Authorities “to whom recourse could be had, as stated in the preceding Article.” But I have been led to form my opinion on a more general view, comprehending the whole of the Case as it now stands.

This Case comes not as a Case of strong suspicion merely; it comes at the same time as a Case of glaring fact, of undeniable proof, and of full conviction. The offence of illegal Slave-trading is evident on the view; and is established, upon investigation, by the written Documents found on board the Vessel, and by the oral testimony of the principal Individuals of the Crew now on board, including the First and Second Mate, in their answers to the Standing Interrogatories.

It is still further proved, by the same written Documents, and by the same oral evidence, that the Governor of Bissao is himself an interested participator in the illegal embarkation, a certain portion of the Slaves being his property, some of them being entered in the Memoranda as shipped and received from his Official Residence, as if all sense of decency was cast off from the Government-house of the Settlement. Other inhabitants of the place are also concerned, some of them to a very considerable amount.

With this full conviction ; with the Slaves thus illegally embarked standing before the eyes of the Court ; with the written proofs and the testimony of present witnesses to the illegality of the embarkation : can this Court be bound to decline exercising jurisdiction, and to remit the Cause to the Governor of Bissao, a convicted participator in the offence—to be judged by him, or by those associated in authority with him, probably associated also in this very transaction, and equally interested in frustrating the course of justice upon it ?

It appears to me that such a mode of proceeding would be not only inconsistent with reason and justice, but wholly repugnant to common sense, and altogether absurd.

This Case, regarded distinctly from the local considerations arising out of the Place in which the Capture was made at Bissao, is a Case in which it would be the unquestionable duty of the Commissioners to pronounce Judgment of Condemnation.

Considering the manner in which the Governor of Bissao is implicated, as well as other Individuals of property and apparent consideration in that Settlement, I deem it not merely a matter of fairly assumable right, but a matter of absolute duty, to pass over all regard to the station and authority of that Governor in this Case, and to condemn this Vessel, as if his name, and that of the Colony over which he so unworthily presides, had never come before the Court in connexion with her, farther than for the purpose of being marked with merited reprobation.

If the Person or the Place be regarded, either in the view of a claim to privileged exception, from the application of the rigorous provisions of the Treaty and Convention, or as having a right of privileged and exclusive jurisdiction over all supposed violations within the range of their local authority, they are in both views equally disentitled in this Case. Their privileges under the Treaties are, in this instance at least, forfeited by their gross and obvious violations of those Treaties.

Some irregularity will, as a matter of course, be found in this decision, by those who may be disposed to infer, from the circumstances of the detention in the first instance, as being contrary to the Treaty, in the departure from the restriction contained in the Second Article of the Instructions for British and Portuguese Ships of War, that every proceeding, founded upon that detention, must be consequently and progressively affected by that original vice. But in this respect there is only a choice of evils ; for if this Court could allow itself to adopt the opposite course, that is, to decline the jurisdiction, and to remit the business to the Governor of Bissao, a much greater irregularity would be committed—an irregularity subverting one of the first principles of the administration of justice—that *no man shall be Judge in his own Cause*. By referring this matter to the Governor of Bissao, not



only would a Party be made Judge in his own Cause, but a *Criminal Offender would be made his own Judge upon the Offence which he had committed.*

This Case is one upon which a special report of all the circumstances must be made to both the Governments concerned in the Treaty violated. It will be for them to decide whether the Judgment has been formed with due regard to their reciprocal engagements and obligations; and if those Governments should be disposed to think, which I can hardly suppose, when I look to the obvious facts and the unquestionable proofs, establishing the embarkation of a full cargo of Slaves at Bissao on board of this Vessel in violation of the Treaties, establishing also the guilty participation of the Governor of Bissao in that embarkation; if the Government should be disposed to think, which I can hardly suppose possible under the circumstances, that the fact of the detention, in opposition to the Second Article of the Instructions to Ships of War, ought to have made it imperative on the Court to dismiss the business from its jurisdiction, and to send it back to Bissao to be decided by the Local Authorities; it may at least be confidently hoped that the principles upon which the present decision is founded, will be sufficient to avert reproach from a Court enjoined to decide, not merely according to the letter, but according to the spirit also of Engagements, in the execution of which the High Contracting Parties profess a determination to discountenance all manner of fraud; for surely the gross frauds committed against the Treaty and Convention in this Case would not be discountenanced, if the Case was sent back hence to be judged by those who committed them.

The first pages of these observations were written, without any particular knowledge of the difficulties presented by the passages in the Instructions to Ships of War, as considered in conjunction with the special circumstances of the Case by some of the Members of the Court. It appears that these difficulties have arisen, from an opinion of the propriety of severing the principal points which the Case involves, and of investigating and deciding upon the regularity of the seizure, and the legality of the detention distinctly and primarily, without any reference to the point of illegal Slave-trading, however glaring the fact, however gross the circumstances of the violation of the Treaty and Convention must be admitted to be in that respect. I do not think this severance practicable in point of fact, for the same evidence which shews that the Vessel was taken under the Fort of Bissao, shews, at the same time, that the Governor of Bissao, and some of the principal Inhabitants, were interested participators in the illegal embarkation of the full Cargo of Slaves found on board of her at the Capture, and brought with her to this Place for adjudication.

It is altogether impossible to divest ourselves of the knowledge of the illegal embarkation of the Negroes, and of the criminal participa-

tion of the Governor and of others of the Settlement in that embarkation, so as to be warranted or enabled to decide on the bare question of the local legality of the seizure, without any reference to those other important parts of the Case.

What is impossible cannot be required by justice and reason, even in matters comparatively indifferent. But here the matters which in that view would be left out of sight, are of the very essence of the justice which the Court of Mixed Commission is charged to administer under the Treaties; and instead of being required by any extraordinary effort to labour to place them out of view, which is impossible, the Commissioners ought always to be studious and careful to keep such facts before their eyes, in every Case in which they are found.

A fair and solid decision can be formed only upon the full view of the whole Case; and upon the full view of this whole Case that decision must be for the Condemnation of the Vessel, and for the emancipation of the Slaves.

The duty of this Court ends here, but the consideration of this Case cannot end here; and if the irregularity of the Capture in point of local circumstances shall give rise to particular discussions in higher Quarters, there cannot be a doubt that these discussions will extend to and embrace the atrocious criminality of the Individuals connected with the illegal Traffick in Slaves, developed and substantiated in the documentary and oral evidence which came under view in the course of the investigation.

EDWARD FITZGERALD.

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No. 21.—*Messrs. Gregory and Fitzgerald to The Marquess of Londonderry.*—(Received July 19.)

MY LORD,

Sierra Leone, April 30, 1822.

AT the close of the Proceedings in the Case of the *Conde de Villa Flor*, we considered that the peculiar circumstances of the Capture of that Vessel, and the disclosures made by her Papers, of the extensive illegal Slave Trade carried on at the Settlements of Bissao and Cacheo, with an active co-operation at the Cape de Verd Islands, rendered it a matter of duty to communicate to Your Lordship, by a Vessel then ready to sail for England, such information respecting the Case as the limited extent of the time would admit.

We were sensible, at the same time, that larger details of the facts and circumstances connected with the Case itself, and with the state of the Slave Trade in those Settlements, and Copies of the principal Documents by which the facts are authenticated, would be necessary to furnish Your Lordship with the decisive information desirable in such an affair, and absolutely necessary for the authentication of it against the efforts which will, without doubt, be made by those implicated, to create a disbelief of the shameful truths established against them.

We will not trouble Your Lordship with the difficulties which arose on the first consideration of the Case of the *Conde de Villa Flor*. After a full deliberation on the whole of the matters contained in the Papers of the Vessel, and in the oral depositions, we found that by exercising our jurisdiction, the facts in their full extent and enormity would be established beyond the possibility of a question. The Documents authenticating them would be indelibly recorded and placed beyond the reach of abstraction. The whole system of concerted evasion and infraction of the Treaties, would be made notorious to the World in all its foulness; and the clearness of the conviction, as well as the magnitude of the offence, would raise an irresistible claim for immediate and satisfactory correction.

We could not hesitate to take this course. Mr. Altavilla was also of opinion, that the Court, under the particular circumstances, ought to exercise jurisdiction. The Judgment considered appropriate to the Case was therefore pronounced.

Mr. Altavilla expressed a wish that a Memorandum should be made by the Court, against this Case being considered as a precedent to authorize generally the detention of Portuguese Vessels, placed as the *Conde de Villa Flor* was at the time of Capture; but it was represented to him, that it would be best to leave to the higher Authorities the arrangement of any question that might arise upon the peculiar locality of the Capture.

Mr. Altavilla further declared his determination to represent the conduct of the Official Persons, so improperly concerned with the *Conde de Villa Flor*, in stating the Case to his Government.

Your Lordship will see, in the Papers which accompany this Despatch, a proof of three successive Slave-trading voyages made by the *Conde de Villa Flor* between Bissao, Cacheo, and Brazil. The first in 1819-20; the second 1820-21; and the third towards the close of the year 1821, the return from which in 1822 was prevented, by the Capture on the eve of her intended departure from Bissao.

In the first of these voyages a fabricated log-book was made out for the return, indicating a voyage from Cabinda. On the second return that log-book was copied and adapted to the new dates: no other alteration was made except in some slight variation of the ordinary remarks at the bottom of the daily page, so as to give an air of novelty upon a light inspection. There is no doubt that the same original would have been made to furnish materials for another transcript on the return from the third voyage, if the Capture had not cut off the opportunity.

There are also genuine log-books for these voyages, which, although in some respects disguised, are by means of the latitudes and longitudes noted in the meridian observations, and by other unerring proofs, sufficiently indicative and precise in showing the real port of departure.

The conveyance of a Cargo of Slaves is expressly mentioned in the log-books professing the voyage to be from Cabinda.

The Master of the *Conde de Villa Flor*, named Manoel Antonio da Silva Brandao, was also the Owner of the Vessel; he not only traded in Slaves on his own account, as purchaser and proprietor, but he also took the Slaves of other Persons on freight and commission, to be sold to the best advantage at the Port to which he was bound. In one instance, so small an adventure as a single Slave is committed to his care in this way.

The range of these transactions comprehended the Isles of Cape Verd, as well as the Settlements of Bissao and Cacheo, and that of Geba also. The Signors Coutinho Lancastre, late Governor of the Cape Verd Islands, and Correia Barros, late Governor of Cacheo, are personally implicated, as well as the Signor Freire de Andrade, the present Governor of Bissao.

In the log-book for the last outward voyage, the professed destination is from Para to Cabinda, by the way of the Isles of Cape Verd (*com es ala para Ilhas de Cabo Verde.*) It is probable that the prior voyages were in the same professed course. From the Isles of Cape Verd the ostensible track of navigation towards Cabinda would lead so nearly to Bissao as to permit that Port to be entered without impediment, and probably also without notice. The objects of the co-operating Traders may then be carried on conjointly at the Cape Verd Islands as well as at Bissao, by means of the constant facility of intercourse. For the return voyages, fortune must have been trusted, and it appears, was trusted successfully, until the arrival of the Vessel in those Seas, in which the fabricated log-book for Cabinda would be available.

The principle upon which these false log-books are fabricated, will be seen in the coincidence of the way made in every corresponding hour of each successive day of the pretended voyages; the observations of latitude are made to coincide equally. The fraud is obvious upon comparing one with the other. But without that comparison the one employed for the occasion may pass unsuspected.

The accesses to Bissao and Cacheo are extremely difficult and dangerous: they are practicable only for Vessels of small draft of water; and even for these, not without the aid of experienced Pilots. The French Schooner, *La Suzanne*, and the professed Swedish Schooner, *Joseph*, were several times aground in their approaches to Bissao, and could not find the right channel until Pilots came to their assistance. The Inhabitants of the Bissagos Islands are, moreover, so extremely barbarous and savage, that the Portuguese of the neighbouring Settlements who know them, are alone able to hold intercourse with them. The Boat's Crew of the *Joseph* sent to get a Pilot from Bissao, being induced to land on one of those Islands to get a supply of water, were



robbed of their boat and of their clothes; and the Master was under the necessity of ransoming them by the mediation of the Governor of Bissao. Some of the people of the French Schooner underwent similar extremities.

There is reason to think that the *Joseph* would have taken in a Cargo of Slaves at Bissao, if the Market had not been pre-occupied and exhausted by the purchases to supply the *Conde de Villa Flor*, and the *Apollo*. *La Suzanne*, although large purchases of wax and ivory at the factories in the Bissagos appeared to prove the reality of an intention to deal innocently in articles of Country produce, was not altogether unsuspected of a disposition to take Slaves if a favourable opportunity had occurred; the Master of her having recently been the Commander of the noted Slave-Trading Vessel, named *La Scholas-tique* of Goree.

The local circumstances which have been mentioned caused Bissao to be regarded as a secure and unmolested seat for a covert and persevering Slave Trade. Besides the repeated voyages of the *Conde de Villa Flor*, the *Apollo* has been noted, in Advices previously received in this Colony, as carrying on a regular Traffick in Slaves from Bissao and Cacheo by the intermediation of the Cape Verd Islands. The *Apollo* escaped immediately after the Capture of the *Villa Flor*, carrying off her Slaves. She is represented to be a large Vessel, capable of carrying a considerable number.

There is also found among the Papers on board the *Conde de Villa Flor* the log-book of a voyage to Bissao in the spring of 1821, by the Schooner *Bella de Dros da Morgueiro*, the property of Elias Coelho Centra, of Pernambuco. This book attracted the notice of His Majesty's Commissioners in a particular manner, as the same Person was Owner of the *Gaviao*; and it was found that a Person who was enrolled on the original List of the *Gaviao* as First Clerk (Jose Maria de Azevedo,) but who, as it was stated in evidence, had left the *Gaviao* to go on board another Vessel belonging to the same Owner, acted in that capacity in this voyage on board the *Bella de Dros da Morgueiro*. No knowledge is furnished by those Papers respecting the return voyage of that Vessel: but there is every reason to believe that she carried back a Cargo of Slaves.

We do not think it necessary to trouble Your Lordship with any further detail of observations. The facts exhibited in the Papers will themselves present to your Lordship, in a more satisfactory manner, the influences resulting from them, as well as the measures of reformation necessary to put a stop to the illicit Slave Trade, proved to be carried on by means of combined arrangements and co-operating Parties, at the Cape Verd Islands, Bissao, and Cacheo, including Persons holding the highest Stations, and principally charged with the maintenance

of the Laws of their Country, and of the Treaties of their Sovereigns in each of those Places. We have the honour to be, &c.

E. GREGORY.

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

EDWARD FITZGERALD.

(*Inclosure.*)—*Abstract of the Papers found on board the Conde de Villa Flor.*

IN May 1819, as appears by the Letters No. 1. and No. 2. the Schooner *Boa Uniao*, commanded by Manoel Antonio da Silva Brandao, was boarded by Pirates nearly within sight of Para, into which Port she was about to enter, and was taken from Brandao with the Cargo that she had on board. Brandao and his Crew were set on shore at a desert place at some distance from Para.

There is reason to believe that when Brandao was bereft of his Vessel, he was on his return from the Coast of Africa (in all probability from his favourite haunts of Cacheo and Bissao) with a Cargo of Slaves.

The Memorandum, No. 3, shows that Brandao intended to proceed to the Cape de Verd Islands previously to the voyage in which he was captured, where a Schooner named the *Pomba Felix* was to await his arrival. And the Letter No. 4. further indicates this intention of Brandao to have been carried into effect. The writer of this Letter, Dom Antonio Coutinho de Lancastre, Ex-Governor and Captain-General of the Cape de Verd Islands, gives as the reason why Brandao did not go to Porto Praya, because he, Dom Antonio, had surrendered the Government to his Successor, Antonio Pusich. The Ex-Governor says in conclusion, that Brandao did right not to enter Porto Praya, as affairs were taking another turn, and there was much discontent in consequence. This Letter further makes mention of some Slave-trading concerns of the writer with Brandao.

Pusich succeeded Lancastre on the 16th of December, 1818. The Memorandum No. 3. is dated Para, the 28th of May, 1818. The *Pomba Felix* was to proceed to the Cape de Verd Islands to meet Brandao, after touching at the Western Islands, so that the arrival of Brandao at the first named Islands might have been calculated to take place at the close of the year 1818.

The Paper No. 5 is a Copy of the Attestation alluded to in the Letter No. 4.

In November 1819, Brandao purchased the Schooner *Conde de Villa Flor*. Having loaded her with goods for the African Market, he sailed in her from Para on the 1st of December, with a professed destination for the Cape de Verd Islands and Cabinda, as it is mentioned in one of the log-books of that voyage. But the Cabinda in this in-

stance, as in every other that has come under the view of the Commissioners, was Cacheo.

The Paper No. 6, shows that Brandao was at Cacheo in May 1820, and the extracts from his account-book, No. 7 and No. 8, show that Brandao had dealings with the Governor of Bissao, Luis Freire de Andrade, and with another person whom he styles Captain. The Papers found on board of the *Conde de Villa Flor* throw but little light on this voyage. The system of false log-books, however, is shown by two log-books relating to this voyage that were found with the other Papers.

One of the log-books, written apparently by Brandao, states the voyage to be "from the Port of Cabinda to that of Para, in the " Schooner *Conde de Villa Flor* with Slaves," that it commenced on the 4th of July 1820, and that the latitude from whence he, Brandao, took his "departure," was 5 deg. 37 min. South, Long. 13 deg. 4 min. East.

The other log-book appears to have been written by the Mate, Diego de Hoyos: it states that they weighed anchor on the 3d of July, 1820; on the same day they saw Cape Roxo at the distance of nine miles; the Cape is stated to be in lat. 12 deg. 12 min.; it is not said whether it is north or south latitude, but it must, of course, mean north, as Cape Roxo is laid down in Charts under the 12th degree of north latitude. From Cape Roxo the Mate takes his "departure."

In September 1820, Brandao had returned to Para, as appears by the Letter No. 9, that was addressed to him by one of his friends at Maranhão, who hopes that the next voyage which Brandao intended to make, would be more advantageous.

The Paper No. 10, dated September 1820, may relate to the voyage which Brandao had just concluded. It is signed by Fernando José da Silva, the partner and associate of Brandao at Para, and expresses the disposal of 162 Slaves that had been delivered to Silva by Brandao.

On the 1st of October, as appears by a log-book, the *Conde de Villa Flor*, under the command of Brandao, sailed from Para for Cabinda. She is found to have proceeded to Cacheo as usual. The details of this voyage appear more fully than those of the preceding one, and the trading concerns of Brandao with the Governors of Cacheo and of Bissao, and with the Subaltern Officers of the Garrisons of those Places are brought to light.

The Letter No. 11, dated the 31st of December, 1820, is from the Governor of Bissao to Brandao: it betrays the Slave Trade that they were then carrying on.

The Paper No. 12, is an Official Note of, and Receipt for Goods that Brandao had delivered to the Royal Treasury of Cacheo, on ac-

count of duties of entry and exportation. A sum of 72,000 reis is charged as a duty on goods received by the "Governor."

The number of Slaves that were on board on the 16th of April, 1821, is shown by the Paper No. 13, and the Memorandum No. 14, shows how some of these Slaves were to be disposed of at "the port of his, Brandao's, destination." Two were to be given to the Judge, one to the Judge's Clerk, or Serving Man; one to the Cashier of "the Englishman;" two to the Governor's Secretary; and two to the Neighbour of Brandao's Cousin; some others were to be "given or delivered" to different Persons whose stations do not appear.

The Letter No. 15, is from Porto Praya, and shews an intention on the part of the writer to engage in the Slave Trade with Brandao.

The Accounts No. 16 to No. 29, expose the Traffick that was carried on between Brandao and the Governors of Cacheo and Bissao, and with different Subaltern Officers of those Settlements. The Accounts with the Two Governors clearly shew that they were the principal Traders at those Places; the account No. 16, exposes a sale that was made by Brandao of four Slaves for the account of Jose Correia Barros, the Governor of Cacheo.

There are two log-books of the return Voyage of the *Conde de Villa Flor*, one of them is dated from the 18th of April 1821; and the departure of the Vessel is taken from the lat. of 11 deg. 28 m. North, which is about the latitude of the entrance of the River on which Cacheo is situated. The other log-book is dated from the 21st of April 1821; the "departure" of the Vessel is taken from Cabinda in 5 deg. 37 m. South Lat.; it is, in regard to supposed solar and lunar, and other calculations, an exact Copy of the log-book that was fabricated on the Voyage from Cacheo to Para in July 1820; and in respect to the observations usually made on the weather, and on daily occurrences, these observations are often Copies of the same fabricated log-book. It is by this means that the illicit Slave Trader may escape from those Authorities who are not willing to see more than the log-book of a Slave Vessel, to satisfy themselves that they do not come from a part of the Coast of Africa where the Trade in Slaves is prohibited. But a little search, and perhaps but still less inquiry among the Slaves of a Vessel, would shew it to have come from Places where the Traffick is declared to be abolished. In May 1821, Brandao had returned from Cacheo, as appears by the Letter No. 30, of his friend at Maranham.

The Account No. 31, betwixt Brandao and his Partner at Para, Fernando José da Silva, exhibits some items of a Slave Trading nature. The nett proceeds of the sale of the Slaves of the last Voyage (the Voyage of 1820) sold on account of Brandao, is stated to be 21,372,300 reis or £5,936 sterling. There are some items by which Brandao is



credited for freight of Slaves at the rate of 50,000 reis for each Slave, or about £13 sterling. By another item, Brandao is debited for 892,720 reis or about £248 sterling, being the nett Proceeds of the sale of the Slaves of "the Governor" which Proceeds Silva had delivered to Brandao.

On the 9th of July 1821, the *Conde de Villa Flor* again sails from Para for Cabinda under the command of Brandao. At the close of September she was at Porto Praya, and at the commencement of October at Bissao, as appears by the Letter No. 32, which is addressed to the Mate, Diego de Hoyos, by Joao Pereira Barreto at Cacheo.

The Letter No. 33, is addressed by Brandao to Jacinto Antonio Pinhel, his associate or partner at Porto Praya. It would appear that Brandao intended to put an end by this Voyage to his Slave Trading career, as "provided that it were the pleasure of the Almighty that every thing should be placed in safety," they would "have reaped a good harvest." His nefarious Trade, however, was spoiled by the timely arrival of the British Frigate *Iphigenia*, and the harvest that he was about to store was taken from him.

It would appear that Brandao shipped Slaves at Bissao for Porto Praya, in a Sloop named the *Maria da Graça*, commanded by a person named Alfama. The Letter, No. 33, mentions, that the Sloop would take 74 Slaves, if the family of Captain Marcellino, a Person who is mentioned in the Letter, did not go in her. The Memorandum, No. 34, shews, that the Sloop made two Voyages to some one of the Cape de Verd Islands with Slaves : the time is not mentioned.

On the 22d of February 1822, the *Conde de Villa Flor* was captured at Bissao by Boats sent from the British Frigate *Iphigenia*, commanded by Sir Robert Mends. The Schooner had on board at the time of Capture 171 or 172 Slaves.

The Memorandum, No. 35, states 109 Slaves to have been received on board between the 10th of October 1821, and the 28th of January 1822. The Governor of Bissao was the Owner of some of the Slaves, as appeared by the depositions of the witnesses who were examined in the Case of the Vessel.

The Letter, No. 36, relates to 6 "Pieces" (*Pessas*) that were shipped by the writer, Antonio Leger, with the mark N. The 6 "pieces" appear under the denomination of Slaves, with the same mark N in the Memorandum, No. 35.

By the Letters, No. 37 to No. 41, it appears that Brandao had received, for the account of some persons residing at Porto Praya, a number of Slaves, under the denomination of "Pieces" and "Blood Wood," one Slave excepted, who is openly designated a carpenter. Brandao, however, in his answer, No. 38, to the man who sent the Carpenter, terms the Slave a "Piece," (*Pessa*.)

The Letter, No. 42, terminates the exposure of the actions of

Brandao and of his associate, the Governor of Bissao, so far as those actions relate to the *Conde de Villa Flor*. This Letter mentions the fact of the account that existed betwixt them, and that the Sloop, *Maria da Graça*, remained at Bissao, and expresses that the Governor would deliver to her Master whatever he, Andrade, could collect towards the liquidation of their account.

It is to be regretted, that some Letters have been mislaid which would further have served to expose the delinquent acts of the Governors of Bissao and Cacheo. A Brig, named the *Apollo*, commanded by Antonio Daniel Baptista Barros, has been lately a carrier of Slaves betwixt Cacheo and Bissao and Maranham. A Person named Joao Perreira Barreto, the writer of the Letter, No. 32, and lately residing at Cacheo, appeared to be principally concerned in this Vessel. The *Apollo* was at Cacheo or at Bissao last year for Slaves; she was expected to be at Cacheo again in January 1822. She is said to be a large Brig, capable of receiving a considerable number of Slaves.

Luis Freire de Andrade, the Governor of Bissao, appears, by the Paper No. 43, to have shipped on board of the *Apollo*, for the purposes of sale, 10 Slaves to the consignment of Antonio Jozé Pinto, of Maranham. The Letter alluded to in this Paper, No. 43, was amongst the mislaid Letters; it was signed by Andrade, and was accompanied by an account of the sale of the 10 Negroes, which account, it seemed to appear, had been transmitted by Pinto to Andrade.

The Letters No. 44 to No. 49, further shew Slave Trading acts and Slave Trading designs on the part of different Persons at Para, at Bissao, and at the Cape de Verd Islands.

E. GREGORY.

EDWARD FITZGERALD.

No. 22.—*The Earl of Clanwilliam to the British Commissioners.*

GENTLEMEN,

*Foreign Office, July 16, 1822.*

YOUR Despatch of the 20th March 1822, containing the Case of the Portuguese Brigantine, *Conde de Villa Flor*, has received the attentive consideration of Lord Londonderry, and has been submitted to the King's Advocate General:—It has appeared to that Officer, and to his Lordship, that the seizure was not strictly agreeable to Article II. of the Instructions annexed to the Treaty, and that the condemnation under those circumstances will admit of much question.

As the Portuguese Commissioner concurred in the Condemnation, though with a reservation, of which you were not enabled at the time to state the particulars, I am not to give you, in this stage of the matter, any specifick Instructions on the subject in question, but am directed to point your attention to the Treaty, and the Documents annexed thereto, and to the Act of Parliament founded thereon, as your only sure guide in the delicate and difficult situation in which you are sometimes placed,—bearing in mind, that your object is to ascertain

and to judge whether the Vessel to be adjudged has been captured according to Treaty, and, if so, whether she can be condemned accordingly.

I am, &c.

His Majesty's Commissioners.

CLANWILLIAM.

No. 23.—Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have honour to inclose in this Despatch, a statement of the Case of the Portuguese Brig *Des de Fevreiro*, with the Opinions delivered by us severally in the decision upon that Case.

The direct destination of the Brig *Des de Fevreiro* to the Gold Coast, with Papers, private as well as Official, presenting appearances and characteristic of innocent Commerce the most specious and imposing, created in the minds of some of the Members of the British and Portuguese Mixed Commission, prepossessions so favourable, that very decisive evidence of actual Slave Trade was necessary, to induce a conviction that so much virtuous seeming could be deceitful.

The Abstract of the Case will shew that this decisive evidence was found, not only in the testimony furnished on the part of the Captors, but in the admission of those acts by the Cooper of the Vessel, who was in the first instance induced to deny them.—Concealed entries to the same effect, discovered in the Ship's books, removed all doubts of the facts, notwithstanding the absolute and unreserved denial of the Master and of the Mate.

We have not learned that the Protest directed by the Owner in the event of condemnation has been made, nor that the Copies of Proceedings in the Cause, and other Papers, to found a claim for the recovery of the insurance, have been taken from the Registry of the British and Portuguese Mixed Court.

We have the honour to be, &c.

E. GREGORY.

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

(Inclosure 1.)—Abstract of the Case of the *Des de Fevreiro*.

THE Brig *Des de Fevreiro*, was taken on the 1st of April 1822, at Appam, on the Gold Coast, in latitude 5 deg. 16 min. North; longitude, 10 min. 13. sec. West, by His Majesty's Ship *Iphigenia*, commanded by Commodore Sir Robert Mends.

No Slave was proved to be on board at the time of Capture, but the Captors had information of the collection of a number of Slaves on shore for the Vessel, and of the particular embarkation of some others who were afterwards landed for security until the whole Cargo should be ready for Shipment.

The Case of the *Des de Fevreiro* is remarkable for the objects of

innocent Commerce, to the express and distinct exclusion of a Trade in Slaves, declared in all those Papers ; in some of them, indeed, specified so particularly and impressed so strongly, that the most decisive evidence of actual Slave Trading was necessary to counterbalance the favourable appearances which the Case presented at the first view.

The most particular Paper, in this view, is a Letter from Donna Maria Cerqueira, of Bahia, Owner of the Ship, and of the principal part of the Cargo, addressed to the Master, and conveying Instructions for his conduct during the Voyage. This Letter directs the Master to proceed directly to the Coast of Elmina, where he was to take a Canoe for the more convenient dispatch of his business. He was then to proceed along the Coast, bartering his Cargo for gold, ivory, country cloths, and such other articles of African produce as he might think beneficial : he was to come to anchor in any place where the number of Canoes coming off should afford promise of a brisk Trade. A hope is expressed that the innocence of this Commerce will afford security against molestation ; but if any evil-disposed Cruizer, not regarding that innocence, should, on the pretext of being engaged in illegal Slave Trade, seize the Vessel, and if she should in consequence be condemned at Sierra Leone, the Master is directed to enter his Protest for the amount of £12,000 sterling, and to take Copies of the Proceedings, in order that the loss should be recovered from the Insurers.

The Master, on his arrival at Elmina, took a Canoe, as he was directed, and landed about one-half of his Cargo. From Elmina he proceeded to Appam, where the rest of the Cargo was landed, and where the transactions took place which led to the seizure of the Vessel.

The principal Individuals who came to this Colony on board of the *Des de Fevereiro*, and who were therefore examined in the first instance, were the Mate and the Cooper.

The Mate denied, in the most absolute manner, that there was any connection with the Slave Trade.

The Cooper said, that the half of the Cargo landed at Elmina, was intended to purchase gold ; but, the half landed at Appam, was intended to purchase Slaves ; he did not, however, admit that there was any actual Slave Trade, and with respect to a girl brought on board for sale, he said, that the Master refused to buy her because she was sickly.

The Captors produced as a witness, a person of the name of Duncan, resident at Appam, in the capacity of Trading Agent to the Native Chief. This Duncan accompanied the girl here mentioned, on board the *Des de Fevereiro*, with her Master, one John Cocraf. He proved that the Master of the *Des de Fevereiro* had purchased the girl or taken her in payment of a debt, and that the girl had afterwards been sent on



shores because the Captain was afraid of the Men of War, and did not wish to have any Slave on board until all were ready.

Other purchases of Slaves on board were also mentioned by this witness ; and Special Interrogatories having been in consequence put to the Mate and Cooper, the Cooper avowed these purchases severally, stating particular circumstances of the goods given in return, and excusing his former denial by attributing it to the influence and persuasion of the Mate. The Mate himself persisted in his denial, and attributed Duncan's statements to the desire of getting rid of a debt due for goods sold to him from the Ship.

The Master having arrived in the Colony at this stage of the proceedings, gave his claim, and supported it by an Affidavit, in which all concern with illegal Slave Trade was denied. He denied it in like manner in his examinations on the Standing Interrogatories.

Some entries, scrawled in one of the Ship's books, in characters which seem purposely formed so as to be scarcely comprehensible, and then blotted in the most material words, were made out to be accounts of goods bartered for Slaves, and at the bottom of one there was a half-blotted acknowledgment for the receipt of 35 Slaves. This and some other similar discoveries decidedly turned the balance of evidence which already inclined to the establishment of illegal Slave Trade in a general way on shore, and in particular acts on board, which were considered as embarkations of Slaves for the purposes of the Traffick. The Vessel was condemned as Prize to the British and Portuguese Crowns, and the Slaves, 10 in number, belonging to her, emancipated.

E. GREGORY.

EDWARD FITZGERALD.

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(Inclosure 2.)—*Mr. Gregory's Decision on the Case of the Des de Fevreiro.*

THIS Vessel was captured off Appam, in latitude 5 deg. 16 min. North ; longitude 10 min. 13 sec. West, on the 1st of April 1822, by His Britannick Majesty's Ship *Iphigenia*, commanded by Sir Robert Mends, who states in his declaration that he found her equipped for the Slave Trade, she having on board Slave irons, platforms, and food used by Slaves, as also that she had two Slaves on board.

The avowed object of the Voyage of the *Des de Fevreiro* was for gold dust and ivory, or in the words of the Clearance Papers of Bahia, the Port from whence she sailed, to pursue a licit Commerce on the Coast of Africa, the Traffick in Slaves being expressly excepted and forbidden.

The Instructions received by the Master from the Owner, Donna Maria Victoria Carolina Cerqueira, were to this effect :

" You are to proceed to the Coast of Elmina with the Cargo that is above expressed, to barter it for gold, ivory, cloths, palm oil and for other articles that you may think proper, the Traffick in which is

permitted by the Portuguese and English Governments. You are aware that you are absolutely prohibited to barter the Cargo for Slaves by your Clearance Papers, which you will receive with this Letter. I therefore order you, in the most positive manner, not to traffick yourself, nor to allow any Person to traffick in Slaves, nor to bring back one single Slave, for I do not wish to transgress the Law, even in the least matter, nor to incur the forfeiture of the security that I have given."

The Owner further expresses herself, that :

" If any evil-disposed Cruizer should not respect the innocent nature of this Trade, and should Capture the Brig as if she were employed in the prohibited Traffick of Slaves, so that the Capture should lead to her condemnation at Sierra Leone, or in a Court of Admiralty elsewhere, (which circumstance is not to be expected), you will make protest on account of the Brig and of her Cargo, to the value of £12,000 sterling, and you will procure a Copy of the Process, Sentence of Condemnation, and of your Protests, that with these Documents the damage may be recovered from the Insurers."

It is, therefore, consistently with this avowed object that the Master swears that he came to the Coast of Africa for gold and palm oil; that he traded for these commodities at Elmina, and at Appam; and it is agreeably to his Instructions that he makes a shew of resistance to the pretensions of the "evil disposed Captor," who has disturbed him in his innocent Trade.

This Trade was no other than the Trade in Slaves, for which the Brig had come prepared to the Coast of Africa. The requisites for a Slave-trading voyage, irons, platforms and food for Slaves, were found on board.

A book in which entries are made of goods delivered to different Persons during the stay of the Brig at Appam, has an entry of "35 *Escravos*" (Slaves,) written under the words, "*Deveme o Tapico*," (Tapico owes to me). The pen has been drawn through the two last syllables of the word *Escravos*; and in another part of the same book there is written, "Fro. 8. Reci. 26 *Es*"—which "*Es*"—is, doubtless, meant to be the first syllable of the word "*Escravos*," and to serve as a memorandum of 26 Slaves received on the 8th of February. A Note is made under the words "26 *Es*," of 6 pipes and 75 rolls of tobacco, given, I presume, in exchange for the Slaves. There is also an entry of calavances and farina, which is food used by Slaves on board of Slave Vessels.

The Mate, who has been examined, says, that not one Slave was brought on board of the Vessel, and that he did not understand that any Slaves were collecting on shore for the Brig. That the Mate should not know or understand whether any Slaves were collecting on shore, is not very likely, when he admits that 16 or 20 sacks of farina,

and about 30 bags of calavances were on board of the Vessel, for what purposes he cannot be supposed to have been ignorant, when the platforms and Slave-irons were under his eye. The Mate also states, that he understood from the Master that he was to receive ivory, gold-dust, and palm-oil in return for goods that he had given to a man named Duncan, and to another person.

Two Slaves are stated by the Captor to have been on board of the Brig at the time of Capture. The Mate, in answer to the 14th Standing Interrogatory, says, that no Slaves whatsoever, were taken on board during the present voyage but those that were shipped by the Captors; and, in answer to the 13th Interrogatory, he says, that the Lader and Owner of the ten Slaves at present on board, he knows not, as they were not laden on board till after the said Brig was captured, and he was taken out of her by the Capturing Ship. Elias, the Cooper of the Brig, states, in answer to the 14th Standing Interrogatory, that the Captain purchased calavances at Appam, for the Slaves; that the Slaves now on board were sent from the shore by a mulatto man, of the name of Duncan, but he does not know under whose orders Duncan acted. In answer to the 5th Standing Interrogatory, Elias says, that the Brig was seized for being engaged in the Slave Trade.

There is a contradiction betwixt these statements, and the declaration of the Captor, that two Slaves were on board at the time of Capture. To remove the possible effect of these contradictions, there appear an affidavit of the person named Duncan, and the answers of the Mate and Cooper to Special Interrogatories put to them on the part of the Captors.

Duncan states, that he "went on board of the *Des de Fevereiro*, with John Cocraf; that Cocraf had a Slave girl with him in the Canoe whom he took on board of the Brig, and paid her in part of the goods that he had previously received; that the girl was gagged; that she remained on board about five hours; that Silva, the Master, told Cocraf that he must take her on shore again, as he was afraid of the Men of War." Duncan further states, that "a Cape Coast man, named Scipio Cuffee, sent a Slave down in his Canoe for sale; that the Slave was taken to Mamfra, and then to the Brig; that he (Duncan), saw the Slave carried on board." Duncan also states, that "he was employed by the King of Mamfra to trade with the Captain."

Lima, the Mate, admits that Duncan went on board of the Brig from Appam; he also admits that Duncan received from on board, aguadente, iron, sugar, and gunpowder; and that a mulatto man, whose name he does not know, who went on board with Duncan, received aguadente, iron, &c. but that he understood from the Captain that he was to receive in return for these goods, ivory, gold-dust, and palm oil.

The Master, Silva, states, in his affidavit annexed to his claim,

that he " had delivered a considerable part of the Cargo of the Brig to one Duncan, for gold-dust, oil of the palm, and ivory ; that he (Silva), verily believes that Duncan was the person who delivered the Natives of Africa to the seizors of the Brig, for the purpose of having the said persons put on board of the Brig ;' and that he verily believes that Duncan so acted in order to elude the payment of the debt he had contracted with him (Silva), to a large amount." The Master further says, that " the said Slaves or Natives of Africa did not belong to the Brig."

The Master here says, that he delivered a considerable part of the Cargo of the Brig to Duncan, and in the memorandum book of the Master there is an entry made of goods to some extent, under the name of Duncan, of Mamfra ; there is also another entry of goods under the name of Coca or Cacú. So far Duncan's evidence is confirmed : it appears to be confirmed still further by the entries made in the memorandum book of 26 and of 35 Slaves, and by the answer of Elias to the fifth Standing Interrogatory, which shew the Traffick in which Silva was engaged.

I think, then, that it will not be too much to take the assertion of Duncan, that Slaves had been purchased on board of the Brig and afterwards sent on shore, rather than decide by the statements of the Master and of the Mate ; the first being contradicted by entries in the memorandum book and by Elias, and the second not credited for his ignorance of the Slave-trading pursuits of the Vessel, when a Slave-trading apparatus must always shew a Slave-trading object.

Further, Elias, in answer to Special Interrogatories, says, that he remembers that Ten Slaves were taken on board of the Brig ; they were taken by a Mulatto Man ; they remained on board an hour or two ; the Captain was then on board ; they were purchased by the Captain, who paid seven rolls of tobacco for each ; they were sent on shore from fear of the Capturing Frigate, and were landed at the Port of Mamfra.

Elias has stated, that the Vessel was seized for being engaged in the Traffick in Slaves, and in this he is confirmed by Duncan, and by entries in the memorandum-book. It appears, from a journal kept apparently by the Mate, that the Master was on board of the Brig on the 8th of February, and on this day we find by the memorandum-book that goods were delivered and Slaves received. And again it was found that the Master did not remain altogether on shore at Appam ; in the same Journal we find it said, "*this day, the 15th of February, 1822, nothing new : the Captain on board.*" These circumstances, I think, corroborate the evidence of Elias touching the purchase of these 10 Slaves on board of the Brig. With respect to the evidence of Elias regarding the Girl that was taken on board, it appears to be confused, when contrasted with his Answers to the Standing Interrogatories,



wherein he says, that a Girl was taken on board, but being in a bad state she was not purchased. This does not accord with his subsequent declaration, that a cask of aguadente was put into the Canoe which carried the Girl to the Brig and back again to the shore. This would have the appearance of an exchange or purchase, which did not take place, according to the Answers of Elias to the Standing Interrogatories.

On the whole, I feel it to be my duty to decide by the evidence of Elias, so far as it appears to be confirmed, and by the testimony of Duncan, rather than by the evidence of the Master and Mate of the Brig, and giving it as my opinion that the *Des de Fevereiro* was engaged in the Traffick in Slaves, and that purchases of Slaves took place on board of that Vessel, I say that the *Des de Fevereiro* should be condemned as Prize, and the Slaves on board emancipated as belonging to that Vessel.

E. GREGORY.

Mr. Gregory further observed, that the Captors had abandoned the original ground of proceeding against the *Des de Fevereiro*, for having Two Slaves on board at the time of capture, and had rested their title to a favourable Decree, on the ground, on which she was condemned, that Slaves had been purchased on board and afterwards relanded. Mr. Gregory inferred, that the original ground of proceeding was not tenable, as the mere proof of Two Slaves for the Traffick being on board at the time of Capture, would at once have entitled the Captors to a decree of Condemnation; and Mr. Gregory recommended, that when Vessels had not Slaves for the Traffick on board at the time of visitation, and Captors should be of opinion that she *had had* Slaves on board, that this opinion should be stated in the declaration, as the ground for proceeding against the Vessel: much trouble would be saved to Captors and to the Commissioners by Captors pursuing such a course of proceeding.

(Inclosure 3.)—Case of the *Des de Fevereiro*.—Opinion of  
Mr. Fitzgerald.

THE first impression of the Case of the *Des de Fevereiro*, as derived from the perusal of the Papers of the Vessel is of the most favourable description. These Papers are very numerous; those of a publick nature are perfectly regular, and they, as well as the private Papers regarding particular adventures, indicate invariably a voyage directed to objects of innocent Commerce, altogether distinct from the Slave Trade, and with strict injunctions to the Master to use such care in keeping clear of that Trade, that neither by himself nor by any other Person, should he suffer any concern whatsoever with the purchase of a single Slave, so that no ground nor pretext should exist for imputing to him a neglect of the orders given to him, nor of the faith that he had pledged on this head.

The following Paragraphs, extracted from the Letter of Instructions addressed to the Master, Silva, by Donna Maria de Cerqueira, the Owner of that Vessel, and of the principal Cargo, will convey more strongly than any description of the contents of that Letter could, a persuasion that these Instructions were framed in perfect truth and sincerity, and that the innocent Commerce to which they were directed, was in reality the only description of Commerce in the contemplation of the lady. The Letter is the Paper No. 4, dated Bahia, 16th November, 1821; it commences thus:—

“ You are to make the best of your way to the Coast of Elmina, with the Cargo under your charge, to be there exchanged for gold, ivory, palm oil, and all other kinds of merchandize which you may think advantageous, and which are matter of lawful Commerce permitted by the British and Portuguese Governments. You are strictly forbidden to purchase Slaves as you are already aware, and as the despatches addressed to you and the other documents shew, and by this farther order you are absolutely enjoined, that neither by yourself nor by any other Person, shall you consent to purchase or to deal for a single Slave, so that you may not be guilty of the slightest transgression of the Law, nor of the faith that you have pledged.”

In the same Letter, after some directions respecting the Cargo in general, and the freights to be charged on the private adventures, out and home, the intended course of Trade is explained in these terms:—

“ When you come in sight of Cape Palmas, you are to keep along the Coast, at a distance sufficiently near to admit the access of the Canoes in which the black People come from the shore with gold, ivory, &c. and when you find that they come in considerable numbers, you are to anchor, in order to carry on the Trade with greater facility. This is to be done with the principal Cargo only, and considering how little competition there is likely to be, by means of Vessels provided with articles of this description for that Traffick, I am persuaded that you can sell each roll of tobacco for 12 or 16 aquis of gold, each aqui being half a drachm, and that you may get 10 aquis for every can of aqua ardente.”

Shortly after this we find the following:—

“ As the Trade is legal, it is my intention to order an insurance, and therefore, in the event that any mischief should befall the Cargo, or the appurtenances of the Brig, through the violence of the winds or waves, or any other cause, you will take care that the authentications usual in such Cases, shall be made in due terms by your Crew.”

“ If any evil-disposed Cruizer, not regarding the innocence of this Trade, should attempt to make prize of the Brig, on the supposition of her being engaged in the prohibited Traffick in Slaves, and that you should come, in consequence, to be condemned at Sierra Leone, or in any other Admiralty, which I trust need not be apprehended, you will

make protest on account of the Brig, as well as of the Trade, to the value of £12,000 sterling, taking a Copy of the Proceedings of the Sentence of Condemnation, and your Protest, in order that by means of these Documents a claim may be made on the Insurers for the entire loss sustained."

These extracts are certainly of a nature to create a full confidence of the truth and legality of the purpose with which they were framed. The Letters and Papers connected with the private adventures are uniformly of the same character, without a single indication of Slave-trading intent. Some of these adventures are of very small value, and are for the account of Parties to whom the opportunity of making a little profit would seem to have been given through motives of pure benevolence. Among these is a shipment of aqua ardente, and some other articles for the account of Joaquim, a Slave of Donna Maria Cerqueira, the Owner of the Vessel and of the principal Cargo. There is a shipment of 20 rolls of tobacco by Donna Maria, for the account of her Slaves, of which 20 she directs that on the arrival of the Vessel at the place of business, 2 rolls should be given to each of Two Slaves belonging to her, serving on board of the *Des de Fevereiro*.

It is scarcely possible that adventures of such small amount could have been sent out with any Slave-trading design, and in those of somewhat greater value, to which the desire of the greatest profit may attach itself, the directions concerning other objects of Trade are so particular and so apparently sincere and natural, that Slave Trade must be supposed to be altogether out of the contemplation of the Parties.

All these small adventurers appear to be persuaded, that the right of prior purchase, assumed for the principal Cargo, will engross all the gold; they consequently express their wishes in a more particular manner respecting palm-oil and country cloths. One, whose shipment is more considerable, and who, by the identity of the hand and from other circumstances, appears to be the writer of the Letter of Instructions signed by Donna Maria Cerqueira, forbids the purchase of palm-oil for his goods, as it is liable to become thick, and to waste itself, and to leak. He is particular concerning the country cloths to be brought to him, and he desires that the Master should bring half a dozen of superior quality in his trunk, fit for bed covers, not intended for sale.

There is in all these Letters a request to the Captain to employ the same zeal as if the affair was his own; and there is a general discretion to purchase, besides the articles specially mentioned, any other which he may think beneficial. Unless this discretion be supposed to have reference to the Slave Trade, there is not one word in the whole collection of Papers which points to that Traffick.

The Part of the Coast chosen for the Station of this Trade, and

actually made the Station of it, in conformity with the Instructions and with the other Papers, would seem very unlikely to be selected with Slave-trading views. The Coast of Elmina, so near to Cape Coast Castle, one of the principal British Settlements, and a known Station of the British Cruizers, would seem utterly incompatible with such a purpose.

To these facts and circumstances we have to add a corresponding state of the log-books, which are without any entry, having reference to Slave dealing. I freely avow that thus far my mind was strongly prepossessed with a favourable opinion of the Case of the "*Des de Feveiro*."

The novelty of a Portuguese voyage to the Coast of Africa, in pursuit of a Commerce distinct from the Slave Trade, and directed exclusively to innocent and laudable objects, would be, under any circumstances, sufficiently interesting, and that interest could not fail to be increased by the consideration of the sex of the general Owner, Donna Maria Cerqueira.

The admission of small shipments, for the benefit of Persons in that Lady's service, of Petty Officers of the Ship, and even of her Slaves, and more especially the shipment made by the lady herself for the benefit of her Slaves in general, are circumstances of a nature so singularly bountiful, as to enhance still further the favourable feelings already inspired.

How afflicting must it be to the best principles of our nature, if these appearances of innocence, of rectitude, of purity and beneficence, should prove deceitful, and should be found to have terminated in actual purchases of Slaves to a considerable number, and in actual shipments of Slaves connected with those purchases? Yet, after a careful Investigation, with all the prepossessions that I have avowed in favour of the apparent original character of the voyage, I am fully convinced that such actual purchases of Slaves were made, and that actual shipments took place in connection with them. I hope, however, that I may be held excused when I avow myself still disposed to believe, that the original Instructions of Donna Maria Cerqueira were sincere, and that the abandonment of them arose from the cupidity of the Master of the Vessel, and from the opportunity, as he supposed, of making exorbitant profits. One-fourth of the benefits of some of the private adventures was promised to him, and he might hope that great and unexpected gain would reconcile all those concerned, to a relapse into a Traffick which, although illegal, can scarcely, yet have begun to be regarded with the sentiments of dishonour by the Inhabitants of Brazil.

The Evidence of the Witnesses, who deposed to facts of Slave Trading, did not in the first appear to me sufficiently to establish the material facts, so as to outweigh altogether the favourable appearances of



the Papers. The testimony of the Mate was entirely in coincidence with the Papers, and in denial of Slave Trade. The Cooper, Elias, in his first examination, avowed a Slave-trading intent in the landing of the half of the Cargo put on shore at Appam, and the purchase of Slave Provisions at that Place; but he did not admit any actual purchase of Slaves, and with regard to the girl brought on board for sale, he says the Master refused to purchase her because she was in a bad state of health. He says that the Slaves now on board were shipped by Duncan, he does not know by whose orders.

The person named Duncan was brought as a Witness by the Captors. He says, that the girl already mentioned was carried on board the Vessel in a Canoe by a man named John Cacuf, whom he himself accompanied: that he was present when the Master of the Vessel purchased the girl, or received her in payment of a debt, and that the girl was sent on shore, because the Master was afraid of the Men of War, and did not wish any Slaves to be on board until all were ready. This Duncan speaks also of a man Slave belonging to Scipio Cuffee, of Cape Coast, sent on board the Vessel, and sold, and sent on shore again to the Depôt, where Duncan saw him. It appears that Duncan was an Agent for the King of Mamfra, in the Slave-trading transactions between that Personage and the Master of this Vessel, and that he was disposed to give his assistance in other affairs of the same description. He speaks generally of purchases of Slaves on shore by the Captain, which Slaves were kept by one Matthias, the Captain's Agent.

The facts declared by Duncan, appear to have suggested Special Interrogatories, upon which the Mate and Elias, the Cooper, were examined. The Mate persists in his general and absolute denial of Slave Trade, and attributes the allegations of Duncan to interested and corrupt motives. Elias confesses the fact of the actual purchase of the girl brought on board for sale, as stated by Duncan; he also avows the purchase of Ten Slaves brought on board by another Person. He explains his former denial by some alleged influence on the part of the Mate, not adding much to his own credit, by admitting himself to be susceptible of such influence.

In this stage of the proceedings, the Master of the *Des de Fevereiro* arrives and gives his claim. In his Affidavit in support of the claim, he swears that the said Brig was not engaged in any unlawful Slave Trade, that she had no Slaves on board at the time of the seizure, that since the capture and detention aforesaid, certain Natives of Africa, said to be Slaves, were put on board the said Brig, but not by the orders, concurrence, or assent of this Deponent.

In his examinations upon the Standing Interrogatories, he denies, in the same general and absolute manner as the Mate, all concern with the Traffick for Slaves.

Upon comparing the testimony of the Witnesses on both sides at

this period of the Case, with due regard to their characters and situations, the balance of evidence inclined, in my opinion, to the establishment of the existence of illegal Slave Trade in a very general extent, and also to yield proof of the actual embarkation of Slaves for the purposes of the Traffick, as in the instances of the girl belonging to John Cacuf, the Man-slave belonging to Scipio Cuffee, of Cape Coast, and the other Ten Slaves.

But it appeared desirable, in a Case of this nature, presenting such innocent appearances in its original character, and supported by such absolute swearing on the part of the Master and the Mate, to obtain evidence more clearly, and more unquestionably decisive, than a mere preponderance in the comparison of adverse proofs. I suggested, therefore, that the Negroes brought to the Colony in connexion with this Vessel should be confronted with the Seamen belonging to her. I had found in former instances that the recognitions of Persons, and the recollections of facts, by the Negroes, furnished the best means of correct decision amidst the contradictions of Captors and Claimants. In the recent Case of the *Estrella*, in the Spanish Court, the same effect had been produced by this confronting. In the present Case it has not been found practicable to bring forward the Negroes, but other proof, more than equivalent to any that they could supply, has been pointed out to me by Mr. Gregory, where it had escaped a sufficiently minute investigation on my own part.

In one of those intentionally careless books, in which entries are made of the dealings of Slave-traders, in such a manner as to be capable of assisting the memory of the parties without giving information to an ordinary reader, there is an entry of the receipt of 35 Slaves. This entry is at the bottom of an account of goods furnished to Cacuf or Cacuf, a person named in the course of the examinations. This entry having been first almost unintelligibly scribbled, is afterwards purposely blotted by a stroke of the pen, but when decyphered, it amounts to this, "Received 35 Slaves."—There are other entries of a corresponding nature, but less plain and direct.—The book is purposely without dates. But besides the name of Cacuf in the account just mentioned, there is a list of trading articles delivered to Duncan of Mamfra, which identifies it with the present voyage and with the transactions now under investigation. The single entry of 35 Slaves, in the dealing with Cacuf, is sufficient to establish the falsehood of the Captain and of the Mate, in their denial of being engaged in the Slave Trade in any way; and the effect of this falsehood extending itself to the whole of their testimony, falsifies it in every point, and confirms the opposite testimony of Duncan and of the Cooper, Elias, in regard to the purchase of the Slave Girl on board, and of the man Slave belonging to Scipio Cuffee of Cape Coast, and of the Ten other Slaves. These Slaves having been on board for the purposes of the Traffick, the violation of the

Treaty is proved in the full extent, necessary to warrant the Condemnation of the Vessel, and to make it the duty of the Commissioners to emancipate the Slaves belonging to her.

EDWARD FITZGERALD.

No. 24.—*Messrs. Gregory and Fitzgerald to The Marquess of Londonderry.*—(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have the honour to inclose herewith, for the information of your Lordship, the Abstract of the Case of the Portuguese Brig *Esperança*, which was taken with 149 Slaves on board, off the River Lagos, in lat. 6 deg. 27 min. North, on the 15th of April last, by His Majesty's Ship *Morgiana*, Captain Knight, and brought for adjudication before the Mixed Court. Sentence of Condemnation was passed against the Vessel; and her Slaves, 147 in number, were emancipated.

The only circumstance in this Case that is more than any other entitled to the notice of Your Lordship, is the abuse of the permission granted by the Royal Passport to call at St. Thomas's and at Princes Island, on the passage of the Vessel to Molembo for Slaves.

We have the honour to be, &c.

E. GREGORY.

The Marq. of Londonderry, K.G.

EDWARD FITZGERALD.

(Inclosure.)—*Abstract of the Case of the Esperanza.*

THE Brig *Esperanza*, Placida Jose da Maia, Master, was taken, on the 15th day of April, 1822, at the entrance of the River Lagos, in lat. 6. deg. 27 min. N. long. 3 deg. 22 min. E. by His Majesty's Ship *Morgiana*, Christopher Knight, Esq. Commander.

The Master and the greater part of the Crew had deserted her, only eight Seamen having remained on board.

The *Esperanza* had on board, at the time of capture, 149 Slaves.

Antonio Jose de Souza, of Bahia, was Owner of the Vessel and Cargo. There was a Royal Passport, dated Bahia, the 9th of October, 1821, for a Voyage to Molembo, to bring thence 450 Slaves, being at the rate of five for every two tons, according to Law. This Passport gave permission to call at the Islands of St. Thomas and Princes, and this permission has been, in this instance, as in all the others that have come under the cognizance of the British and Portuguese Mixed Court, employed as the means of facility to proceed to a Slave-trading Station to the Northward of the Equator.

Antonio Nunez, the Boatswain, and Francisco Nunez, a Seaman, both of the *Esperanza*, in their Answers to the Standing Interrogatories, stated that the Slaves found on board were embarked at Lagos. The *Esperanza* had previously touched at Elmina, where a part of the Cargo was landed, to purchase beef, firewood, and water. She then

touched at Badagary, where also a part of the Cargo was landed, but nothing taken on board in return. The intention of this landing must have been to purchase Slaves:—lastly, she came to Oni, at the mouth of the River Lagos, where the Slaves found on board were taken in.

The *Esperanza* was condemned as Lawful Prize to the Crowns of Great Britain and Portugal, and the Slaves belonging to her were emancipated. These Slaves were 147 in number, two having died on the passage from the place of capture to Sierra Leone.

E. GREGORY.

EDWARD FITZGERALD.

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No. 25.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

THE Portuguese Polacca, *Esperança Felix*, was taken by His Majesty's Ship *Iphigenia*, Commodore Sir Robert Mends, in the River Lagos, lat. 6 deg. 20 min. North, on the 7th of April last, with 187 Slaves on board. Being a dull sailing Vessel, the *Esperança Felix* was given by Sir Robert Mends in charge to Captain Leeke, of His Majesty's Ship *Myrmidon*, that she might be brought by the *Myrmidon* to Sierra Leone. The Slaves of the Vessel, as also the Slaves of two Spanish Schooners, likewise under the care of Captain Leeke, became sickly, and several died. Captain Leeke, considering that the bad sailing of the *Esperança Felix* retarded extremely the passage of the Vessels to Sierra Leone, and thereby exposed the Slaves to greater sickness, thought it advisable to destroy the *Esperança Felix*, and she was accordingly destroyed. The Slaves were distributed on board of the other Vessels.

The Case of the Vessel was brought under the consideration of the Commissioners, who decreed that the *Esperança Felix* was justifiably detained, and was liable to condemnation at the time of her Capture. Only 85 Slaves participated of the decree of emancipation. Of the remaining 102 Slaves, some perished through sickness, but by far the greater number perished through the melancholy accident which befel one of the Spanish Schooners, the *Icanam*, on board of which they had been placed.

In this Case, as in that of the *Esperança*, mentioned in our last Letter, there was a Royal Passport permitting the Vessel to touch at the Island of Saint Thomas, and of Princes, on her way to Molembo for Slaves. It is seen that in this case, as in the other, the permission was abused.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

P.S. We beg leave to inclose herewith the Abstract of the Case of the *Esperança Felix*, for the information of Your Lordship.

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(*Inclosure.*)—*Abstract of the Case of the Esperança Felix.*

THE *Esperança Felix* was taken on the 7th of April, 1822, in the River Lagos, in the Bight of Benin, in lat. 6 deg. 20 min. N. long. 4 deg. 12 min. E. by His Majesty's Ship *Iphigenia*, Commodore Sir Robert Mends. She had on board at the time of capture, 187 Slaves.

The *Esperança Felix* had regular Papers for a voyage from Bahia to Molembo, a Place in the possession of the King of Portugal, to the Southward of the Equator. She had a Royal Passport for 373 Slaves, being in the proportion of five to every two tons, as allowed by Law, and by the Treaty between Great Britain and Portugal. This Passport gives permission to call at the Islands of St. Thomas and Princes; and this permission, as it has been uniformly found in the Cases of a similar description, brought before the British and Portuguese Mixed Court, appears to have been designedly introduced in order to give opportunity to run into one of the more favourite Slave-trading stations to the Northward of the Line: at least the opportunity thus afforded has been always employed to run directly to one of those Northward Stations, considered more advantageous for the purpose of Slave Trade, and therefore generally so in preference by the unprincipled Adventurers in this odious Traffick.

In the present instance, the Station of Lagos, somewhat new in the Mixed Court, although well known in the old Slave Trade, has been preferred to the Stations recently more visited, such as Calabar and Bonny.

The *Esperança Felix* having had on board 187 Slaves when she was taken at Lagos, in lat. 6 deg. 20 min. N. would be liable to condemnation as a matter of course, if it could not be shown in justification of the presumptive illegality that the Slaves were taken on board South of the Line, and that the Vessel having them on board, came to the North of the Line, through some legitimate cause, such as the dangers of the Sea duly proved, or other cause of equally fair admissible influence. The burthen of proof, in such case, is upon the Vessel detained. The provisions of the Treaty to this effect are found in the Fifth Article of the Instructions for Ships of War.

With a view to the establishment of proof of the embarkation of the Slaves of the *Esperança Felix*, at Molembo, and of legitimate cause for the deviation so far to the Northward of the Line, the Master and the Surgeon declared, in their examinations upon the Standing Interrogatories, that the Vessel was proceeding from Molembo to Princes Island for Supplies, but that she was driven beyond that Island by the force of the current setting to the Northward, and being brought as far as Lagos, the urgency of the wants on board caused them to communicate with the shore for immediate relief. They added, that the Vessel was about to proceed to Princes Island from Lagos, when she was taken.

Some Special Interrogatories were put to the Master touching the winds and the current; but the practice adopted, on the recommendation of the Commissioners, of examining some of the most intelligent of the Negroes, furnished a decisive refutation of the statements of the Master and of the Surgeon.

These Slaves were found to be Natives of the Houssa Country; they declared that they were purchased for the *Esperança Felix* at Lagos, which is the general Market for the Sale of Slaves brought from Houssa. These Negroes added, that the whole of the Slaves on board the *Esperança Felix*, when she was taken, had been collected at Lagos, and had been embarked only on the morning of the Capture; they added, that they themselves had been put on board so short a time before the Capture, that they had not eaten on board.

The Master being unable to disprove this statement, the Cause was necessarily decided against him.

The Vessel being a dull sailer, was, soon after her Capture, given by Sir Robert Mends in charge to Captain Leeke, of His Majesty's Ship *Myrmidon*, that she might be brought to Sierra Leone in tow of the *Myrmidon*. Captain Leeke had also in charge two Spanish Schooners, the *Vecua* and *Icanam*, full of Slaves. Disease spread itself amongst these Slaves, and amongst those of the *Esperança Felix*, and several Slaves died. Captain Leeke, taking into consideration that a protracted voyage would be fatal to the surviving Slaves, thought it right for the sake of humanity to destroy the *Esperança Felix*, whose bad sailing retarded in a very considerable manner the progress of the other Vessels. Some of her Slaves were put on board of the *Myrmidon* and *Vecua*, others on board of the *Icanam*; these last perished by the melancholy accident which befel that Vessel. Eighty-five Slaves were landed at Sierra Leone, as belonging to the *Esperança Felix*, these Slaves were decreed to be emancipated. The Judgment of the Commissioners as to the Vessel, was, that she was justifiably detained, and that at the time of her detention she was liable to condemnation for being engaged in an illegal Slave Trade.

E. GREGORY.

EDWARD FITZGERALD.

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No. 26.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

THE Case of the Portuguese Sloop *Defensora da Patria*, an Abstract of which we have the honour to inclose herewith, proves that the illegal Slave Trade is still carried on at Princes Island.

This Vessel was taken on the 28th of April last, with 100 Slaves on board, in the River of Old Calabar, lat. 4 deg. 31 m. N. by the boats of His Majesty's Ship *Myrmidon*, Captain Leeke.

The *Defensora da Patria* had sailed originally from Bahia, but

had, it appeared, taken in a fresh Cargo at Princes Island, to an inhabitant of which she belonged. The Crew were Natives of the Island.

The Vessel being destroyed as unseaworthy by the Captors, the decision of the Commissioners, when the Case was brought before them, was, that the Vessel was justifiably detained, and was liable to condemnation at the time of her Capture. The Slaves landed at Sierra Leone, 80 in number, were decreed to be emancipated.

This Case, added to the several which have been already brought under the notice of Your Lordship, will serve to show the necessity of some check being applied to the malpractices of the people of that Island.

We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

(Inclosure.)—Abstract of the Case of the *Defensora da Patria*.

THE Portuguese Sloop *Defensora da Patria*, Caetano Raimundo de Novaes, alledged Master, was taken by the Boats of His Majesty's Ship *Myrmidon*, under the command of Lieutenant Elliot, on the 28th of April, 1822, in the River of Old Calabar, in lat. 4 deg. 31 min. North; long. 8 deg. 37 min. East. She had 100 Slaves on board at the time of capture.

There is some inconsistency in the history of this Vessel and of her voyage. At the commencement she would appear to be the property of a Person at Bahia, named Domingo Peres dos Santos Chaves, (a name not unknown in the British and Portuguese Mixed Court, as concerned with Vessels engaged with the illegal Slave Trade.) According to the Papers connected with this appearance, the *Defensora da Patria* sailed from Bahia in the month of August 1821. She had not any Royal Passport, neither were the usual Clearance Papers from Bahia found among those brought into the Court, in connection with her voyage. According to the other Papers, she was destined to Cabinda for the purchase of Slaves to be brought back to Bahia.

A Letter from Chaves, conveying Instructions for the voyage, to the Person in command at the time of sailing, named Manoel Marques de Loureiro, is dated Bahia the 13th of August 1821. This Letter directs Loureiro to proceed with the Sloop *Defensora da Patria*, under his command, to the Island of St. Thomas, at which place he was consigned to Joaquim José de Lisboa, who would accompany him to Princes Island, where he was to place himself under the orders of Caetano Raimundo de Novaes, a Person whose name was also somewhat familiar in the ears of the Commissioners of the British and Portuguese Mixed Court.

At Princes Island, it appears, a new Crew was engaged, or at least the Ship's roll, as it was found among the Papers of the Vessel, was formed and dated at that place. At the top of this roll the name of

Caetano Raimundo de Novaes is entered as Owner of the Sloop, which is described as belonging to Princes Island : Loureiro's name is entered after that of Novaes as Master.

A regular set of Clearance Papers, dated 4th of February, from Princes Island, describe the voyage as from that Island with a destination for Cabinda for Slaves. These Papers give reason to suspect that the voyage of the *Defensora da Patria*, might have had its origin and commencement at Princes Island. The Master, Loureiro, examined on the Standing Interrogatories, gave answers in many respects inconsistent with the Ship's Papers. He described Caetano Raimundo de Novaes, as a mere passenger, who came on board at Calabar, and who had no interest in the Vessel or Cargo, although the name of that Person appeared on the Ship's roll as the Owner.

It is not material, however, to pursue those contradictions, or to fix the location of the voyage, whether it may more properly belong in its origin to Princes Island or to Bahia.

Loureira admits, that after the departure from Princes Island, the course of the Vessel was directed to Old Calabar, in consequence, as he said, of the strong northerly current. On the arrival at Calabar, the Traffick for Slaves was commenced, and, with the usual facility of that great Slave-market, this Vessel was found sailing out of Calabar River on the 27th of April with a full Cargo of 100 Slaves on board. This was not quite six weeks after her departure from Princes Island on the 4th of February, nominally for Cabinda. The Master admitted that the Slaves were taken in at Calabar.

The *Defensora da Patria* having been, after a survey made, (which was filed in the Registry) destroyed by the Captor, on account of her heavy sailing, it appeared to the Court, that the Judgment most appropriate to the circumstances, would be, to declare that she was at the time of Capture engaged in illegal Slave Trade, and was, therefore, subject and liable to Condemnation.

It was decreed that the Negroes belonging to her should be emancipated. These Slaves, brought to Sierra Leone on board the Spanish Schooner *Vecua*, were 80 in number.

E. GREGORY.

EDWARD FITZGERALD.

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No. 27.—Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received February 14, 1823.)

(Extract.)

Sierra Leone, September 8, 1822.

WE have the honour to lay before your Lordship an Abstract of the Case of the Portuguese Brig *Estrella*, of Bahia, taken by Lieutenant Hagan, of His Majesty's Brig *Thistle*, with 296 Slaves on board, on the 29th of June last, in the vicinity of Cape Formosa.

The *Thistle* arrived at Sierra Leone with her prize on the 19th of July : four of the Slaves of the *Estrella* had died on the passage to



this River, and sixteen were infected with the small-pox, and a few others with ulcers, when she anchored in the harbour. The Vessel was placed at some distance from the other Shipping, and, in conformity with the recommendation of the Medical Officers, the Slaves were landed on the day after their arrival; the infected Slaves were removed by the direction of His Excellency the Governor, to an Hospital at some distance from the Town. We have not heard that the infectious disorder brought by these Slaves has spread beyond their own circle.

In the inclosed Abstract of the Case of the *Estrella*, it is mentioned that Lieutenant Hagan endorsed the Papers of the Vessel on visiting her, as she passed by Cape Coast Castle on the 17th of April last.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

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(Inclosure.)—Abstract of the Case of the *Estrella*.

THE *Estrella* was fitted out at Bahia, by the Owner, Manoel Francisco Moreyra, for a Slave-trading Voyage to Molembo, South of the Equator. Her Clearance Papers and Passport for the Traffick were perfectly regular; by the last Document she was permitted to call at Princess and at St. Thomas's in her way to Molembo. The permission to touch at those Islands, the illicit dealer in Slaves may suppose to be a protection to him, should he fall in with any Cruizer in their vicinity.

It does not appear that the *Estrella* touched at Princes, or at St. Thomas's, but the contingency of her stopping at Princes, was provided for by the Instructions of the Owner, to the Master, that on his arrival at that Place, he should address himself to Major Jose Xavier Gonzaga de Sa, one of the Members of the Governing Junta of the Island, and a chief illegal Slave-trader there. It would appear that the Vessel made the Coast of Africa in the vicinity of Cape Palmas. On the 13th of April, she anchored at Elmina, for the purpose, as is stated in a log-book, "of trading and of purchasing Canoes." On the 17th of April she left Elmina, and was about to pass by Cape Coast Castle, when she was visited by Lieutenant Hagan, of His Majesty's Brig *Thistle*, who having indorsed her papers, suffered her to pass on, as she was not liable to detention under the Convention.

The *Estrella* anchored off Badagary on the 25th of April, and commenced trading in Slaves; about the 20th of June she left the Coast, and on the 29th of the same month, she was met with, and visited by Lieutenant Hagan, who, at this time, found on board 296 Slaves.

The Master, on his examination here, had the presumption to state that he took in the Slaves at Molembo; he was positively contradicted

by the Mate and a Seaman, who declared that the Slaves had been purchased and put on board at Onim and at Lagos.

The Commissioners, when the Case came before them on the 6th of August, decided, by what was so apparent, that the Slaves had been taken in an illegal Traffick, and decreed that the *Estrella* should be condemned as Prize, and the Slaves, 292 in number, emancipated.

E. GREGORY.

EDWARD FITZGERALD.

No. 28.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received February 14, 1823.)

MY LORD,

Sierra Leone, September 10, 1822.

IN the Despatch which we had the honour to address to Your Lordship under date of the 24th of July last, we laid before Your Lordship the Case of a Vessel belonging to Princes Island, that had been captured in the act of conveying Slaves, acquired by an illegal Traffick, from Calabar River to Princes, and we took the liberty to state the necessity that some check should be applied to the malpractices of the people of that Island. The necessity that some check should be put to the Slave Trade in that Quarter, is now rendered more evident by the Case of the Schooner Boat *San Jose Xalaça*, an Abstract of which we have the honour to inclose herewith.

This Vessel belonged to Princes, and was owned by a Relative of one of principal Persons of the Island, the same who was engaged in the expedition of the Schooner *Conceição*, that was detained and condemned last year for a breach of the Convention. The *San Jose Xalaça* cleared out from Princes for Cabinda, but went direct to Calabar River, where she took in 30 Slaves.

The miseries attendant on this Traffick are exemplified by the present Case. It would appear that the system by which the illicit Slave Trade is pursued by the people of Princes Island, is to send small Vessels to the large Rivers in the vicinity of the Island, these Vessels being more likely to escape detection and to be more readily supplied with Slaves to feed the market at Princes. Such were the Vessels detained by Sir George Collier in the year 1819; such the noted *Nova Felicidade*; such the *Conceição* and *Defensora da Patria*. Accommodation on board these Vessels there cannot be any, and when the voyage be in the least protracted, as in the Case of the *Nova Felicidade*, and as in the present Case, from unfavourable weather and from the ignorance and unskilfulness of the Masters, the consequence to the Slaves must be a state of extreme suffering. Although the distance betwixt Princes and the entrance of the Calabar, be only such as may be passed in five or six days in favourable weather, the *San Jose Xalaça* was six weeks at sea, after leaving the Calabar, and ten Slaves perished absolutely through hunger and thirst.

To root out the nefarious Traffick of Princes Island will not cer-

tainly be an easy task ; but we apprehend, My Lord, that if the provisions and penalties of the Portuguese Alvara, prohibiting the Slave Trade to the North of the Equator, should be enforced by the Portuguese Authorities, but more particularly if some mode could be adopted by which convicted Slave-dealers might be sent to a Portuguese Settlement, in order to their trial and transportation to Mozambique, that the illicit Slave Trade would not be so inviting to the Traffickers at Princes, who generally, when brought to this Colony, shew great dread of being transported to the Eastern Possessions of the Portuguese in Africa. We have the honour to be, &c.

E. GREGORY.

*The Marquess of Londonderry, K.G.* EDWARD FITZGERALD.

(*Inclosure.*)—*Abstract of the Case of the San José Xalapa.*

THE Vessel which is the subject of this Case belonged to Princes Island, and was owned, apparently, by Donna Maria da Cruz, a near Relative of José Xavier Gonzaga de Sa, a Member of the Governing Junta of the Island. The Boat was laden at Princes, with goods for the Slave Trade ; her Crew was composed of nine men, Natives of Princes, and her Master, it is presumed, was the same Person who commanded the Schooner Boat, "*Nova Felicidade*," belonging to Ferreira Gomez, late Governor of that Island, at the time of her Capture by His Majesty's Ship *Pheasant*.

The Boat had some Slave-trading Clearance Papers for Cabinda, South of the Line ; she had no Royal Passport, but simply a Pass, dated 26th of March 1822, and signed by José Xavier Gonzaga de Sa. She sailed on the 27th of March from Princes, and on the 23d of the following June she was captured in Old Calabar River, in lat. 4 deg. 40 min. North, by the Boats of His Majesty's Brig *Thistle*, commanded by Lieutenant Hagan. Twenty Slaves were delivered up by the Native Chief at Calabar as belonging to the Vessel, which, on a survey held upon her by the Officers of the *Thistle*, was destroyed as unseaworthy ; the Master and Crew remained at Calabar.

The evidence of Mr. Batt, the Officer commanding the Capturing Boats, and the evidence of some of the Slaves, exhibit horrors which are attendant on the Slave Trade, and horrors which must, in most cases, be a consequence of the system by which the illegal Slave Trade is carried on betwixt Princes and the Great Rivers in its vicinity to the Northward of the Equator.

It appears, from the information given to Mr. Batt by the Master of the Schooner Boat, that on the arrival of the Vessel at Calabar, the Traffick in Slaves was commenced, and that 30 Slaves were purchased. These Slaves were put on board of the Boat, and the Master made sail for Princes ; his endeavours to reach that Island were unsuccessful, owing to the prevalence of contrary winds and strong currents setting

from the Island. When they had been some time at Sea, their provisions began to fail, and the scanty daily allowance of the Slaves was reduced to one yam for three Slaves ; subsequently the provisions and water failed altogether : 10 Slaves died through hunger and thirst, and the rest must have also perished, had not the return of the Vessel to Calabar, after being six weeks at Sea, brought relief to the suffering wretches. Mr. Batt says, "that the 20 Slaves, when found on board by him, were in the most deplorable state of emaciation, and bore evident marks of the privations to which they had been subjected." And, indeed, it is a matter of wonder how these Slaves survived the hardships of their situation, when, besides being but scantily fed, and it is to be supposed manacled together, they were cooped up in a Vessel of only seven tons burthen, and having no other shelter (if shelter it could be either to them or to the Crew) but what could be afforded by the space betwixt the water casks and the deck, a space of seven inches.

The surviving 20 Slaves having been demanded of, and delivered by, the Native Chief of Calabar, they, with the exception of three who died on board, were brought to Sierra Leone in the *Thistle*. Proceedings were instituted as against the Vessel ; the Judgment of the Mixed Court was, that she had been legally detained, and was liable to condemnation at the time of her Capture, under the terms of the Additional Article to the Convention, for having Slaves on board for the Traffick: the Slaves, seventeen in number, were decreed to be emancipated.

E. GREGORY.

EDWARD FITZGERALD.

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No. 29.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.*—(Received February 14, 1823.)

(Extract.)

Sierra Leone, September 15, 1822.

WE have the honour to address to your Lordship an Abstract of the Case of the Portuguese Schooner *Nymfa del Mar*, detained by His Majesty's Ship *Iphigenia*, Commodore Sir Robert Mends, off Whydah, in lat 6. 17. N. long. 2. 55. E. on the 6th of April last, having on board three Slaves.

The *Nymfa del Mar* was lost soon after the Capture, at the mouth of the River Sombrero, the three Slaves were brought to Sierra Leone on board of the *Iphigenia*.

The Case of the *Nymfa del Mar* came before the British and Portuguese Court for adjudication, on the 22d of July. The Commissary Judges differed in opinion, Mr. Gregory holding that the Vessel was liable to condemnation, Mr. Altavilla holding the contrary.

Mr. Fitzgerald, His Majesty's Arbitrator, on whom the decision devolved by this difference, deferred giving his Judgment to a future day, which was delayed, in consequence of indisposition on the part



of Mr. Altavilla, to the 28th August. Mr. Fitzgerald had previously communicated his sentiments to Mr. Altavilla and Mr. Gregory, at a private meeting, held on the 10th of August, for the special consideration of the doubtful matters which the Case involved.

Mr. Altavilla still retaining his original opinion, the Case was decided by the coincidence of Mr. Fitzgerald with Mr. Gregory.

We have been induced to give the Abstract of this Case more in detail than those of ordinary Cases; because the most material fact which it involves has now, for the second time, come under the consideration of the British and Portuguese Mixed Court, and, it is desirable that the principle upon which we have agreed with Mr. Altavilla to regulate our Judgments respecting it, should be rightly understood.

We further beg leave to inclose herewith, for the information of your Lordship, the written opinions of His Majesty's Commissioners upon the Case of the *Nymfa del Mar*.

E. GREGORY.

The Marquess of Londonderry, K.G.

EDWARD FITZGERALD.

(Inclosure 1.)—Abstract of the Case of the *Nymfa del Mar*.

THE Schooner *Nymfa del Mar*, Francisco Velloso, nominal Master, was detained on the 6th of April, 1822, off Whydah, in lat. 6, 17. N. long. 2, 55. E. by His Majesty's Ship *Iphigenia*, commanded by Commodore Sir Robert Mends.

The *Nymfa del Mar*, at the time of her detention, had a platform laid, and every preparation made for the reception of a Cargo of Slaves, about 250 in number, collected on shore in readiness for embarkation.

It did not appear that any one of the Slaves purchased for this Cargo had been on board of the Vessel. But three Negroes who were found on board, named Franco, Antonio, and Manoel, "declared that they were intended to be sold at the Brazils, and that they were kept in irons while on shore at Princes Island for the space of about one month, and that while on board the said Vessel they were treated in every respect as Slaves, being kept in irons without clothes, and only liberated and clothed after the *Iphigenia* hove in sight."

These are the facts stated in the Declaration of Sir Robert Mends, as the grounds for the detention of the *Nymfa del Mar*, and in conformity with them, the petition of the Proctor of the Captors for the usual monition alleges, that the said Vessel was detained "for being illegally engaged in the Slave Trade, having on board at the time of Capture three Slaves for the purpose of Traffick."

The petition adds,—"That the said Vessel was shortly afterwards lost at the mouth of the River Sombrero; that the said Slaves had been brought to this Colony in His Majesty's Ship *Iphigenia*, having been taken out of the said Vessel at the time of her wreck."—"Wherefore,

&c." No further information was given to the Court respecting the loss of the Vessel or the circumstances attending it.

It appeared by the Ship's Papers that she was the property of a person named Antonio de Paula Barbozo, residing at Bahia, from which place she had sailed in the month of August, 1821, having a Passport from the Provisional Junta of Government for a voyage "to the Islands of St. Thomas and Princes, with liberty to touch on the Coast of Elmina, for the purpose of trading for articles of the Country, with the exception of dealing in Slaves."

Some of the other Official Papers mention "cloths and oil" as the particular objects of the intended Trade, adding, at the same time, a special exception of Slave Trade.

In the Ship's Roll, Domingo Jose da Costa, a Native of England, is named as Master, and Francisco Velloso, who is found in the station of Master at the time of Capture, is enrolled as Mate, or Boatswain (Contramestre).

The *Nymfa* proceeded in the first instance, from Bahia to Princes Island, and thence to the Gold Coast. At Princes Island an extraordinary change took place respecting the Ship's Company: Velloso, who had sailed from Bahia, in the capacity of Boatswain, was made Captain: he states in his Answer to the Second Standing Interrogatory, that he was put in possession by Antonio de Barra, (Barros) the Super-cargo, at Princes Island; Domingo Jose da Costa, the former Master, disappears, but there is reason to suspect that he still continued in connection with the Vessel, and that he was employed on shore in collecting Slaves for the Cargo at the time of the Capture. In his Answer to the Fifth Interrogatory, Velloso says, that the other Persons of the Ship's Company, 27 in number, exclusive of himself, "all came on board at Princes Island; they were hired by the Supercargo."

It is probable that this statement, with respect to the general Crew, had no other foundation in fact, than a new engagement of the original Crew for Slave-trading objects; which objects it might not have been prudent to communicate at the time of sailing from Bahia, on a professed voyage of innocent commerce.

In his Answer to the same Interrogatory, Velloso says, that the Vessel was seized "for having some domestic Slaves on board, who were Mariners, and have been Slaves for the last ten years."

The Slaves Franco, (or Francisco), Antonio, and Manoel, repeated, in an affidavit sworn by them before the Registrar, the facts already recited from the declaration of the Captor, of their being confined in irons on shore at Princes Island; of their being embarked in irons, and being treated as Slaves on board, and of the declared intention of selling them as Slaves. The two named Franco and Antonio declared

further, "that they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send them off, and sell them; and this he said to them several times, when they begged he would release them."

Velloso, in answer to special Interrogatories put to him, on the part of the Captors, declared, "that he took the Slaves, Antonio and Francisco, on board, first at Princes; that the Slave Manoel was on board the Vessel when he (the witness) joined her at Bahia"—"that the three Slaves aforesaid, belong to the Owner of the Vessel;"—"that the aforesaid Slaves have been in irons on shore, but not on board;"—"that Don Jose da Costa is an Englishman; that he was Captain of the Vessel at the time the Slaves were purchased."

Upon this evidence the Cause came to trial on the 13th of July, 1822.

The Proctor for the Captors was heard, and the Judges proceeded to deliver their Opinions on the 22d of July.

Mr. Gregory observed, that the usual course of inquiry should be directed in this Case to the outfit of the Vessel, and to the point, whether the Vessel had been engaged in the illegal Traffick of Slaves.

Mr. Gregory said, that it appeared that the Vessel sailed from Bahia for the Coast of Elmina, with the professed object of trading in cloths and oil, and not for Slaves. That she was found by the Captor equipped for the Slave Trade. That the Vessel was engaged in the illicit Traffick of Slaves at Whydah; that 250 Slaves appeared to have been purchased at that Place, but that it was not shewn that any of these Slaves were at any time put on board of the Vessel.

Mr. Gregory proceeded to remark, that the disreputable nature of these facts must cause suspicion to rest upon the acts of those concerned in the Vessel, that might serve to further the real object of her voyage. And, adverting to the declaration of the Captor, that three Slaves had been shipped at Princes Island, for purposes of Traffick, Mr. Gregory observed, that two of these Slaves, Francisco and Antonio, belonged to Mr. Xavier, one of the Governors of the Island, and a noted illicit Slave-dealer; that they were in irons on shore at Princes, and that it appeared, that they were shipped on board the *Nymfa del Mar*, at Princes, under circumstances of restraint. That although the Master deposed that these two Slaves belonged to the Owner of the Vessel, who resided at Bahia, and that they were domestic Slaves, he did not explain how they came to be at Princes, under the controul of some person there, when he admitted, that the two Slaves were shipped at that Island.

Considering that the Master had rendered himself criminal by his illicit Slave-trading acts, Mr. Gregory preferred the evidence of the two Slaves, Francisco and Antonio, to that of the Master, and was of opinion that they were taken on board for purposes of Traffick, and not for domestic purposes.

Adverting to the Case of the *Gaviao*, Mr. Gregory remarked, that in that Case, Slaves described, in a Petition to the Governor of Princes Island, as free men, were shipped at Princes, on board of that Vessel; that on examinations taken respecting them, it was found that they were not Freemen, but Slaves; he thought that the shipment of these men was fraudulent, and intended for fraudulent purposes, for purposes of Traffick, and upon this presumption, he deemed that the *Gaviao* had fallen under the provision of the Convention which rendered her liable to condemnation. Mr. Gregory had not the concurrence of his Colleagues in the opinion for the condemnation of the *Gaviao*, expressed by him on that occasion; they thought that a necessity appeared for the embarkation of those men at Princes Island.

The Case of the *Gaviao* appeared to be similar to that of the *Nymfa del Mar*, and Mr. Gregory confessed, with all deference for the opinions of his Colleagues, that he had not seen reason to think differently of the Case of the *Gaviao*.

With respect to the third Slave on board of the *Nymfa del Mar*, Manoel, Mr. Gregory expressed a doubt whether he was shipped at Bahia or at Princes Island; but Mr. Gregory said, that the balance of doubt was in favour of the Slave, and he thought it right that he should be emancipated with Francisco and Antonio.

Mr. Gregory's opinion was, that the *Nymfa del Mar* had been legally detained, and was liable to condemnation at the time of her detention; and that the three Slaves, Francisco, Antonio, and Manoel, should be emancipated.

Mr. Altavilla, without entering into any detail of reasoning, expressed his dissent from the opinion of Mr. Gregory.

Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, postponed to a future day the delivery of his opinion, with the reasons for it in detail: but he observed that the Case of the *Nymfa del Mar*, although it coincided thus far with the Case of the *Gaviao*, that the main question turned upon the legality or illegality of the embarkation of a very small number of Slaves, taken on board at Princes Island, yet the circumstances which attended that embarkation were very different in the Case of the *Nymfa del Mar*, from those that attended it in the Case of the *Gaviao*, upon which Case his opinion remained unaltered.

On Saturday the 10th of August, Mr. Fitzgerald communicated his opinion, and the reasons upon which it was founded, to Mr. Altavilla and Mr. Gregory. It was agreed that the final Judgment should be given in Court on Monday the 12th, but Mr. Altavilla having become indisposed in the interval, it was delayed in consequence to the 28th of August.

Before the Commissioners went into Court, an effort was made to induce Mr. Altavilla to agree with Mr. Fitzgerald and Mr. Gregory,



so that the decision about to be pronounced should be unanimous. Mr. Altavilla, however, persevered in his former opinion ; some of the reasons for which he mentioned, but they cannot be satisfactorily explained in this abridged form.

After the opening of the Court, a further Affidavit of the three Negroes was read, in which the one named Manoel declared, that he was purchased in the River Gaboon, "by Antonio Barba, about six years ago, and that he was in prison in Princes Island about four weeks."

The Proctor for the Captors addressed the Court in argument, for the purpose of showing that the Slave, Manoel, being a Slave in property found on board of a Vessel engaged in illegal Slave Trade, should be included with the Slaves Antonio and Franco in one common Judgment of emancipation.

After some communication with the other Commissioners on this point, Mr. Fitzgerald pronounced the Judgment.

Mr. Fitzgerald, in delivering the opinion which was to stand as the final Judgment, began by separating from the Case the Negro, Manoel, that Negro having, by an Affidavit sworn since the last Court day, stated that he was purchased six years ago in the River Gaboon by Antonio Barba, who appeared to be the Supercargo of the Vessel,—Antonio Barros, a little misnamed in this as in other instances. In considering the evidence upon both sides of the Case, Mr. Fitzgerald concluded, from a comparative estimate, that the Negroes Franco and Antonio were personally more entitled to credit as witnesses than the Master Velloso ; on a similar estimate he considered that the facts stated by those Negroes were more credible than those alleged by the Master. Upon the principal points, however, the Master did not contradict the Negroes. The Master stated, that they were put on board at Princes Island ; that they were purchased there, and that they were the Slaves of Barboza, the Owner of the Vessel. The natural conclusion was, that they were sold by their former Master, Mr. Xavier, of Princes Island, to the Agent of Barboza ; and it was further to be concluded, that the intention in purchasing them was to add them to the general Cargo of Slaves, unless a different and a legal purpose could be shown. The burthen of the proof lay upon the Master, who neither gave nor offered any justification, nor any explanation whatsoever, and in this consisted the difference between the Case of the *Nymfa del Mar*, and the Case of the *Gaviao* ; that in the Case of the *Gaviao* a sufficient justification appeared to him to be fully established, while in the Case of the *Nymfa del Mar*, nothing that had a tendency to justification appeared.

In the Case of the *Gaviao*, there was a Petition to the Governor of Princes Island for permission to embark the four Negroes taken on board there ; and permission was granted in consequence. The application of the term "freemen" in the Petition, to Negroes so recently

purchased as Slaves, was explained by the intention to make them free and to employ them as free Mariners.

In the Case of the *Nymfa del Mar*, no permission to embark the Negroes was obtained or sought.

In the Case of the *Gaviao*, a reduction of the original Crew was assigned as the cause of the embarkation, and upon investigation that reduction was ascertained to be true.

In the Case of the *Nymfa del Mar*, no cause was assigned.

In the Case of the *Gaviao*, the alleged confinement of the Negroes in irons was disproved, with the exception of a temporary restraint on one who wanted to destroy himself; and with respect to him, the restraint was removed, when the object of it was attained, by inducing him to take food.

In the Case of the *Nymfa del Mar*, the restraint of irons is fully proved.

In the *Gaviao*, the Negroes were treated as part of the Crew.

In the *Nymfa del Mar*, the Negroes were not allowed to mix with the Crew, but were treated as Slaves destined for the Traffick.

In the Case of the *Gaviao*, not a Slave was purchased for a general Cargo.

In the Case of the *Nymfa del Mar*, 250 were purchased, and ready for embarkation, to whom the two individual Slaves would naturally be added.

On the same grounds, therefore, on which the *Gaviao* was restored, and by the same course of reasoning upon them, the *Nymfa del Mar* should be condemned.

It may be allowed to him farther to observe, with some satisfaction, that the evidence upon which the decision in the Case of the *Gaviao* rested, was subsequently confirmed in several ways.

While the claim for damages was pending, suspicions having arisen that some of the men who were stated to have left the *Gaviao* were in reality still on board, an investigation was instituted, with the express intention of reversing the former decision if those suspicions should be realized. The result of that investigation confirmed the former evidence, and furnished additional circumstances connected with the departure of the principal individuals. Ateide, the first Pilot, had quarrelled with the Master, and recovered his wages from him by Law at St. Paul de Loando, where he left the Ship. Further, the Negroes who had been taken into the *Gaviao* at Princes Island and St. Thomas's, were employed on shore at Sierra Leone as freemen, in occupations more or less profitable, one of them receiving 5s. a day as a Cooper; yet all of them by free choice left the Colony with their Master; and this is certainly a decisive proof that they did not consider the situation in which they thus replaced themselves to be that of Slaves destined for the Traffick.

More recently still it was ascertained, by some of the Papers found on board the *Conde de Villa Flor*, that the First Clerk in the original roll of the *Gaviao*, who was stated to have gone on board another Vessel belonging to the same Owner, was in fact on board a Vessel belonging to that Owner at Bissao at the time when the *Gaviao* was taken at Calabar. This Vessel was the *Bella da Dios de Morgueira*. The name of the First Clerk was Azevedo.

These confirmatory circumstances were entitled to a greater consideration, as the question in these Cases must be entirely a question of evidence, and not a question of Law; for the Law was settled among the preliminary points in the Case of the *Gaviao*.

By the unanimous agreement of the Commissioners in that Case, "An embarkation of Slaves for the Traffick from any of the Portuguese Settlements on the Coast of Africa north of the Equator, such as St. Thomas's or Princes Island, is to be considered equally illegal, and as much in violation of the Treaty and Convention between Great Britain and Portugal, as an embarkation of Slaves from any of the Places of ordinary resort for the illegal Traffick among the African Nations."

It only remains, therefore, to ascertain whether the embarkation be for the Traffick or not; and that is matter of evidence; the only difference of opinion that can take place upon it is as to the effect of evidence.

The evidence in the Case of the *Nymfa del Mar* being, in Mr. Fitzgerald's opinion, so decisive of an embarkation for the Traffick, he gave the final Judgment accordingly, that the *Nymfa del Mar* was at the time of Capture engaged in the illegal Traffick for Slaves, and therefore was subject and liable to condemnation, if she had not been lost at Sea. The two Negroes, Franco and Antonio, were consequently to be emancipated. The Negro, Manoel, being the Slave of the Supercargo for several years, could not be considered in any other way than as the domestick Slaves generally found on board of condemned Slave Ships. It had not been hitherto the usage of the Courts of Mixed Commission to include those Slaves in their decrees of emancipation. The Treaties having declared, that Negroes in such situations cannot in any case be deemed sufficient cause for detention, and that they were to be regarded as Portuguese Sailors, this exempted them, as it appeared, from the jurisdiction of those Courts. While those Negroes remained on British ground they could not be molested by any claim on the part of former Owners or Masters; and if they valued their freedom they would not place themselves within the grasp of their Masters.

E. GREGORY.

EDWARD FITZGERALD.

(*Inclosure 2.*)—*Mr. Gregory's Decision on the Case of the Nymfa del Mar.*

IN doubtful Cases that have come under the jurisdiction of this Court, the first subject of inquiry has been, whether the Vessel to be adjudged was fitted out for the Traffick in Slaves, and the next, whether she was illegally engaged in the Traffick at the time of detention. These inquiries have been found to be of material importance, as they elucidated points that would, but for them, have remained in a doubtful light, and they have forwarded the general decisions on the Cases.

This course of inquiry is absolutely necessary in the present Case, which is of a class that has only in one instance (the Portuguese Brig *Gaviao*) been under the notice of the Commissioners.

This Vessel sailed from Bahia on the 14th of August, 1821, with a professed destination for the Coast of Elmina, and for the Islands of Princes and St. Thomas; her Clearance Papers state that she was to proceed to those Places "for cloths and oil, and not for Slaves."

Vellozo, the Master, swears, that the *Nymfa del Mar* was provided with a Royal Passport, similar to one that was shown to him belonging to the Portuguese Schooner *Adelaide*, lately condemned in this Court, and which Passport was conformable to the model that is annexed to the Convention.

No Passport to authorize a Slave-trading voyage is found amongst the Papers of the *Nymfa del Mar*, as indeed such a Document could not have been given, consistently with the professed object of the voyage.

Vellozo states, that the *Nymfa del Mar* went to Princes Island, and from thence to Whydah. At Whydah the true intent of the voyage was shown by the purchase of 250 Slaves. It does not appear, however, that any one of these Slaves was at any time embarked on board of the Vessel; but platforms were laid and food provided for the subsistence of a Cargo of Slaves, when the *Nymfa del Mar* was detained by Commodore Sir Robert Mends, commanding His Britannick Majesty's Ship *Iphigenia*, on the ground that she had on board three Slaves who had been taken in the Vessel at Princes Island for the purposes of Traffick.

The facts here related shew a two-fold criminality on the part of those who were concerned in the *Nymfa del Mar*: first, as deception was used to cover the real object of the voyage; secondly, as a Traffick in Slaves was pursued on a part of the Coast of Africa, where the Traffick is forbidden, as well by the Convention under which this Court is constituted, as by a particular Law of Portugal.

As criminality increases in degree, so must a just suspicion arise and attach itself to the acts of the criminal party that in the least have a tendency to further its main object. The object in this Case was gain,—guilty gain; every act then that could serve to feed the spirit



of avarice is to be viewed with much suspicion. This observation I apply to the act of the embarkation at Princes Island of the two Negroes, Franco or Francisco, and Antonio, for to this embarkation the Captors appeal, as entitling them to a favourable decree.

The *Nymfa del Mar* was unfortunately lost near the entrance of the River Sombrero shortly after her detention; this loss makes the present Suit to be one for the purpose of procuring for those two Negroes, Antonio and Franco, and for another, named Manoel, Certificates of Emancipation, with a Decree, that the Vessel was legally detained, and that she was at the time of her detention liable to be condemned as lawful Prize. The propriety of granting this Decree is to depend on the merits of the Question, whether these three Negroes were put on board for the purposes of Traffick, or merely to be employed in the service of the Vessel as Servants or Sailors.

The Question whether a Slave be intended for domestick purposes, or for the purposes of sale, must, in a great measure, be resolved by the circumstances under which he was placed on board Ship, and by a consideration of the place of his shipment, together with a view of the character of those by whom, and with whom he was shipped. It is a Question that must almost altogether depend on these considerations: for what under the circumstances of one Case may render the detention of a Vessel justifiable, may under the circumstances of another Case render it unjustifiable. As, for instance, in the Case of a declared illegal Slave-trader bound to the Brazils, having on board of his Vessel a Slave or Slaves shipped under circumstances of restraint, at a Port of Africa that is a notorious haunt of illicit Dealers in Slaves; a Cruizer, I apprehend, would be justified in detaining a Vessel, if these circumstances appeared to him, whereas he might not be justified in detaining a Vessel, whether a fair Trader or not, bound from the Brazils to Africa, on board of which there should appear a Slave or Slaves who had also been shipped under circumstances of restraint. In the first instance there would be a strong presumption that the Slave or Slaves were intended for the purposes of Traffick; but in the second instance scarcely a presumption could be raised that they were intended for such purposes.

In stating thus much I may be said to have prejudged the Question that is now before the Court, for the present Case is included in the instance first mentioned.

The Affidavit made by Antonio and Franco, or Francisco, states, that "they were sent on board of the Schooner *Nymfa del Mar* in irons as Slaves; that they know they were to be sold again as Slaves, because the Captain and the People of the Schooner told them so, and because they were never treated as part of the Crew." They further swear that "they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send

them off and sell them, and this he said to them several times when they begged he would release them."

The Master, in answer to the Fifth Standing Interrogatory, says, the Vessel was seized for having some domestick Slaves on board, who were Mariners, and have been Slaves these last ten years, and were brought from Princes Island. In answer to Special Interrogatories, Vellozo says, that "he took the Slaves, Francisco and Antonio, on board first at the Island of Princes; that the Slave Manoel was on board the Vessel when he, Vellozo, joined her at Bahia; that the three Slaves aforesaid belong to the Owner of the Vessel: that the aforesaid Slaves have been in irons on shore, but not on board."

It is here admitted, that Francisco and Antonio were taken on board at Princes Island; that they were in irons on shore: so far the evidence of Vellozo agrees with that of Francisco and Antonio, but his further evidence is at variance with that of the Slaves, as he says, that they belonged to the Owner of the Vessel, who was Antonio de Paolo Barboza, of Bahia, and that they were not in irons on board. It is not explained by Vellozo how these Negroes, who he says belonged to a Person at Bahia, came to be at Princes Island and under the control of some person there.

Allowing that the state of a Slave must make him to be an interested party, where it is a question whether he shall exchange a state of slavery for a state of freedom, yet I think it would be harsh to view his evidence with an unfavourable eye, when contrasted with the evidence of an illegal Slave-trader. The dealer in Slaves, when brought here, is perfectly acquainted with the situation in which he is placed; his answers, as we know from experience, are directed to place his Case in a favourable light, and, when this cannot be done, to shift the responsibility incurred from Slave-trading acts from himself to others who are absent. The Slave we have found not to be generally acquainted with his situation when brought to this Colony; he may have had given to him an idea that he may here receive his freedom, but in what manner he cannot reasonably be supposed to know, and his answers must be given without design or premeditation: generally speaking this must be the case, although we have had an instance to the contrary.

With this disposition to prefer the evidence of a Slave to that of a declared illegal Slave-trader, I prefer in the present instance the evidence of the two Slaves, Antonio and Francisco, to that of Vellozo, the Master, and taking into consideration that they were shipped by a Person who has rendered himself criminal by his illicit Slave-trading acts; that they were shipped under circumstances of restraint; that they belonged to the Governor of Princes Island, whose name, I regret to say, appears in the records of this Court as being concerned with illegal Slave-trading Expeditions, and who does not appear to have

been restrained from participating in such Expeditions, either by a sense of the duties of his situation, or by the fear of a shameful exposure of his actions; I say, taking these circumstances into consideration, I feel it to be my duty to declare my opinion that the two Slaves, Antonio and Francisco, were taken on board for purposes of sale, or of traffick, and not for domestick purposes.

In the Case of the *Gaviao*, Slaves, described in a petition to the Governor of Princes Island as freemen, were shipped at Princes on board of that Vessel: on examinations taken regarding them, it was found, that they were not freemen, but Slaves. I thought that the shipment of these men was fraudulent and intended for fraudulent purposes,—that is, for purposes of Traffick; and upon this presumption I deemed that the Vessel had fallen under the provision of the Convention which rendered her liable to condemnation.

The opinion that I gave on that Case was as follows :

“ By the Convention the purchasing of Slaves for the purposes of Traffick to the North of the Line is rendered illegal.

“ I consider that, according to the letter and to the spirit of the Convention, the shipment of Slaves at the Islands of Saint Thomas and Princes, both of which are situated to the North of the Line, for the purposes of the Traffick, is to be viewed in the same manner as if the Slaves were shipped on the prohibited part of the Continent of Africa, otherwise illicit Traders would elude the vigilance of the Portuguese Authorities, making those Islands, which are so nearly situated to the great Slave-trading markets to the North of the Equator, depôts for Slaves drawn from thence.

“ In this Case it does appear to me that Macedo sought to elude, for fraudulent purposes, and that in fact he has eluded, the vigilance of the Governor of Princes, by giving a false character to the Negroes embarked at that Island. I should not feel myself justified in a disregard of the fraudulent shipment of these Negroes, as in my idea, such a disregard would be followed by other and more serious abuses of the permission granted by the Convention, to embark Negroes on board of Merchant Vessels as Servants or Sailors.”

I had not the happiness to have the concurrence of my Colleagues in this opinion; they thought that a necessity appeared for the embarkation of these men at Princes Island.

In the interval that has passed, since the decision on the Case of the *Gaviao* was given, I must confess, with all deference for the opinion of my Colleagues, that I have not seen reason to think differently of that Case.

I have chosen to rest this Case upon the evidence of Francisco and Antonio, as it has appeared to me that the intent to Traffick is more fully shewn with respect to them than it is shewn with respect to Manoel, by his evidence. I think that the Captors have been deficient

in not making it appear to whom Manoel belonged. The Master says that Manoel was in the Vessel when he joined at Bahia ; but the name of the Slave does not appear in the muster-roll of the Crew.

It appears certain, however, that Manoel was in irons on shore at Princes, with the two Slaves, Antonio and Francisco. I am in doubt whether Manoel was shipped at Princes or at Bahia, but the balance of doubt is in his favour, and I accordingly think it right that he should be emancipated with Francisco and Antonio. In conclusion, I give it as my opinion, that the *Nymfa del Mar* was justifiably detained by Sir Robert Mends; that she was liable to condemnation for being illegally engaged in the Traffick in Slaves; and that the three Slaves, Antonio, Francisco, and Manoel, should be emancipated from Slavery.

July 22, 1822.

E. GREGORY.

(Inclosure 3.)—*Decision of Mr. Fitzgerald on the Case of the Nymfa del Mar.*

In this Case the British and Portuguese Commissary Judges had expressed opposite opinions ; the former holding that the Vessel was liable to condemnation, the latter conceiving that a right to restitution was established. The Commissary Judges delivered their opinions on the 22d of July. Mr. Fitzgerald having taken further time to consider, consulted with the Commissary Judges on Saturday 10th of August, and communicated to them his opinion, and the grounds upon which he had formed it. That opinion was delivered as the final decision on the Case, in the British and Portuguese Court of Mixed Commission on the 28th of August 1822.

The Portuguese Schooner, *Nymfa del Mar*, Francisco Velloso Master, was detained by Commodore Sir Robert Mends, commanding His Majesty's Ship *Iphigenia* on the 6th day of April 1822, off Whydah, in the Bight of Benin, in lat. 6 deg. 17 min. N. and in long. 2 deg. 55 min. E. having on board, as the declaration of the Captor states, " three Men-slaves taken on board at Princes Island." The grounds of detention were, " that the said Vessel, at the time of detention, had a platform laid and every preparation made for the reception of a Cargo of Slaves. That the three Men-slaves, viz. Antonio, Franco, and Manoel, declare, that they were intended to be sold at the Brazils, and that they were kept in irons while on shore at Princes Island for the space of one month ; and that while on board the said Vessel they were treated in every respect as Slaves, being kept in irons without clothes, and only liberated and clothed when the *Iphigenia* hove in sight."

The declaration of the Captor, from which this statement is extracted, proceeds thus : " They were also informed by the Crew of the



Vessel, that there was a large Cargo of Slaves, about 200 in number, collected on shore ready for embarkation."

Who those were that were thus informed by the Crew of the Vessel is not clear; but it would seem that the information had been given in the first instance to the Slaves, Antonio, Francisco, and Manoel, and that it was by them communicated to the Captors.

The Affidavit of Sir Robert Mends, upon lodging the Papers of the *Nymfa del Mar* in the Registry of the Court, states, "that he seized the Schooner, or Vessel, called the *Nymfa del Mar*, whereof Joze Francisco Velloso was Master, by reason that the said Vessel was employed in the Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty and His Most Faithful Majesty the King of Portugal."

The petition of the Proctor for the Captors, praying the usual monition, states, that the Vessel was detained "for being illegally engaged in the Slave Trade, having on board at the time of Capture three Slaves for the purpose of Traffick; that the said Vessel was shortly afterwards lost near the mouth of the River Sombrero. That the said three Slaves have been brought to this Colony in His Majesty's Ship *Iphigenia*, having been taken out of the said Vessel at the time of her wreck."

These Papers, the Declaration and Affidavit of the Captor, and the petition of the Proctor, are to be considered as standing in the place of a libel, and as containing a statement of the facts by which the Case for the Captors is to be supported.

It is rather extraordinary that the loss of the Vessel is not in any way brought under the view of the Court, except as it is noticed in the petition of the Agent for the Captors, where it is mentioned as a mere incidental matter, not supported by any Affidavit, not explained by any statement of facts or circumstances: after what had been said in other Cases, it cannot be regarded otherwise than as matter of culpable neglect that this deficiency was not supplied, at least after the opinions to which allusion is here made were expressed in Open Court.

The want of information respecting the time and manner of this loss might place the Court in circumstances of great difficulty and delicacy, in that part of this Case that has relation to the Vessel. Velloso, the Master of the *Nymfa del Mar*, says, in his answer to the 8th Standing Interrogatory, "The first Port the Schooner touched at after Capture was Honee, from thence to the River Sombrero, where she was wrecked: does not know for what reason she touched at those Places, nor does he know what communication took place with the Boats and the shore."

In a Case of such doubtful nature, coming for decision to the third Member of the Court, in his strict capacity of Arbitrator, if it should happen to be thought by him a Case for restitution, although there might be circumstances to justify the detention, damages must be

awarded, unless a proper explanation of these deviations could be given ; the duty of Captors being in all Cases to bring the detained Vessel directly to the place of adjudication, if they are not prevented by causes, the sufficiency of which, as well as the reality, is to be shewn by them when any question is raised respecting those points.

The question of the legality of the detention of the *Nymfa del Mar*, as it now stands for the decision of the Court, rests upon the point of the embarkation of the three Slaves, Antonio, Franco, and Manoel, whether they were embarked for the purposes of the Traffick, or for purposes not immediately connected with the Traffick. The facts of the purchase of a Cargo of 250 Slaves, collected on shore and ready to be embarked, and of the platform being laid on board of the Vessel in readiness for the reception of those Slaves, however decisive as to the immediate employment of the Vessel in the illegal Traffick, are not sufficient to warrant the condemnation of the Ship, or other judgment equivalent to condemnation, unless the further fact of the embarkation of a Slave or Slaves for the purposes of the Traffick be joined with them. Such embarkation is alledged in this Case to have taken place in the instance of these three Slaves, and it is not alledged to have taken place in any other instance. According to the Papers connected with the outfit of this Vessel from Bahia, the object of her voyage was to Trade for articles of Lawful Commerce, with an express exception against engaging in any way in the Slave Trade: her destination was for the Island of St. Thomas and Princes Island, with liberty to touch on the Coast of Elmina. Notwithstanding the express exception against engaging in any way in the Slave Trade, she is found on the Coast near Whydah with a Cargo of Slaves, purchased and collected on shore, in readiness for immediate embarkation. She had already touched at Princes Island ; and it is alledged that there the three Slaves, Antonio, Franco, and Manoel, were taken in for the purposes of the Traffick.

At Princes Island it appears an important change took place with respect to the Officers and Crew: the present Master, who stands on the original Ship's roll as Mate or Boatswain, (Contramestre) receives the Command of the Vessel ; he is put in possession of her, as he says, by the Supercargo, Antonio Jose de Barros. The former Captain, Domingo Jose da Costa, enrolled as a Native of England, disappears from his station ; but there is reason to think that he is the same Person who is subsequently mentioned as the American Captain, in a note written by Barros, apparently from the shore while the Cargo was in preparation. This note is without a date, it is signed Barros, and is addressed to Velloso on board of the *Nymfa*. It conveys, among other matters, directions from " the American Captain" to get the Vessel painted, and " the American Captain" is again mentioned, in connection with the expected departure of the Vessel from the Coast, in

such terms as leave no doubt that he was the person actually in command. I think that there is as little room to doubt that this American is the same Person who appears in the original list as Domingo da Costa, a Native of England.

Velloso tell us, in his answer to the Sixth Standing Interrogatory, that the number of "Officers and Mariners on board were twenty-seven, exclusive of himself;" he adds that "they are all Portuguese Subjects; they all came on board at Princes Island; they were all hired by the Supercargo."

It is impossible to reconcile this statement with the list of the Crew found among the original Clearance Papers from Bahia, unless indeed we are to understand that a new voyage and a new company were taken up at Princes Island, or at least that a new engagement was made for new purposes with the old company. Either of these suppositions would lead to a direct conclusion of a covert design of illegal Slave Trade in the original preparation of the voyage, that design being attended with circumstances of dissimulation and bad faith, which necessarily tend to destroy the credit of all those concerned in it. On the other hand if we suppose that the Master has given an untrue statement, and that the Crew is the same as that originally enrolled at Bahia, still serving under the same circumstances, that untrue statement must impair the credit of the party making it in other points also.

If then we place the statement contained in the Affidavit of Antonio, Franco, and Manoel, in competition with the alternative of a fabricated Ship's Roll prepared at Bahia for undue and illegal purposes, or of a false statement of a new Crew engaged at Princes Island, the balance of credibility will necessarily be in favour of the three Negroes.

The statement made by the Negroes in their Affidavit is "that they were severally carried from the Coast as Slaves and landed at Princes Island; that they were sent on board the Schooner *Nympha del Mar* in irons as Slaves; that they know they were to be sold as Slaves, because the Captain and People of the Schooner told them so, and because they were never treated as part of the Crew."

Franco and Antonio further make oath "that they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send them off and sell them, and this he said to them several times when they begged he would release them."

In opposition to these statements, we have the answers of the Master, Velloso, to Special Interrogatories put to him on the part of the Captors, in which answers he says, "that he took the Slaves, Francisco and Antonio, first on board at the Island of Princes; that the Slave Manoel was on board the Vessel when he joined her at Bahia;" he says that "the three Slaves aforesaid belong to the Owner of the Vessel; that the aforesaid Slaves had been in irons on shore, but not on board." He had previously said, in his answer to the Fifth

Standing Interrogatory, concerning the grounds of the seizure of the Vessel, that "she was seized for having some domestick Slaves on board who were mariners, and who were Slaves the last ten years, and were brought from Princes Island."

It is remarkable that on this statement the Master does not make any distinction with respect to Manoel, whom he subsequently states, in his answers to the Special Interrogatories, to have been on board the Vessel when he himself joined her at Bahia. It appears in fact that he had not any other intention, when examined upon the Standing Interrogatories, than that of including the whole of the Crew in the one alledged general shipment at Princes Island. Allowing him, however, to separate Manoel, and making the question to rest upon the embarkation of Franco and Antonio; which of the two statements is the more credible, that of the Master asserting, that these Slaves were mere domestick Slaves put on board as mariners, or that of the Slaves themselves, who say they were put on board in order that they should be subsequently sold, unless indeed they were sold before their embarkation by Mr. Xavier, to the Agent of Barboza, the Owner of the *Nymfa del Mar*, and then it would remain to be shewn, how they were to be regarded as distinct from the general Cargo of Slaves to the amount of "250 in number," who were as the Master avows, in answer to the 14th Standing Interrogatory, purchased on shore at Whydah for the purpose of embarking, "but in consequence of a few being wanted they were not shipped."

In estimating the point of personal credibility, it has already appeared that the balance inclined in favour of the Negroes against the Master. In estimating the matters of fact reciprocally alledged by those Parties, together with the attending circumstances, when we bear in mind that the two Slaves, Franco and Antonio, according to their own statement, were kept in irons on shore by their former Master, Mr. Xavier, and threatened with a determination to sell them, when they begged him to release them; that they were subsequently put on board in irons as Slaves; that they were told by the Captain and People that they were to be sold again as Slaves; and that they were not treated as part of the Crew: bearing in mind also, that a Cargo of Slaves has been purchased for this Vessel, in violation of the Treaty and Convention between Great Britain and Portugal, and equally in violation of the Passport granted for this special voyage, a strong primary impression is made, that these two Slaves were embarked for purposes of the Traffick. This impression must remain in force unless it be removed by opposite evidence; but if we look to the opposite evidence in this Case, what is the amount of it?

The Master, in his answers to the Special Interrogatories put on the part of the Captors, states, that Franco and Antonio were taken on board at Princes Island; that they had been kept in irons, on shore,



but were not kept in irons on board; that they belong to the Owner of the Vessel. There is not in this any thing contradictory of the statement of Franco and Antonio, that they belonged to Mr. Xavier, of Princes Island, who kept them in irons, with a declared determination to sell them. On the contrary, if the statement of the Master be true, it is to be inferred that Mr. Xavier did sell them to the Agent of Barboza, the Owner of the *Nymfa del Mar*. Neither is there any thing to contradict the destination for further sale, which these Slaves declare on the authority of communications from the Captain and People of the Schooner to them. The natural conclusion is, that these two would have been thrown into the general Cargo, to take the course of the market at Bahia, and that this was the intent and purpose of their embarkation.

Being about to pronounce in this Case an opinion different from that which I formed on the somewhat similar Case of the *Gaviao*, in which I had to decide, as in the present instance, upon diversity of opinion between the Two Commissary Judges, it is incumbent upon me to shew the difference of circumstances in the present Case, upon which the difference of my opinion respecting it, from that given by me in the former Case, is founded.

This explanation is the more necessary, as Mr. Gregory has adverted to the Case of the *Gaviao*, with expressions of satisfaction with his own opinion upon that Case, and of his conviction of the propriety of judging this Case, by the application of the principles and the reasoning by which that opinion was guided and regulated. It will be seen, that, although I agree with Mr. Gregory on the decision to be pronounced in this Case, the principles and the reasonings from which my coincidence with him arises, are the same that governed my Judgment in the Case of the *Gaviao*, and upon that Case I still adhere to the opinion given by me in Judgment upon it.

Before I enter into the comparative view which I propose to take of the circumstances of the Cases of the *Gaviao*, and of the *Nymfa del Mar*, with respect to the embarkation of the Negroes taken on board of both those Vessels at Princes Island, and with respect to the objects and purposes of that embarkation, I think it proper to separate the Negro Manoel altogether from the matter in question: that Negro states, in his part of the supplementary affidavit of the Negroes, filed since the last hearing of the Cause, "that he was purchased in the River Gaboon, about six years ago, by Antonio Barba, and that he was in prison at Princes Island about four weeks." The person who is here called Antonio Barba, is, I conceive, no other than the Supercargo, Antonio Jose de Barros. I do not see how this Negro, so many years the Slave of a Master who was on board of the Vessel, or nearly connected with her, can be excluded from the exemption from the rigorous provisions of the Treaty, established by the

Treaty itself with respect to Slaves so circumstanced. I do not see how his imprisonment on shore for some time previous to his embarkation, or even his being in irons on board, or any other of the cruel hardships incident to a state of Slavery, can furnish ground for a Judgment adverse to the Owners, so far as the Case has relation especially to him.

The Case of the *Nymfa del Mar* rests therefore upon the legality or the illegality of the embarkation of the two Negroes, Antonio and Franco.

The difference of the circumstances of the embarkation of these two Negroes at Princes Island, from the circumstances of the embarkation of the Negroes taken on board at that Place by the *Gaviao*, are these :—

In the Case of the *Gaviao*, there was a petition to the Governor of Princes Island, for leave to embark the four Negroes taken on board of the *Gaviao* at that Place : that petition stated, as the ground of the application, that the Vessel wanted some additional hands. The permission of the Governor was granted, and these four Negroes were taken on board of the *Gaviao* accordingly.

In the Case of the *Nymfa del Mar*, no such permission is shewn to have been granted or sought.

In the Case of the *Gaviao*, the truth and the sufficiency of the motives of the embarkation were strictly investigated. The reduction of the original Crew, the cause assigned for the want which these Negroes were to supply, was considered to be fully proved.

In the Case of the *Nymfa del Mar*, no cause whatever is assigned for the embarkation of the Negroes, Franco and Antonio.

In the Case of the *Gaviao*, the allegations that the Negroes were kept in irons were disproved, with the exception of the temporary employment of them for the correction of a Negro of perverse disposition, named Now, who refused to take food, and wanted to destroy himself, and even in that instance the irons were taken off as soon as the perverseness was corrected.

In the Case of the *Nymfa del Mar*, the employment of irons while the Negroes were on shore is admitted by the Master : the employment of them on board also is not disproved sufficiently to counteract the declaration of the Negroes that they were so employed.

In the Case of the *Gaviao*, the Negroes were occupied in the works of the Ship, and treated as the rest of the Crew.

In the Case of the *Nymfa del Mar*, these Negroes were kept distinct from the Crew, and treated as Negroes are when destined for the Traffick.

In addition to these distinctions, which are sufficiently numerous and sufficiently marked, there is this further and most material difference, that, in the Case of the *Gaviao*, it was clearly proved that not

one Slave had been purchased for the Cargo in the ordinary way of the Trade. In the Case of the *Nymfa del Mar*, it is proved, and it is admitted, that a Cargo of 250 Slaves were purchased and in readiness for embarkation on shore, at the time of Capture.

In all Cases in which actual Slave Trade exists, in this general form, the purchases and shipments of individual Negroes within the prohibited limits must be taken to be illegal, unless sufficient cause be assigned and satisfactorily proved. In the Case of the *Gaviao*, although no general Slave Trade existed, the particular embarkation was justified by cause assigned and fully proved. In the Case of the *Nymfa del Mar*, although the existence of general Slave Trade is proved and admitted, no justification is offered, no cause, no excuse is assigned for the particular shipment; on the same grounds, therefore, upon which the *Gaviao* was restored, and upon every one of those grounds, and by the same reasoning upon them, the *Nymfa del Mar* should be condemned.

Since it has been necessary to notice so far the Case of the *Gaviao*, I think it not amiss to add here, what may be considered as after-proofs, confirming the prior evidence upon which the Judgment in that Case was pronounced.

The minute and protracted investigation of the claim for damages consequent upon the restitution, kept the Case very long under the view of the Court; and, according as any particular circumstance arose to affect the general low estimation of the credit of Slave-trading witnesses, suspicions were from time to time formed, which were not in any instance suffered to pass out of sight until it was ascertained that they did not afford any ground to reconsider the Judgment already passed. If any such ground should have been discovered, I distinctly expressed to Mr. Gregory my intention to revert upon the prior part of the Case, and to deprive the Claimant of the benefit of the decision pronounced in his favour.

It did happen that a suspicion was excited that the men who were said to have left the Vessel were still on board. I proposed immediately that, without giving any notice, the whole of the persons on board should be brought before the Court in a body. Mr. Altavilla offered to accompany Mr. Gregory or myself on board the Vessel, in order to make the investigation there: but the unfavourable state of the weather, and the reports of the foul and noisome condition in which the Vessel was, caused that proposal to be declined. All those of the Crew whose health would admit were brought hither into Court before the Commissioners, and it was found that, although there was one man on board whose name was not on the roll, and who had not been mentioned to the Court, there was not any one on board, of those who were stated to have left the Vessel, and every one of them had been on board originally. The circumstances connected with the departure of

some of them were more particularly explained. One of them, who had been Pilot, quarrelled with the Master, and sued him at law for his wages, at St. Paul de Loando, where the Vessel put in on her first arrival upon the Coast; there that Pilot left the Vessel, and the Judge of the Court awarded his wages to him. The name of this person was Ateide.

The Seaman who had not previously appeared had been taken on board at Bahia; he gave the name of the Portuguese Frigate by which two men of the *Gaviao* were impressed off that place. She was called the *Boadora*. She was known to him as having been built at Bahia.

Another circumstance which excited suspicion was, that four convicts had been sent to Angola, as a place of transportation from Pernambuco, on board of the *Gaviao*. No mention had been made of these in the course of the examinations, and that was the ground of the suspicion connected with them.

It was found upon inquiry that they did not form any part of the Crew; neither did they interfere with the correctness of the statement given by the Master; it was therefore thought that no ground existed for instituting a more formal investigation.

The total number of men on board of the *Gaviao*, including the three Negroes from St. Thomas's, and the four Negroes from Prince's Island, was only twenty, a number far short of her due complement, according to the usual average of Crews in the Portuguese Slave Trade.

After the final close of the Case, still further circumstances arose confirmatory of the grounds of the Judgment that had been pronounced. The Slaves taken on board of the *Gaviao*, at St. Thomas's, and at Princes Island, with the exception of the one named Now, who is still at Regent Town, were settled at Sierra Leone as Freeman, in several employments, more or less profitable; one of them, a Cooper, who was put on board at St. Thomas's, was in the service of Mr. George Nicol, who paid him five shillings a day, and was well satisfied with him; yet all of these, this Cooper as well as the others, made choice to re-embark on board of the *Gaviao* to accompany their Master, Macedo, to his ulterior destination, rather than to remain in this Colony. This is, at least, a convincing proof that they did not look forward to any rigorous Slavery; much less to being subjected to the ordinary purposes and the common course of the Traffick.

A further circumstance still, of confirmation of the evidence upon which the decision of the Case of the *Gaviao* rests, was found more recently in the perusal of the mass of papers of every description brought into the British and Portuguese Mixed Court in the Case of the *Conde de Villa Flor*. In the special examination of Macedo, the Master of the *Gaviao*, when that person was required to account for the departure of every individual absent from the Ship's Company, according to the original roll, he stated that Azevedo, the first Clerk named in that



roll, did not sail with him, having gone on board of another Vessel belonging to the same Owner. Among the Papers on board of the *Conde de Villa Flor* a log-book was found belonging to a Vessel called the *Bella do Dios da Morgucira*, the property of that Owner, Elias Coelho Cintra, of Pernambuco. That log-book contained the journal of a voyage of that Vessel from Pernambuco to Bissao, at the time when Macedo was on the voyage in which he was taken in the *Gaviao*; and in that log-book Azevedo was named as first clerk of that Vessel.

This is a trifling circumstance in itself, but it is strong in confirmation of the reality of that deficiency, of which the absence of the identical Person formed a material part.

The reference so particularly made to the Case of the *Gaviao*, will be my excuse for reciting these circumstances, collected and marked in remembrance by me, with reference to that Case which did not cease to engage my most anxious consideration, for I was well aware that my decision upon that Case would undergo a rigid scrutiny, as being the first instance in which a British Commissioner decided for the restitution of a Vessel detained on a charge of being engaged in illegal Slave Trade. I was also well aware that there were Individuals who would employ every art and every effort to bring that decision into disrepute and disgrace. I have had, therefore, a satisfaction which will be easily understood, in the accession of these circumstances of confirmation to my former conviction; and without undervaluing Mr. Gregory's confidence in the propriety of his opinion, I am strengthened in my confidence of the propriety of mine.

The Case of the *Nymfa del Mar*, has been shewn to be altogether different from the Case of the *Gaviao*, in the most material circumstances, and it is in consequence of that difference that I pronounce a decision as different. In the Case of the *Gaviao*, the Slaves taken on board at St. Thomas and Princes Islands, appeared to have been embarked for other purposes than those of the Traffick. In the Case of the *Nymfa del Mar*, the Slaves, with respect to whom the question has arisen, appear to have been embarked for the purposes of the Traffick, and for those purposes alone. The Question is not, as the Agent for the Captors has contended, a mere Question of Law, on the contrary, it is a mere Question of Evidence. The late Additional Article has strengthened the Law: but the principle of the Law of this Case I consider to have been settled in the Case of the *Gaviao*; in which it was agreed that an embarkation of Slaves for the Traffick from the Islands on the African Coast, belonging to Portugal, is to be regarded as on the same footing with an embarkation of the same nature from the Coast itself. The question is, therefore, a mere question of evidence, with the view to ascertain whether the embarkation was for the Traffick; in this Case, it is proved to my full conviction, that the embarkation was for the Traffick.

The decision is, that the *Nymfa del Mar*, at the time of her detention, was engaged in the illegal Traffick for Slaves, and that she was subject and liable to condemnation, and would be condemned as Prize to the Crowns of Great Britain and Portugal, if she had not perished at Sea.

The Slaves belonging to the *Nymfa del Mar*, to whom the principles and the reasoning upon which this decision rests are applicable, are to be emancipated. These are the two, named Antonio, and Franco, or Francisco. The third Slave, Manoel, does not come under the provisions of the Treaty and Convention between Great Britain and Portugal, or rather he is excluded from the operation, by special provisions contained in the Treaty as well as in the Convention, respecting Negro Servants and Sailors belonging to Subjects of the Crown of Portugal.

EDWARD FITZGERALD.

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No. 30.—*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*  
(Received May 16, 1823.)

(Extract.)

Sierra Leone, Dec. 8, 1822.

WE have the honour to forward to you an Abstract of the Case of the Portuguese Brig *Commerciant*e, taken September 7, 1822, in the River Cameroons, by the Boats of His Majesty's Ship *Driver*, dispatched by Captain Wolrige, of that Ship, under the command of Lieutenant King. The *Commerciant*e was condemned by the British and Portuguese Mixed Court, December 7, 1822.

You are respectfully requested to observe, that, as the Boats of the *Driver* approached the Place where the *Commerciant*e was at anchor, a landing of Slaves from that Vessel was perceived, which Slaves were delivered up and re-embarked, on demand made to the Local Chiefs.

We would beg leave to request your particular attention to the permission given, in the Royal Passport found on board of the *Commerciant*e, to call at the Cameroons, St. Thomas, and Princes Island, for objects of lawful commerce, such as gold, palm-oil, and ivory. This pretended lawful commerce to the Northward of the Line is altogether incompatible, in reality, with a Slave-trading Voyage to the Stations, in which that Trade is permitted to Portuguese Subjects South of the Line. The only object that such an association can have, is to afford facility to illegal Slave Trade in the Stations to the North of the Line.

The practice recently common among the Portuguese Mariners on this Coast, of agreeing to give the name of Molembo, or Cabinda, (Stations of Legal Portuguese Slave Trade) to Places to the Northward of the Line, where their Slaves have been embarked, was remarkably exemplified in this Case of the *Commerciant*e.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

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(*Inclosure.*)—*Case of the Commerciant.*

THE Brig *Commerciant*, Domingo Ribeiro Folha, Master, was taken on the 7th of September, 1822, in the River Cameroons, by the Boats of His Majesty's Ship *Driver*, detached by Captain Wolrige of that Ship, under the command of Lieutenant King.

The Declaration of Captain Wolrige states the particulars of the Capture in the following terms :

"I despatched two Boats belonging to the said Sloop up the River Cameroons, for the purpose of capturing all Vessels illegally trafficking in Slaves ; and at 7 A. M., Saturday, the 7th of September, 1822, Lieutenant King in command of the said Boats, and acting by my orders, did capture the Portuguese Brig *Commerciant*, Domingo Ribeiro Folha, Master, he having distinctly observed, when pulling up to her, that she was landing Slaves, and which was admitted by the Crew at his taking possession, and further the said Slaves were instantly and voluntarily re-embarked by the Native Chief, from whom they had been purchased."

The latitude and longitude of the Place of Capture is not mentioned, either in the Declaration, or in any other of the Documents filed on the part of the Captor.

The River Cameroons, according to general estimation, is in lat. 3. 40 North.

It was found by the inspection of the Documents belonging to the Vessel, that the *Commerciant* had regular Papers for a Legal Slave-trading voyage from Bahia to Molembo, with liberty to call at the Cameroons, and at St. Thomas's and Princes Islands, for purposes of lawful commerce. This liberty has been in this instance, as in all others that have come under the notice of the British and Portuguese Court, made the means of giving facility to illegal Slave Trade, in a Station more favourable for that Traffick, to the Northward of the Line.

There is a Royal Passport from the Provisional Junta of Government at Bahia, authorizing the voyage in this course, and limiting the number of Negroes to be imported on board of the Vessel to 612, being in proportion of five to every two tons, as fixed by Law, her burthen being 265 tons.

Francisco Ignacio Cerqueiro Nobre, of Bahia, was the Owner of this Vessel.

The *Commerciant* sailed from Bahia, on the 10th of June, 1822. On the 16th of July, according to the log-book, she was in sight of Cape Palmas ; and on the 24th of that month, she entered the River Cameroons. Here the Journal apparently ends. The memorandum of the entry into the River is written at the top of the last page, which is already full ; but short entries are made in another part for the subsequent days, down to the 6th of September inclusive, which was the day preceding the Capture. These entries are found in the margin of

the first pages of the book, beginning with the 25th day of July, which is called the first day on shore. A Note is prefixed, stating that the Vessel had been 47 days at Sea, to the day of entering the River inclusive. Thus the 6th day of September is the 43d day on shore, and opposite to the Note of that day, on the margin at the other side of the page, is a Note of the same form, stating that four Slaves had died on shore down to the end of August. These Notes are made in such a form, that, without minute examination, they might pass for the common-place remarks in the Ship's reckoning.

There is another series of Notes, on a small scrap of paper, prefixed to a collection of Papers delivered into the Registry, which Series seems to have been intended to correspond with the list of deaths of Negroes at the end of the marginal Notes already mentioned. This Series runs thus :

13th day of August.....one Negro died  
 20th.....one Negro died  
 28th.....one Negro died  
 2d of September.....one Negro died.

These Notes, collectively and separately, connect this Vessel and her transactions down from the time when she appeared on the Coast to her entrance into the River Cameroons, and from that to the time when she was taken in the Slave Trade to the Northward of the Line. She could not possibly have gone first to Molembo and thence come to the Cameroons. The entries of latitude in the log-book from the 29th of June, when she crossed to the Northward of the Line, are invariably on that side down to the day of her entrance into the Cameroons, and from that day down to the Capture, the Notes already mentioned shew that she remained stationary there. Consequently the Mate (Martins), as well as the Seaman Cabreira, must have spoken falsely in declaring, in the examinations on the Standing Interrogatories, that the Vessel had been at Molembo, and had come thence to the Cameroons. This allegation could only be explained by supposing that these men applied the name of Molembo indefinitely to the Slave-trading Stations to the Northward of the Line ; but as there is not in the log-book any mention of having entered into or having seen any of those Stations, from the time of making the Coast near Cape Palmas to the time of going into the Cameroons, they cannot have even the benefit of this excuse.

Martins makes a general acknowledgment of Slave-trading transactions in the Cameroons, in answer to the Interrogatories upon that head. Cabreira, in the first instance, denies that any Slaves had been on board for the Traffick during the voyage, as stated in the testimony of Martins, to whose statement Cabreira indirectly accedes, in his answers to the Fourth Special Interrogatory, put to him on the part of the Captors, saying, that " many black People went on shore from the



*Commerciantes* on the appearance of the Man of War's Boats. He does not know whether they are Slaves or not." After this admission, there cannot be any doubt that Slaves had been on board for the purposes of the Traffick, and that they were landed on the approach of the Boats of the *Driver*, as stated in the Declaration of the Captor. A further confirmation is found in the answer of the same Cabreira to the Fifth Special Interrogatory, in which he says, "he does not know whether the Slaves which were on board of the Brig, on her arrival at this Port, were on board before her Capture or not."

These answers, at the same time that they amount to a full admission of the fact of the embarkation of Slaves for the Traffick before the Capture, which fact this witness had before absolutely denied, shew a strong disposition and determination to conceal the truth by means of perjury and prevarication.

The Commissioners agreed, that some means ought to be adopted, to counteract the growing practice of applying the false name of *Molembo* to the Slave-trading Stations, to the Northward of the Line; and if the Court should not, in the present instance, animadvert upon the transgressions of Martins, as well as of Cabreira in this respect, it appeared that, at least, Cabreira ought to be committed to the custody of the Marshal, for his gross prevarication respecting the fact of the embarkation of Slaves for the Traffick.

The *Commerciantes* was condemned by the unanimous decision of the Commissioners, as Prize to the Crowns of Great Britain and Portugal. The Slaves belonging to her were emancipated; they were 167; 13 of those delivered up as belonging to her, having died on the passage from the Cameroons to Sierra Leone.

An order was made for the commitment of Diego Cabreira, for prevarication in his answers upon the examination before the Registrar.

The medical Officer, attached to the Commissions (Mr. Shower) having recommended in his Report upon visiting the *Commerciantes*, the landing of the whole of the Slaves as early as possible, on the ground that, although they were in a pretty good state of health, many of them were much emaciated and weakened, an order for the landing of the whole was dispatched forthwith, on November 15, the day of the arrival.

E. GREGORY.

EDWARD FITZGERALD.

No. 31.—*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*  
(Received May 10.)

(Extract.)

Sierra Leone, January 1, 1823.

WE have the honour to lay before you an Abstract of the Case of the Portuguese Brigantine *San Antonio de Lisboa*, detained by His Majesty's Ship, *Bann*, Captain Phillips, for being engaged in the illicit

Traffick in Slaves, and condemned in the British and Portuguese Court of Mixed Commission, on the 23d ultimo.

You will observe, Sir, that the gross prevarications committed by the Master and Surgeon of the *Lisboa*, in asserting in the first instance, and maintaining almost to the last moment, that the Slaves were embarked at Molembo, drew forth the animadversion of the Court, by whose order the offending Individuals were committed to the custody of the Marshal.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

(*Inclosure.*)—*Abstract of the Case of the Santo Antonio de Lisboa.*

THE *Santo Antonio de Lisboa*, owned by Francisco Xavier Leao, of Bahia, was fitted out at that Place professedly for a Slave-trading voyage to Molembo. She had regular Clearance Papers with a Royal Passport, numbered thirteen, and dated the 2d of May, 1822, authorizing her to proceed to Molembo, viâ St. Thomas and Princes Islands. She was allowed to take in 295 Slaves, which number was proportioned to her burthen of 118½ tons, as stated in the Passport.

The *Santo Antonio de Lisboa*, sailed from Bahia, on the 13th of May, 1822; on the 15th of July, she was found off Porto Novo, in lat. 6 deg. 20 min. North, long. 3 deg. 35 min. East, by His Majesty's Ship *Driver*. On the Passport of the Brigantine there appeared the following notes of visitations made on board of the Vessel from several of His Majesty's Cruizers at different times.

Boarded 15th July, 1822, off Porto Novo, by His Majesty's Ship *Driver*, signed John King, Lieutenant.

Boarded, 8th of August, 1822, by His Majesty's Brig *Snapper*, off Porto Novo, signed T. H. Rothery, Lieutenant and Commander.

Boarded, 30th of August, 1822, by His Majesty's Ship *Bann*, off Porto Novo, signed John Hudson, Lieutenant.

The Brigantine was brought to Sierra Leone, on the 15th of November; the Declaration to be made by Captors on the detention of Portuguese Slave Vessels, was not forwarded by the Captor in this Case. But by the Affidavit that was made by Lieutenant Cotgrave, of the *Bann*, on bringing the Papers of the *Santo Antonio de Lisboa*, into the Registry Office, it appeared that the Brigantine was detained, on the 5th of October, 1822, in lat. 6 deg. 20 min. North, long. 2 deg. 43 min. East, by His Majesty's Ship *Bann*, Captain Phillips, for being engaged in an illicit Traffick in Slaves; and by a Certificate of Captain Phillips, dated the 6th of October, 1822, that was filed in the Registry on the day of adjudication, it appeared that there were 336 Slaves on board at the date of Capture.

The Witnesses who were examined in the Case, were the Master, Machado, and the Surgeon, Phelipe Sierra.

The Master declared, in answer to the Standing Interrogatories, that the voyage commenced at Bahia ; that the last Clearing Port the Vessel sailed from was Molembo ; that she anchored at Molembo, at Elmina, and at Porto Novo ; that she went to Molembo for Slaves, to Elmina and Porto Novo to sell tobacco ; that all the Slaves were taken on board at Molembo.

Sierra, the other Witness, declared, in his Answers to the Standing Interrogatories, that all the Slaves were taken on board at Molembo, but he professed ignorance of the Vessel's having touched at any other Place than at Molembo, he having been, as he stated, left on shore at that Place.

In answer to Special Interrogatories put to these Men on the part of the Captors, the Master, after some attempts at evasion, said that the whole Cargo of Slaves in question was purchased in the Bight of Benin, viz. at Porto Novo, and there embarked, that his Slaves had been but one day on board, when his Vessel was seized. The Surgeon, in answer to the same Interrogatories, professed ignorance of all matters, touching the Place of the embarkation of the Slaves, though he could not, as he answered, take on himself to swear on the Bible or Holy Cross, that the Slaves were not embarked in the Bight of Benin or Biafra, as he was up the Country sick, and when he came down, he found the Vessel ready for Sea.

The Affidavits of Two of the Slaves found on board of the Brigantine were also taken on the part of the Captors. These Slaves deposed " that they were Natives of Dahomy, and were purchased as Slaves in that Country by Jozé Machado, the Master of the Schooner *San Antonio de Lisboa*, who is produced and recognized by them, who kept them confined in irons, being chained by the legs to each other, and with an iron chain round their necks ; that they, with the rest of the Slaves, were carried from the Shores of Dahomy to the Schooner in Canoes, and embarked all in one day ; that on the eighth day afterwards they were taken by the Man of War." The Slaves could not have been on board so long before the detention took place, according to the confession of the Master, and according to what appeared written in a Journal found on board of the Vessel by the Captors.

This Journal states the arrival of the Brigantine at Porto Novo on the 27th of June, 1822, and states the occurrences of each day, to the 5th of October following, whilst the Vessel lay off Porto Novo. It states the outward Cargo to have been landed at Porto Novo ; and in regard to what was to have been the homeward Cargo, it contains an entry made on the 5th of October, as follows :

" *Saturday, 5th of October, 1822.*

" Day of the } " At day break, the sky and the horizon clouded ;  
voyage, 145." } wind fresh from the W. S. W.; Launches and Ca-  
noes went from all the Vessels, to bring our bales, which were 330, we

experienced the greatest pleasure that can be conceived; we made sail at four o'clock in the afternoon from Molembo for Bahia: nothing further."

The 330 bales here mentioned, were 330 Slaves, which, with six Slaves in addition, were found on board of the Vessel at the time of her detention by the *Bann*, a few hours after the departure from Porto Novo, the Molembo of the Slave-dealers.

The Commissioners taking into consideration the inherent improbability and inconsistency of the original Statements of the Master and Surgeon of the *San Antonio*, alleging that the Slaves were embarked at Molembo, and that the Vessel went from that Place to Elmina, and from Elmina to Porto Novo, with those Slaves on board, in order to sell tobacco; considering also the facts and circumstances tending to impress a full persuasion that the whole of the business of the voyage was transacted at Porto Novo, down to the embarkation of the Slaves, described in terms of such strong exultation in the Journal; considering further the Declaration of the Slaves of Dahomy, purchased in that Country and brought directly thence for embarkation; considering, finally, the ultimate admission of the Master, when examined on Special Interrogatories, that the "whole of the Slaves were purchased in the Bight of Benin, viz. at Porto Novo, and there embarked."—

On all these considerations, the Commissioners were convinced that the Slaves were embarked at Porto Novo to the North of the Equator; that the *Santo Antonio de Lisboa* was engaged in the illegal Traffick in Slaves, and were of opinion, accordingly, that she should be condemned as Prize to the Crowns of Great Britain and Portugal, and that her Slaves should be emancipated.

The Master and Surgeon were committed to the custody of the Marshal for prevarication in their evidence.

Part of the Slaves of the *Santo Antonio de Lisboa*, soon after the detention, were put on board of a Spanish Schooner, named the *San Rafael*, that had been previously detained by the *Bann*. The Slaves on board of this Vessel, and those left on board of the Brigantine, arrived at Sierra Leone in a sickly state, some of them being infected with the small pox: several Slaves had died on the passage to Sierra Leone.

At the recommendation of Mr. Shower, the Medical Officer attendant on the Slaves, part of them, and subsequently, on the Petition of the Captors, the whole of the Slaves, were given over to the humane care of the Colonial Authorities and Medical Officers of the Colony.

Two hundred and ninety-one Slaves were emancipated.

E. GREGORY.

EDWARD FITZGERALD.

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No. 32.—*Messrs. Gregory and Fitzgerald to Mr. Secy. Canning.*  
(Received May 10.)

SIR,

*Sierra Leone, January 2, 1823.*

WE have the honour to inclose herewith, for your information, an Abstract of the Case of the Portuguese Schooner *Juliana*, detained with 112 Slaves on board, on the 31st of October last, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. by His Majesty's Ship *Bann*, Captain Phillips. The Slaves had been embarked at Porto Novo, in lat. 6 deg. 20 min. N. the day preceding the Capture of the Vessel. The *Juliana* was condemned as Prize, and her Slaves emancipated.

We have the honour to be, &c.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

(Inclosure.)—*Abstract of the Case of the Juliana.*

THIS Vessel appeared to have cleared out at the Portuguese Island of Saint Thomas; the Papers found on board of the Schooner appeared to have been given by the Authorities there; they stated the Vessel to belong to Bahia, and to be owned by Inocencio Marques. No Papers, however, from the Authorities at Bahia appeared amongst those that were obtained at Saint Thomas's.

There was a simple Passport from the Provisional Government of Saint Thomas, dated the 9th of October, 1821, authorising the *Juliana* to proceed to the Coast of Elmina, to engage in the "licit traffick in cloths, gold, ivory, and oil." There appeared a Muster-roll, stating the Crew to consist of 28 Persons, including the Master.

The *Juliana* was detained on the 31st of October, 1822, by His Majesty's Ship *Bann*, Captain Phillips, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. with 112 Slaves on board. She was brought to Sierra Leone on the 19th of December.

The Witnesses examined in the Case were Phelipe Santiago, Seaman, and Bernardo Merelles, Barber or Surgeon. They deposed that the *Juliana* belonged to Bahia, and to Inocencio Marques, who resided there; that the voyage began at Bahía, and was to have ended at that Place; that they went to Porto Novo, which is in lat. 6 deg. 20 min. N. long. 3 deg. 35 min. E.; that the Schooner took in her Slaves at that Place on the day preceding her Capture.

The Commissioners on this evidence decreed the condemnation of the *Juliana* as Prize to the Crowns of Great Britain and Portugal, for being engaged in the illicit Traffick in Slaves, and decreed her Slaves, 94 in number, to be emancipated.

At the recommendation of the Medical Officer attendant on the Slaves, Mr. Shower, and on the Petition of the Proctor for the Captors, the Slaves were landed, as being in a weak and sickly state, the day after the arrival of the *Juliana*.

On the face of the *Juliana's* Papers there appeared notes of visitations made on board from several of His Majesty's Cruizers. These notes shew the extraordinary length of time that the Schooner remained on the Coast, as well as that they shew the fearlessness with which her People pursued the illicit Traffick in Slaves on shore at Porto Novo. These notes appear on the Passport in the following order :

Boarded, 18th April, by His Majesty's Ship *Morgiana*, signed Thomas Ross, Lieutenant.

Boarded, 6th May, 1822, by His Majesty's Ship *Pheasant*.

Boarded, 29th May, 1822, by His Majesty's Brig *Thistle*.

Boarded, 15th July, 1822, by His Majesty's Ship *Driver*, signed J. King, Lieutenant.

Boarded, 8th August, 1822, off Porto Novo, by His Majesty's Brig *Snapper*.

Boarded, 30th August, 1822, off Porto Novo, by His Majesty's Ship *Bann*, signed J. Hudson, Lieutenant.

Boarded, 25th October, 1822, off Porto Novo, by His Majesty's Ship *Bann*, signed J. Hudson, Lieutenant.

No Slaves being on board of the *Juliana* at the time of these visitations, and there not being any well grounded suspicion in the minds of the British Visitors, of Slaves having been on board at any time, the Vessel was not, of course, molested.

The length of time during which the *Juliana* remained off Porto Novo, for the collection of the Slaves that were to be embarked on board of her, was understood to have been occasioned by the bad quality of the goods of her outward Cargo, which caused great difficulty in obtaining Slaves in exchange for them.

E. GREGORY.

EDWARD FITZGERALD.

No. 33.—*Messrs. Gregory and Fitzgerald to Mr. Secy. Canning.*  
(Received May 16.)

SIR, Sierra Leone, January 20, 1823.

WE have the honour to inclose herewith an Abstract of the Case of the Portuguese Schooner *Conceição*. This Vessel was detained off the Portuguese Island of Saint Thomas, by His Majesty's Ship *Bann*, Captain Phillips, on the 13th of November, 1822, with 207 Slaves that had been taken on board in the River Cameroons, to the Northward of the Equator.

The detention of the *Conceição* was stated by the Captor to have taken place at 8 or 9 miles distance from the shores of Saint Thomas. The Portuguese Seamen, who were examined as Witnesses, differed upon this point; one, Joze Antonio, saying that the Place of detention was 4 or 5 leagues distant from the Island of Saint Thomas, another, Francisco Reis, saying that it was only one mile. Antonio, the

Cook, who was also examined, says nothing of the distance. The Provisional Government of the Island, with whom Captain Phillips communicated immediately after the Capture, made no objection to the locality of the Capture, as coming within the limits of the protection given to Vessels within gun-shot of Portuguese Fortresses, by the Second Article of the Instructions for Ships of War.

The Commissioners were, consequently, of opinion, that the detention of the *Conceição* was legal. The Vessel was therefore condemned, and her Slaves brought to this Colony were emancipated.

The Communications that took place between Captain Phillips and the Provisional Government of St. Thomas, being particularly marked with the spirit of conciliation and harmony, which according to the original Letter of Instructions from Viscount Castlereagh, His Majesty is desirous should be preserved between His Subjects and those of His Most Faithful Majesty, under the Stipulations of the Treaty and Convention, we have thought it due to the Parties to forward herewith Copies of those Documents in connexion with the Case.

We have the honour to be, &c.

E. GREGORY.

*The Right Hon. George Conning.*

EDWARD FITZGERALD.

(*Inclosure 1.*)—*Abstract of the Case of the Conceição.*

This Vessel belonged to Bahia, and was owned by Francisco Ignacio de Cerqueira Nobre of that Place. She had regular Clearance Papers for a legal Slave-trading voyage to Molembo, viâ St. Thomas's, Princes Island, and the River Cameroons. Her Royal Passport, numbered 26, and dated the 31st of July, 1822, authorized her to carry 418 Slaves. It was stated in some of the Papers that the *Conceição* was to proceed to St. Thomas's, to Princes, and to the Cameroons for "oil and ivory," and to Molembo "for Slaves."

The Vessel sailed from Bahia on the 1st of August, 1822. On the 13th of November following, she was detained, whilst on her return voyage, with 207 Slaves on board, by His Majesty's Ship *Bann*, Captain Phillips. The Declaration of Captain Phillips stated, that the detention took place off the Island of St. Thomas. The Vessel arrived at Sierra Leone on the 24th of December.

The Witnesses examined in the Case were two of the Seamen and the Cook of the *Conceição*. They all three deposed, that the Vessel had sailed from Bahia, and had gone to the River Cameroons for Slaves; that the Slaves on board were all taken in at the Cameroons, and that the Vessel was returning to Bahia when detained by the *Bann*.

With regard to the Place of the detention of the Schooner, one of the Witnesses said, that he first saw the capturing Vessel to the Northward of St. Thomas's; that the Schooner was taken four or five leagues from St. Thomas's; that at the time the Schooner was pursued she was

steering for St. Thomas's to repair her masts. The second Witness said, that he first saw the capturing Vessel off St. Thomas's; that the Vessel was captured off that Island; that her course was not altered, nor additional sail made, upon appearance of the capturing Vessel. The third Witness stated, that he saw the capturing Vessel off St. Thomas's; that the Schooner was captured at about one mile from the Island of St. Thomas; that the Schooner was taken by the Boats of the capturing Vessel at the time she was steering her course for Bahia.

On the day appointed for adjudication, Captain Phillips tendered to the Court a Copy of a Letter addressed by him, under date of the 14th of November, 1822, to the Governor of the Island of St. Thomas, stating that the Boats of the Ship under his command had detained the Portuguese Sumaca *Conceição*, with 207 Slaves on board, embarked in the Cameroons; that the detention took place eight or nine miles from the shores of the Territory of His Most Faithful Majesty; and stating that he, Captain Phillips, wished to land the Crew of the *Conceição* on the Island, if the Governor had no objection. Captain Phillips also tendered to the Court an original Letter, dated St. Thomas, the 14th of November, 1822, addressed by the Members of the Provisional Government of the Island, in answer to the Letter of Captain Phillips.

This Letter from the Portuguese Government of St. Thomas, acknowledged the receipt of Captain Phillips's Letter, communicating the fact of the detention of the Schooner at the distance of nine miles from the Portuguese Territory; it stated that the Government remained aware of that fact, and that it had no objection to the landing of the Portuguese Crew, whenever Captain Phillips might please to put them on shore.

These Documents were tendered to the Court by Captain Phillips, with the view of shewing that he had made known the fact of the detention to the Government of St. Thomas; that detention having taken place within a short distance of the Island.

The Commissioners found it clearly proved that the *Conceição* had taken in her Slaves at the River Cameroons, to the Northward of the Equator; consequently, the Traffick in Slaves, in which she had been engaged, was illegal.

The Commissioners were further of opinion, that the detention of the *Conceição* was legal, inasmuch as it appeared that the Vessel was detained whilst under sail endeavouring to reach St. Thomas, and that it was not proved that there was, by her detention, a violation of the Second Article of the Instructions for the Cruizers annexed to the Convention, which declares "that no Merchantman or Slave Ship can, on any account or pretence whatever, be visited or detained whilst in the Port or Roadstead belonging to either of the Two High Contracting Parties, or within cannon-shot of the batteries on shore."



The Declaration of the Captor, that the detention took place nine miles from the Island, did not appear to be affected by the evidence of the Portuguese Mariners, who stated the distance at which the detention took place to have been, according to one, at four or five leagues, and according to another, at one mile from the Island.

The Commissioners considered that the estimation of the distance by these Mariners could not, judging by the variance between their testimony, have been very precise; that the Letter received by Captain Phillips from the Provisional Government of St. Thomas, indicated that there had not been a violation of the Second Article of the Instructions for the Cruizers, as, had any been committed, it was to be presumed that the Portuguese Government of St. Thomas would have noticed and represented it in its answer to the Letter of Captain Phillips.

The Commissioner of His Most Faithful Majesty concurred with the British Commissioners in a Decree for the Condemnation of the *Conceição* as Prize to the Crowns of Great Britain and Portugal, and for the emancipation of the Slaves.

At the recommendation of Mr. Shower, the Medical Officer, and on the petition of the Proctor for the Captors, the Slaves were landed a few days after the arrival of the *Conceição* in the harbour. 178 were emancipated.

E. GREGORY.

EDWARD FITZGERALD.

(Inclosure 2.)—*Captain Phillips to the Governor of the Island of St. Thomas.*

*H. M. S. Bann, St. Thomas, Nov. 14, 1822.*

MAY IT PLEASE YOUR EXCELLENCY,

I BEG to inform you of the detention, by the Boats of His Majesty's Ship *Bann*, under my command, of the *Conceição*, Portuguese Sumaca, with 207 Slaves on board, embarked in the Cameroons. Her detention took place eight or nine miles distant from the shores of the Territory of His Most Faithful Majesty, and is consequently a just subject for detention, agreeably to the existing Treaties between our respective Sovereigns. The Crew, as Portuguese Subjects, I wish to land at St. Thomas's, if Your Excellency has no objection. The Vessel will be dispatched, I hope, by this evening, but I am not quite certain, as her mast requires some repair.

The Despatch your Excellency received from me respecting the Schooner laying in the Bay of St. Anna de Chaves, was forwarded by a Canoe belonging to the Town, supposing it would be the last opportunity I should have of communicating with the Place, which I trust will plead an ample apology for the informality of its delivery.

The bearer of this should have been an Officer of higher rank, but, from the number of Prizes taken, we are consequently so short of them,

and so busily employed, that none other could be spared, as it my intention to proceed to sea with His Majesty's Ship this evening, in the furtherance of her Cruize, as well as to despatch the *Conceição* for Sierra Leone.

I have the honour to be, &c.

*The Govr. of St. Thomas.*

CHARLES PHILLIPS.

(Inclosure 3.)—*The Govt. of the Island of St. Thomas to Capt. Phillips.*

SIR,

(Translation)

WE have received your Despatch of this day, in which you inform us that you have captured, at nine miles distance from the Portuguese Territory, the Brigantine *Conceição*, Joze Lourenço da Silva, Master, with 220 Slaves that were shipped at the Cameroons; and that you intend to send the Vessel away this evening after landing the Portuguese Crew.

We have the honour to acquaint you, that we remain informed of the contents of your Despatch, and that you may direct the said Portuguese Crew to be landed whenever you please. We remain grateful for the attention which you shew towards us: may Heaven preserve you.

Palace of the Provisional Government of the Island of St. Thomas, the 14th of November, 1822.

JOAO BAPTISTA E SILVA DE LAGOS.

FAUSTINO DIAS DE ANDRADE.

ANDRES TEIXEIRA DE SA E ARAYAO.

*Captain Phillips.*

No. 34.—*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*

(Received May 16.)

(Extract.)

*Sierra Leone, January 31, 1823.*

WE have the honour to inclose herewith an Abstract of the Case of the Portuguese Schooner *Magdalena*, detained by His Majesty's Ship *Bann*, on the 29th of September last, in latitude 1 deg. 9 min. North, and longitude 7 deg. 54 min. East. Thirty-three Slaves were on board of the *Magdalena* at the time of her detention.

The Vessel was left at Princes Island as unfit to perform the voyage to Sierra Leone. The Slaves were brought to Sierra Leone on board of the *Bann*. The Case was not brought into the Mixed Court until the 14th of January, about which time the *Bann* arrived at Sierra Leone from her cruize to leeward. It was proved that the Slaves had been embarked at Cape Lopez, which is situated about 1 deg. to the Southward of the Equator. This embarkation involved a Question altogether novel in the Mixed Court. The Question was, whether under the Treaty of Vienna of the 22d January 1815, and the Additional Convention of the 28th July 1817, the Slave Trade could be considered to be illegal for Portuguese Subjects, betwixt the Equator

and the 5th deg. 12 min. of South latitude, so as to render Vessels having on board Slaves, embarked within those limits, liable to condemnation by the Mixed Courts.

The *Magdalena* was decreed to be condemned as Prize, and her Slaves to be emancipated.

We beg leave to inclose the Copy of a Letter addressed by Captain Phillips to the Governor of Princes Island, with a Copy of the Governor's Reply thereto, relating to the *Magdalena*, which Vessel Captain Phillips proposed to leave at Princes Island.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

(Inclosure 1.)—*Abstract of the Case of the Magdalena.*

THIS Vessel belonged to the Portuguese Island of St. Thomas; she was owned by Manoel Simao; her Clearance Papers stated that she was despatched for the Lawful Traffick in Slaves, but she had not any Royal Passport to authorize her to engage in that Traffick: she had merely a simple Pass, dated the 14th August 1822, from the Provisional Government of St. Thomas, stating the object of her voyage to be, to engage in the Lawful Slave Trade at Cabinda. The Crew of the Vessel consisted of eight men, including the Master: she sailed from St. Thomas on the 16th of August.

On the 29th of September 1822, the *Magdalena* was detained by His Majesty's Ship *Bann*, Captain Phillips. The Declaration made by Captain Phillips in the Case, states the particulars of the detention in the following terms:—

"I, Charles Phillips, Esq., Commander of His Britannick Majesty's Ship *Bann*, hereby declare that, on the 29th day of September 1822, being in or about lat. 1 deg. 9 min. North, and long. 7 deg. 54 min. East. I detained the *Magdalena da Praça*, sailing under Portuguese Colours, armed with two guns, four-pounders, commanded by Manoel Francisco do Carmo, who declared her to be bound from Cape Lopez to the Island of St. Thomas, with a Crew consisting of six men, and having on board 33 Slaves, said to have been taken on board at Cape Lopez, on the                      and are enumerated as follows, viz.:

	Healthy	Sickly
Men .....	none .....	—
Women .....	1 .....	—
Boys .....	22 .....	—
Girls.....	9 .....	1

"And I do further declare, that the said Vessel did not appear to be sea-worthy, and was not supplied with a sufficient stock for the support of the said Negroes and Crew on their destined voyage to Sierra Leone, in consideration of which I have left her in charge of the Go-

vernor of the Portuguese Island of Princes, after having taken out her Cargo, of which a list is hereby inclosed, until the decision of the Mixed Court of Commission shall be known."

The Case was not brought before the Court of Mixed Commission until the month of January, when the *Bann* arrived at Sierra Leone, from her cruize to leeward. The Papers of the Vessel were filed in the Registry on the 14th of that month.

None of the Crew were brought to Sierra Leone: they were left at Princes Island. A petition of Captain Phillips, praying that some of the most intelligent of the Slaves might be examined in order to prove that the Slaves on board were embarked at Cape Lopez, stated "that having found the *Magdalena* unseaworthy (as set forth in his Declaration) he, Captain Phillips, was obliged to leave her and her Crew at Princes Island, in the charge of the Governor."

One of the Slaves, named Gandé, was examined. This Slave said, "that the Schooner he was put on board as a Slave lay at Curoungoo at the time he was so put on board her; that all the Slaves on board the said Schooner, when captured, were embarked on board her at Curoungoo, aforesaid." The Person who interpreted betwixt the Slave and the Registrar stated, that the Place called Curoungoo in the language, and by the aforesaid Gandé, meant, in English, Cape Lopez." This Cape is situated in about one degree of South Latitude.

Amongst the Papers delivered by the Master of the *Magdalena* to Captain Phillips, there was a Letter signed Jose Gomez da Rocha, and addressed to a woman residing at St. Thomas's. Gomez da Rocha, informed the woman in this Letter that he had sent to her by the Schooner some cloths, beads, knives, and a barrel of aguardente, and, he said, "when the Schooner shall return, I will send you two Slaves," (*é coando vier a Escuna lhe mandarei 2 Cativos*).

This man, Gomez da Rocha was the Master of a Portuguese Schooner, named the *Sinceridade*; this Vessel was detained by the *Bann*, and sent to Sierra Leone for adjudication; she had taken Slaves on board at Cape Lopez. Gomez da Rocha was brought in the *Bann* to Sierra Leone, and the Letter before mentioned having been shewn to him, he stated on oath, "that being at Fetis Ponte, on the Western Coast of Africa, at about twenty-one miles to the Northward of Cape Lopez Gonsalvez, in the Portuguese Sumacha *Sinceridade*, of which Deponent was then Master, on or about the 16th of the month of September last past, he saw the Portuguese Schooner *Magdalena* aforesaid, embark and receive on board 33 Slaves, Natives of Africa, two of whom belonged to this Deponent; that the said Schooner *Magdalena* was then bound to and sailed for the Island of St. Thomas, having the said Cargo of Slaves on board; and further, that the Letter hereunto annexed," (the Letter that has been already mentioned),



the same being written by this Deponent, was by him sent in the *Magdalena da Praça*, directed to the Island of Saint Thomas."

Affidavits of the Senior Lieutenant, and of the Master of the *Bann*, were filed in the Registry: they were to the effect, that it did not appear to them that the *Magdalena* was of a sufficient size to undertake a voyage to Sierra Leone, from the Place of Capture, she being about 13 tons burthen, and extremely leaky.

Before the Case came on for adjudication, the Commissioners wished that some more of the Slaves should be examined touching the Place of their embarkation; but it was represented to the Commissioners by the Registrar, that he had endeavoured to examine others of the Slaves, but they were not sufficiently intelligible, apparently by reason of their not completely understanding the Interpreter.

The Case came on for adjudication on the 23d of January. The Captors moved the condemnation of the Vessel and the emancipation of her Slaves, first, on the ground that the Slaves had been taken in an illegal Traffick, inasmuch as Portuguese Subjects are not allowed to trade in Slaves at Cape Lopez, but only within the limits laid down in the 2d Article of the Convention, those limits being on the Eastern Coast of Africa, from Cape Delgado to the Bay of Lourenço Marques, and on the Western Coast, from the 5th deg. 12th min. South lat. to the 18th deg. South lat. The Captors moved for the condemnation of the Vessel, and the emancipation of the Slaves, secondly, on the ground that the *Magdalena* was not provided with a Royal Passport to trade in Slaves conformable to the model annexed to the Convention.

The Commissioners noticed the total absence of the Crew as a source of inconvenience, as the Case was made to depend mainly upon the evidence of one Slave. They observed, that Captors would do best to send part at least of the Crews of the Vessels to be adjudged, in order to their being examined as Witnesses. And the Commissioners trusted that their satisfaction in this matter would not be considered as of the least importance by Captors.

Captain Phillips observed that he would in future Cases send the Crews of detained Vessels to Sierra Leone for examination.

The Commissioners in succession gave their Decision upon the Case.

Mr. Gregory conceived it unnecessary, as no particular reason pressed him, to comment upon the want of the Royal Passport in this Case.

Mr. Gregory adverted to the absence of the Crew, and observed that, under the circumstances of the Case, the evidence of the Slave, Gandé, was considered by him admissible, and that it could be relied upon; that evidence having been given, as stated by the Registrar,

with clearness and promptitude. Mr. Gregory considered that the Slaves had been embarked at Cape Lopez.

Adverting to the Place of the embarkation of the Slaves, Mr. Gregory conceived that it was not legal for Portuguese Subjects to engage in the Slave Trade at Cape Lopez ; he conceived that the Slave Trade could only be legally carried on within the limits prescribed in the 2d Article of the Convention ; he conceived that Article to be Explanatory of the Treaty of the 22d of January 1815. Mr. Gregory accordingly, considered that the Traffick in which the *Magdalena* had been engaged was illegal, and that she should be condemned as Prize, and that the Slaves belonging to her that had been brought to this Colony should be emancipated.

Mr. Altavilla, His Most Faithful Majesty's Commissary Judge, concurred with Mr. Gregory in his opinion for the condemnation of the Vessel, and the emancipation of the Slaves.

Mr. Fitzgerald, while he agreed in the decision in this Case, for the condemnation of the Vessel, and the emancipation of the Slaves belonging to her, thought it right to point out a distinction which, as he conceived, left the Portuguese Slave Trade on that tract of the Coast of Africa between the Equator and 5 deg. 12 min. South latitude, not so directly and immediately under the strict prohibition of the first Article of the Treaty of Vienna, and the first Article of the Additional Convention, which prohibitions were applied expressly to Slave Trade carried on by Portuguese Subjects to the Northward of the Equator. That tract, however, was not included in the limits within which the Slave Trade was declared legally open to Portuguese Subjects, and, consequently, when a Vessel having Slaves on board embarked within that tract, was detained legally to the Northward of the Line, so that the burthen of the proof of the legality of the embarkation would fall on the Master of the Vessel so detained, it would not be possible to establish that legality, and condemnation must follow in consequence. The present Case was, as he conceived, precisely of that nature. Mr. Fitzgerald impressed particularly the advantages that Captors would find, even with a view to their own interests and characters, in bringing the Masters and Crews of detained Vessels to the Place of adjudication.

The very Persons who intreated most earnestly to be allowed to land at intermediate Places, would, probably, be most forward at any future opportunity in declaring, that they were sent away to prevent them from giving evidence to prove the detention illegal.

E. GREGORY.

EDWARD FITZGERALD.

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(Inclosure 2.)—*Captain Phillips to the Governor of Princes Island.*

*H. M. S. Bann, off Princes Island, Sept. 30, 1822.*

MAY IT PLEASE YOUR EXCELLENCY,

HIS Most Faithful Majesty The King of Portugal, having agreed, in conjunction with His Britannick Majesty and other Potentates, to suppress, as much as in His power lies, the Traffick in Negroes to the Northward and Southward of the Equator, excepting in such Places as are mentioned in the Treaties relative thereunto, such as Molembo, Cabinda, &c. I have, therefore, to request you will be pleased, as a *Portuguese Officer*, to take charge of the *Portuguese Schooner Magdalena*, which has been detained by His Britannick Majesty's Ship *Bann*, for a breach of the aforesaid Treaties, in having on board 38 Negroes not shipped in the Places above specified; and as the danger of the Sea renders it unsafe to send the *Magdalena* to Sierra Leone, I shall carry the Negroes and the other part of her Cargo, together with her Papers, for adjudication to the Mixed Court of Commission residing at that Place, whilst the Vessel remains in your custody, either to be released or condemned, as the verdict of the Court may direct, and which I shall take care will be notified to you as early as possible.

I have the honour to be, &c.

*The Governor of the Island of Princes.* CHARLES PHILLIPS.

(Inclosure 3.)—*The Government of Princes Island to Captain Phillips.*

SIR,

(Translation.)

THIS Government has received your Despatch of the 30th instant. As there is not in this Island any Translator of the English Language, the Officer, who was the bearer of the Despatch, read it, and explained to us that you wished to leave at anchor in this Port the Schooner *Magdalena*, Prize made by you, with 33 Slaves, which you intend to take, with whatever else was on board, to Sierra Leone, in order to their adjudication, leaving only the said Schooner at anchor in this Port, until the decision of the Court at Sierra Leone be given.

We, as Subjects of the Crown of Portugal, ought to render every assistance that may be asked for by you, or by any others of the Commanders of His Britannick Majesty's Vessels provided with proper Instructions, and having in view the lawful object of the fulfilment of the Stipulations of the existing Treaty. We assure you that you will find the said Vessel in the Place where you may direct her to be anchored, except in case of accidents occasioned by tornadoes.

This is all we have to acquaint you with: May Heaven preserve you many years.

Palace of the Provisional Government of the Capital and Island of Princes, 31st of September 1822.

JOSE XAVIER GOUZ DE SO, PRESIDENT.

JOZE M<sup>A</sup>. DE SO<sup>A</sup> CONTEL.

*Capt. Phillips.*

BERNARDO JOZE RAPZO.

### SIERRA LEONE.—(*Netherlands.*)

*No. 35.—Messrs. Gregory and Fitzgerald to W. R. Hamilton, Esq.  
(Received June 21.)*

SIR,

*Sierra Leone, March 15, 1822.*

WE have had the honour to receive your Despatch, marked *Netherlands*, of the 25th October 1821, acquainting us, by direction of the Secretary of State, 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 India Station, had been transferred to His Majesty's Ship *Tamar*, of 16 guns, Captain Sir William Salstonstall Wiseman.

We beg leave to acquaint you, for the information of His Majesty's Secretary of State, that a minute of this transfer of the Instructions under The Netherlands Treaty, has been made by the Board of the British and Netherlands Mixed Commission, under date of the 12th of February 1822.

We have the honour to be, &c

E. GREGORY.

*W. R. Hamilton, Esq.*

EDWARD FITZGERALD.

*No. 36.—Messrs. Gregory and Fitzgerald to Joseph Planta, jun. Esq.  
(Received June 21.)*

SIR,

*Sierra Leone, March 15, 1822.*

WE have had the honour to receive your Despatch of the 20th November 1821, acquainting us, by direction of the Marquess of Londonderry, that The Netherlands Corvette, *De Komet*, (*La Comète*) of 150 men and 28 guns, Captain Picterzen, under orders for the Western Coast of Africa and for the East Indies, would be furnished with a Copy of the Treaty of the 4th of May 1818, and of the Documents thereunto annexed, for the repression of the illicit Traffick in Slaves.

We beg leave to acquaint you, for the information of the Marquess of Londonderry, that a minute of this circumstance has been made by



the Board of the British and Netherlands Mixed Commission, under the date of the 12th of February 1822.

We have the honour to be, &c.

E. GREGORY.

*Joseph Planta, jun. Esq.*

EDWARD FITZGERALD.

No. 37.—*Joseph Planta, Jun. Esq. to the British Commissioners at Sierra Leone and Surinam.*

GENTLEMEN,

*Foreign Office, June 11, 1822.*

IN reference to the third Article of the Treaty with The Netherlands for the prevention of the Slave Trade, I am to acquaint you that the Instructions therein referred to have been issued to the following of His Majesty's Ships, viz :

The *Bann*..twenty guns, C. Phillips.....Commander.

.. *Cyrene*, twenty guns, Percy Grace.....Commander.

.. *Driver*, eighteen guns, Thomas Wolrige ....Commander.

And that the Dutch Instructions issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, will be recalled and cancelled.

I am, &c,

*His Majesty's Commissioners.*

JOSEPH PLANTA, JUN.

No. 38.—*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 3.)*

MY LORD,

*Sierra Leone, June 30, 1822.*

WE have had the honour to inform your Lordship that Mr. Bonnouvié, Commissioner for His Majesty The King of The Netherlands at this Place, had found it expedient to make a voyage to Elmina Castle for the benefit of his health, with the intention of proceeding to Europe shortly after his return to Sierra Leone.

We have now the honour to acquaint your Lordship that Mr. Bonnouvié returned to this Colony from the Gold Coast about a month ago, and that he has intimated to us his resolution to return to Europe by the Vessel which conveys this Despatch to England. This resolution of Mr. Bonnouvié is sanctioned, as that Gentleman has informed us, by The Netherlands Government.

We have been further informed by Mr. Bonnouvié, on the authority of an Official Notification received by him, that The Netherlands Government has appointed Mr. I. A. de Marrée to succeed Major Van Sertima in the situation of Judge in the Mixed Court, and that M. de Marrée may shortly be expected to arrive at Sierra Leone.

We have the honour to be, &c,

E. GREGORY.

*The Marquess of Londonderry, K.G.*

EDWARD FITZGERALD.

*No. 39.—Joseph Planta, jun. Esq. to the British Commissioners.*

GENTLEMEN,

*Foreign Office, August 31, 1822.*

I AM directed by the Secretary of State to acquaint you, that, by a Communication his Lordship has received from the Dutch Ambassador at this Court, under date of 30th of July last, His Majesty The King of The Netherlands has appointed *Mr. I. A. de Marrée*, late Agent at Elmina, to be His Commissary Judge in the Mixed Court established at Sierra Leone, in the place of *M. Van Sertima*, in pursuance of the Treaty of the 4th of May 1818, between His Majesty and The King of The Netherlands, and that *M. de Marrée* is about to proceed to his destination.

I am, &c.

*His Majesty's Commissioners.*

JOSEPH PLANTA, JUN.

*No. 40.—Joseph Planta jun. Esq. to the British Commissioners.*

GENTLEMEN,

*Foreign Office, September 27, 1822.*

I AM directed by Mr. Secretary Canning to acquaint you, for your information and that of your Colleagues in the Mixed Board of Commission in which you are acting, that it appears, by a Communication dated the 20th of September instant, from his Excellency the Netherland Ambassador at this Court, that the Netherland Frigate, the *Euridice*, of 32 guns and 250 men, commanded by Captain J. F. C. Wardenberg, about to sail for the East Indies in the course of the present month, will be furnished with a Copy of the Treaty between Great Britain and The Netherlands for preventing the Traffick in Slaves, and of the several Documents annexed thereto.

I am, &c.

*His Majesty's Commissioners.*

JOSEPH PLANTA, JUN.

*No. 41.—Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.  
(Received May 15, 1823.)*

SIR,

*Sierra Leone, December 10, 1822.*

WE have the honour to inform you that Major de Marrée, Judge for His Majesty The King of The Netherlands in the British and Netherlands Mixed Court of Justice, arrived here on Tuesday the 26th of November.

On the Thursday following he exhibited to the British Commissioners the Commission of his Sovereign, and the British Commissioners exhibited His Majesty's Commission. Major de Marrée then took the oath prescribed by the Treaty, which was administered by the Chief Justice, Mr. Fitzgerald, as principal Magistrate of the Colony, in the absence of Governor Sir Charles M'Carthy.

On the next day the Court sat for the dispatch of business: an Order was passed declaring the Court to be open to all Parties, when the Commissioners should be engaged in the exercise of their judicial functions. The Court then proceeded to consider the Case of The

Netherlands Schooner *Aurora*, a statement of which Case is communicated in a separate Despatch.

We have the honour to be, &c.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

No. 42.—*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.*  
(Received May 15, 1823.)

(Extract.)

*Sierra Leone, December 11, 1822.*

THE Case of the Schooner *Aurora*, taken at the Gallinas, in latitude 7 deg. 2 min. North; longitude 11 deg. 37 min. West; will appear by the Abstract which we have the honour to inclose, to have been founded on a small embarkation of Slaves at a Place called Sugaree, which Slaves were subsequently landed and placed in the Factory where the Slaves intended for the general supply of the *Aurora* were kept.

After the detention, the Captor, Captain Grace, of His Majesty's Ship *Cyrene*, sent a Boat with an Officer to demand the Slaves collected in the Factory for the *Aurora*, but the Master of that Vessel, in conjunction with the Master of a French Slave-trading Vessel, named the *Hypolite*, then at the Gallinas, and the greater part of the Crews of both these Vessels, opened a fire on the Boat from a wood. The Boat's Crew returned the fire and immediately landed, upon which the Assailants retired, abandoning the Slave Factory, from whence the Slaves had been removed to a place of greater security. The Boat's Crew pushed on, according to the information received respecting the removal, and on their approach to the place to which they were directed, a fresh fire was opened on them from a battery, upon which the Masters of the Slave-trading Vessels had caused three twelve-pounders to be mounted, and by showers of musketry from the woods; the Natives having been induced, by the persuasion of those Masters, and by the distribution of gunpowder and rum, to take part in these acts of hostility.

The Party in the boat landed and took the battery and burnt the Native Town, but the Slaves sought for had been carried further off: a negotiation was, however, opened by Captain Grace with the Native Chief, in consequence of which a considerable number of the Slaves were given up and brought to Sierra Leone with the Vessel.

On Friday the 29th of November, Major de Marrée, Judge of His Majesty The King of The Netherlands, having previously taken his seat in the Court, the *Aurora* was condemned by an unanimous Judgment as Lawful Prize to the Crowns of Great Britain and The Netherlands, and all the Slaves brought to the Colony on board of her were emancipated.

E. GREGORY.

*The Right Hon. George Canning.*

EDWARD FITZGERALD.

*(Inclosure.)—Case of the Aurora.*

THIS Schooner was taken on the 23d of October, 1822, at the Gallinas, in lat. 7 deg. 2 min. N. long. 11 deg. 37 min. W., under Netherlands Colours, by His Majesty's Ship *Cyrene*, Captain Grace, on the ground of being engaged in illegal Slave Trade.

The Papers connected with the outfit of the Vessel are in the Dutch Language, and are dated at the Dutch West India Islands of St. Eustatius and St. Martin: among them is a Sea Pass for twelve months, dated St. Eustatius, the 17th of May; a muster roll dated at the same place the same day, containing the names of 17 men; another muster roll, dated St. Martin, the 18th of May, containing the names of eight additional men and two boys, making the whole Ship's Company 25 men and 2 boys, a number which could not be necessary or expedient, except for the Slave Trade. There is a Clearance from St. Martin for Elmina with merchandize, dated the 3d of June, 1822.

Benjamin Liebray, of St. Eustatius, is named in these Papers as Owner of the Vessel. This Liebray is a subject of His Majesty the King of The Netherlands. The log-book takes the departure for the Voyage from the Danish Island of St. Thomas, the 6th of June, 1822.

The two Seamen examined on the Standing Interrogatories, say, that the Cargo was shipped at that Island; but they also say that the whole of the Crew, including themselves, entered there, which is not consistent with the muster rolls from Eustatius and St. Martin's of prior date, where their own names are found.

The log-book is in the French Language.

The particulars previously mentioned, respecting the time and place of Capture, are stated in the Affidavit of Mr. Winsor, Master's Mate of the *Cyrene*, and Prize Master of the *Aurora*. Captain Grace omitted to send the usual declarations of the circumstances of the Capture, and of the state in which the Vessel was found by him. There was not any document to show whether there were Slaves on board at the time of Capture or not. There were circumstances current in report, which led to a presumption that there were not any Slaves on board when the Capture was actually made, and that those brought to Sierra Leone on board of her, 179 in number, were obtained after the Capture by means of a negociation with Siaca, the Native Chief of the Gallinas.

The examination of Joseph Rowley, a Seaman belonging to the *Aurora*, upon the Standing Interrogatories, afforded proof that the *Aurora* was engaged in the Slave Trade, and that actual purchases and shipments of Slaves had taken place at Sugaree, near Cape Mount, which Slaves were subsequently conveyed to the Gallinas, to be kept there until the full number should be completed. John Alexander, the Cook, confirmed this Statement by his answer to Special Interrogatories put on the part of the Captors, although he was evidently adverse to making any disclosure of facts of this nature.



Nothing yet having appeared in evidence to connect the general Cargo of Slaves brought to Sierra Leone in the *Aurora* with the Case, Special Interrogatories were put to Rowley and Alexander for the purpose of obtaining a disclosure of all the circumstances within their knowledge concerning the embarkation of these Slaves, and for the purpose of ascertaining whether the Slaves that they had seen previously on board at Sugaree were among them.

The account given by these men, of the general embarkation having been made entirely by the Boats of the *Cyrene*, was not sufficient to connect the Slaves with the Case, so as to bring them under the operation of the Treaty. The Cook, Alexander, however, said he recognised two of those who had been on board at Sugaree among those brought to Sierra Leone.

It had already been suggested to the Agent for the Captor, that he should connect the Negroes with the Ship by proof; and he proposed, for this purpose, to substitute the Captor's Letter to him, and some Letters of Siaca, the Native Chief, by permission of the Court, for the usual declaration, as the best means of putting the Court in possession of the evidence required. He was aware that the facts contained in these Papers would still be insufficient.

It was suggested to the Agent, that the Prize Master might probably have a personal knowledge of the material facts of the demand made, of the grounds of the demand, and of the delivery of the Slaves in consequence. The Agent being aware that the Prize Master was employed in the Boats, during the transactions by which the delivery of the Slaves were obtained, readily availed himself of this suggestion.

An Affidavit of Mr. Henry Winsor, the Prize Master of the *Aurora*, and Master's Mate of the *Cyrene*, was in consequence filed.

This Affidavit states, that Captain Grace, having taken the *Aurora* on the 23d of October, on the ground that she was engaged in illegal Slave Trade, despatched the Boats on the morning of the 25th to request the delivery of the Slaves belonging to her; that a fire of musketry was opened on the Boats, which they returned; that the party landed on the Island from which the fire proceeded, and found there a large Slave Factory. Two Frenchmen, who were in the Factory, gave information that the Slaves belonging to the *Aurora* had been removed to the main land. The Boats proceeded in search, taking the Frenchmen with them. On approaching the Place, they were assailed by a fire from a Battery on which three twelve-pounders were mounted, and by showers of musketry from the bush. The party in the Boats pushed in and took the battery, spiked the guns, and set fire to the Native Town, the Inhabitants of which had, with musketry, assisted the Europeans of the *Aurora*, and of a French Schooner called the *Hypolite*, by whom the guns of the battery were served. The Boats returned to the *Cyrene*. On the 27th, Captain Grace despatched them

again to request the surrender of the Slaves of the *Aurora* from Siaca, the Native Chief, who readily gave them up, to the number of 180, saying, that the Master of the *Aurora* had made trade for 220, but those that were delivered up were all that were in his possession. Siaca, at the same time, made many excuses for the attack on the Boats, which he charged entirely on the Masters of the *Aurora* and *Hypolite*, saying, that they had taken advantage of his (Siaca's) absence to induce the Natives, by giving them rum, and by supplying them with powder and shot, to take part in it, and when the Boats had effected a landing, ran away, leaving the Town and the Inhabitants to their mercy.

This Affidavit fully supplied the previous deficiency of proof, and showed that the Slaves were demanded and delivered up, and brought hither in the Schooner in due and legal course.

The British Commissioners, having learned that M. de Marrée, appointed Judge in the Mixed Commission for His Majesty The King of The Netherlands, had arrived at St. Mary's, Gambia, on his way to the Colony, thought it right to defer the decision of this Case until he should arrive.

M. de Marrée arrived on Tuesday the 26th of November: he availed himself of the earliest opportunity to consider the Ship's Papers, and the documentary and oral evidence touching the Case, and was convinced, in common with the British Commissioners, that the Vessel was illegally engaged in the Slave Trade, and that the Slaves brought on board of her were legally obtained by the Captors, and were subject to the operation of the Treaty.

On Friday the 29th of November, the decision of the British and The Netherlands Mixed Court was pronounced. By the unanimous Opinion of the Commissioners, the Vessel was condemned as Lawful Prize to the Crowns of Great Britain and The Netherlands, and the Slaves belonging to her were emancipated; they were 179 in number, one having died on the passage to Sierra Leone, out of 180 delivered up to Captain Grace by the Chief of the Gallinas.

E. GREGORY.

EDWARD FITZGERALD.

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No. 43.—*Mr. Secretary Canning to the British Commissioners at Sierra Leone and Surinam.*

GENTLEMEN,

*Foreign Office, April 19, 1823.*

IN reference to the Instructions conveyed to you by the late Marquess of Londonderry in his Despatch of February 19, 1819, inclosing Copies of the Treaty concluded at The Hague, May 4, 1818, for preventing the illegal Slave Trade; and in reference to subsequent Correspondence, regarding a proposed extension of that Treaty, I now furnish you with Ten Copies of certain Articles, explanatory of, and additional to, that Treaty, which were signed at Brussels on the 31st

of December, 1822, and the 25th of January, 1823, between the Plenipotentiaries of His Majesty and The King of The Netherlands, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the Stipulations therein recorded. I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

## HAVANNAH.

No. 44.—*Messrs. Kilbee and Jameson to The Marquess of Londonderry.*  
(Received April 15.)

MY LORD,

*Havannah, March 3, 1822.*

THE Case of the *Antoñica*, which we mentioned to your Lordship in our Despatch of the 10th of December of last year, as having been referred to the Spanish Tribunals, has not yet been decided.

Law Proceedings have been carried on for some time between the Owner of the Privateer which captured the Negroes, and the Captain of the *Antoñica*; but it does not appear that the latter has been prosecuted by the Government for being engaged in the illicit Traffick of Slaves.

We understand that the delay in the decision of this Case is occasioned by the difficulty of determining to what Tribunal the cognizance of the Cause properly belongs. In the mean time, the Negroes have been given up to the Proprietors, who have given security to bring them forward whenever they shall be called upon.

No Vessel has been permitted to enter this Port, publickly, with Negroes, since the date of our Despatch of the 30th of October, of last year. Some Vessels, however, of a suspicious description have been admitted—namely, the French Schooner *Louisa*, Captain Pricau, on the 26th of January, in ballast, from Batabano, where in all probability she left her Cargo of Negroes; and the *Maria Josefa*, Captain Juan Batista Zabala, also in ballast, on the 5th instant, stated to be from St. Thomas's. This last Vessel cleared out from this Port, for Africa, generally, on the 16th of August last.

These are certainly suspicious Cases, but we have no means of discovering that the Vessels were actually engaged in illicit Traffick of Negroes.

We have, likewise, reason to believe, that many Negroes have been lately introduced into several uninhabited parts of the Coast, but this

is a description of illicit Traffick respecting which it is next to impossible for us to obtain correct information : and which, indeed, considering the extent of the Coast, and the almost organized system of smuggling of every description carried on in this Island, it will be very difficult to prevent.

The low prices of Colonial produce, which diminish the demand for Negroes, and the ability to pay for them, will be the best check to this illicit Traffick, until the Spanish Government shall be induced to enact, and above all, to enforce, such vigorous Laws as have been found necessary in our own Islands. We have the honour to be, &c.

H. THEO. KILBEE.

*The Marquess of Londonderry, K.G.*

R. F. JAMESON.

No. 45.—*Messrs. Kilbee and Jameson to W. R. Hamilton, Esq.*  
(Received April 15.)

SIR,

*Havannah, March 3, 1822.*

WE have the honour to acknowledge the receipt, on the 22d ultimo, of the Letter which you addressed to us under date the 20th of November, respecting the Communications which we have hitherto made on the subject of the illicit Traffick in Slaves, which is still carried on by the Subjects of His Catholic Majesty, and we are most happy to find that our conduct has merited the approbation of the Marquess of Londonderry.

The Communications hitherto made to you by His Majesty's Commissary Judge, which have occasioned representations to the Spanish Government, have been confined to the Cases of open violations of our Treaty, which the Authorities here thought themselves justified in permitting. Such transactions, however, are now no longer likely to recur, every pretext for them being done away, by the Orders lately issued by the Government in Spain to carry punctually into effect the Stipulations of that Treaty. The Cases upon which, hereafter, we shall have to report, will probably be those of illicit Traffick, of which we must presume the Government here to be ignorant. Upon such Cases it will be very difficult for us to obtain correct information, isolated as we are, and unconnected with both the agricultural and commercial Classes. Every man considers it to be his interest to conceal from us all information upon this subject. Loose and vague reports we may collect; but we think it incumbent upon us to state, explicitly, that from experience, we know it will be extremely difficult for us to obtain correct and precise information; we shall, however, in obedience to your Instructions, do all in our power to obtain information upon the subject of illicit Traffick of Slaves, and transmit the same to His Majesty's Government; but we have thought it right to make the foregoing observations, in order that you may be aware of the difficulties of the situation in which we are placed, and that you should not be disap-



pointed if our utmost exertions are not attended with the results so earnestly desired by our Government and ourselves.

We have the honour to be, &c.

H. THEO. KILBEE.

W. R. Hamilton, Esq.

R. F. JAMESON.

No. 46.—*Messrs. Kilbee and Jameson to The Marquess of Londonderry.*  
(Received June 25.)

(Extract.)

Havannah, May 6, 1822.

SINCE the date of our Despatch of the 3d of March to your Lordship, the following Cases have occurred, which appear to us to afford sufficient ground for believing that the Vessels concerned have been, or are about to be, engaged in illicit Traffick in Slaves.

On the 19th of February, the Spanish Schooner *San Rafael*, Captain Don Francisco Chunchurreta, cleared out from hence for St. Thomas and other Portuguese Islands on the Coast of Africa, where, there can be little doubt, her object is to purchase Negroes.

On the 16th of March, the Portuguese Schooner *Paquete*, Captain Don Jose Mario Nieves, arrived here in ballast, said to be from the Danish Island of St. Thomas. This Vessel has been employed for several years in the Slave Trade, between this Port and the Coast of Africa.

On the 14th April, the French Schooner *L'Irene*, Captain P. du Pavillon, arrived here in ballast from St. Thomas, on the Coast of Africa. The two last mentioned Vessels had in all probability, previously to their arrival at this Port, landed their Cargoes of Negroes on some part of the Coast of this Island.

On the 16th April, sailed from hence for Africa, the Spanish Schooners *Amable Socorro*, Captain Don Jose Inzua, an old Slave-trader, and the *Josefa*, Captain Don Jose Moyano. This is the same Vessel mentioned in our Despatch to Your Lordship of the 3d of March, as having sailed for Africa in August, 1821, and having returned in ballast on the 5th of February last.

We took an opportunity of putting into the hands of the Captain-General, a Memorandum, detailing the particulars of the above mentioned Cases. When His Excellency had perused it, he readily admitted that those of the *Paquete* and the *Irene* were of a suspicious description, but he assured us that he had no means of ascertaining that they had actually been engaged in the illicit Traffick of Slaves. With respect to those Vessels which had cleared out for Africa, His Excellency said that he would repeat the orders which he had already given to the Custom House Department upon that subject.

We were particularly careful to avoid giving to the observations we made upon this occasion, the appearance of a remonstrance, which we do not consider ourselves to be authorized to make to the Authori-

ties of His Catholick Majesty; and we expressly stated to the Captain-General, that we submitted to him the Memorandum, not by any means for the purpose of pointing out to His Excellency the line of conduct which he ought to adopt, but merely because we thought it a mark of respect due to him, that he should be apprized of those apparent violations of our Treaty, which we felt it to be our duty to report to our Government.

On the 25th of March, The United States Sloop of War, *Porpoise*, arrived here with the American Schooner *Mary*, which she had detained for having 17 Negroes on board, shipped at Truxillo. This Schooner was part freighted by the Spanish Government, and had 45 soldiers on board. The Negroes were claimed here as being the property of Spanish Subjects. The Schooner has been sent to The United States for adjudication.

*The Marquess of Londonderry, K.G.*

H. T. KILBEE.

R. F. JAMESON.

No. 47.—*Messrs. Kilbee and Jameson to The Marquess of Londonderry.*  
(Received June 25.)

MY LORD,

*Havannah, May 6, 1822.*

WE have the honour to inform Your Lordship that Colonel Don Rafael Quesada has been appointed Commissioner of Arbitration of this Mixed Commission, on the part of His Catholick Majesty, in the room of Don Francisco Arango, who has been named a Counsellor of State. M. Quesada has not yet taken the oath prescribed by Treaty, nor have we seen the Commission under which he has been appointed to act.

The vacancy occasioned by the death of Don Alexandro Ramirez, late Spanish Commissary Judge, has not yet been filled up by the Government at Madrid. We have the honour to be, &c.

H. T. KILBEE.

*The Marquess of Londonderry, K.G.*

R. F. JAMESON.

No. 48.—*Messrs. Kilbee and Jameson to the Marquess of Londonderry.*  
(Received October 9.)

MY LORD,

*Havannah, July 20, 1822.*

IT is with great regret that we have the honour to inform Your Lordship that His Excellency Don Nicholas Mahy, Captain-General of this Island, died on the 19th inst. of the yellow fever, after an illness of five days. He was universally esteemed, and his loss will be severely felt. In both our public and private character, we have uniformly received from him every mark of attention; and we think it but just to add, that if, during his administration, the object of our mission here, namely, the suppression of the illicit Traffick of Slaves, has not been attained, it is more to be attributed to the defective state

of the Laws than to any want of zeal on his part; as we have reason to believe that his private opinions were sincerely favourable to the abolition, as well from motives of humanity, as from the persuasion that the permanent welfare of this Island depends upon that measure being carried into effect.

Brigadier-General Kindelan has succeeded, *ad interim*, to the chief command here. We have the honour to be, &c.

H. T. KILBEE,

*The Marquess of Londonderry, K.G.*

R. F. JAMESON.

No. 49.—*Messrs. Kilbee and Jameson to the Marquess of Londonderry.*  
(Received October 9.)

MY LORD,

*Havannah, July 22, 1822.*

On the 10th instant, The United States Ship *Hornet*, Captain Hensley, brought into this Port the French Brig *Theodore*, J. L. Lecuyer, Master, having on board 160 Negroes, shipped on the Coast of Africa, and consigned to Messrs. Martin, Stouder, and Co. of this Place. This Brig was captured not far from Matanzas, on the 6th instant, by the Columbian Privateer, *General Paez*, and re-captured by the *Hornet* on the 9th.

On the 11th instant, the French Frigate, *L'Antigone*, Captain Durest Villeneuve, arrived here from Vera Cruz; and we are informed that Captain Hensley, of the *Hornet*, proposed to Captain Villeneuve to deliver up to his charge the Brig *Theodore* and her Cargo, but that the latter declined receiving them. On the 14th the *Hornet* sailed from hence with her Prize, but the latter, owing to some accident, was obliged to put back the same day; she, however, finally sailed for Charleston on the 16th, having one of the Lieutenants of the *Hornet* on board.

Since the date of our Despatch of the 6th of May, two Vessels have entered this Port under suspicious circumstances, namely, the French Brig *La Rose*, M. Thomas, Master, on the 9th ult. in ballast, from the Danish Island of St. Thomas, and the French Schooner *Adolphe*, P. Lamarque, Master, on the 18th instant, likewise in ballast, from Guadaloupe. The number of the Crews of these Vessels (21 and 15), which are greater than their tonnage, upon ordinary occasions, would require; their arrival in ballast, one from St. Thomas, the common cloak for all illicit Slave Trade, and the other from Guadaloupe, with which this Place has no commercial connection whatever, and their being consigned to a French house here, which, report says, is largely concerned in illicit Traffick of Negroes; are circumstances which justify our suspicions that these Vessels, previously to their arrival at this Port, had landed Negroes on the Coast; but still we know from expe-

rience, that they are not sufficiently specifick to warrant the expectation of any beneficial result, arising from a representation on our part to the Government upon the subject.

We have lately learnt that the illicit Slave Traders, becoming bolder from the impunity with which they have hitherto carried on their dealings, have actually brought some Negroes for the purpose of selling them to the Barracones or Depots outside the Town, where formerly, during the continuance of the Traffick, the newly imported Slaves were exposed for sale. As soon as we were apprized of this circumstance, we determined to mention it to the Captain-General, but were prevented by a domestick misfortune which happened in His Excellency's family. We, however, requested one of his Secretaries to state the circumstance to His Excellency, and to inform him that we should take an early opportunity of drawing his attention to it. His subsequent illness, which unfortunately terminated in his death, again prevented us from carrying our intention into effect; but no time shall be lost in bringing under the consideration of the new Governor-General, Kindelan, this particular Case, and the general subject of the illicit Traffick of Slaves, well known to be carried on in this Island.

It must, however, be acknowledged, that in the present defective state of the Spanish Law, it is not surprising that such transactions should be carried on with impunity. Your Lordship is aware that the Decree of His Catholick Majesty, issued in consequence of our Slave Trade Treaty, is conceived in the most loose and vague terms; its execution is not committed to any particular Department, and is therefore neglected by all. And, above all, no reward is offered to the Informer, so that, in this contraband Traffick, which is the most easily carried on, and in the continuation of which almost every man in the Island is interested, no recompense is granted for its detection, although, in all other smuggling transactions, the Judge and the Informer both receive considerable shares of the confiscated property. It is probable, therefore, that so long as the Law in question remains unaltered, it will continue, as hitherto, to be a mere dead letter.

We have the honour to be, &c.

H. T. KILBEE.

*The Marquess of Londonderry, K.G.*

R. F. JAMESON.

No. 50.—*The Marquess of Londonderry to the British Commissioners.*  
(Extract.) *Foreign Office, July 27, 1822.*

I HAVE received your Despatch of the 6th of May, detailing your proceedings in respect to several suspicious Cases which had occurred at The Havannah, and which appeared to you, to afford sufficient



ground for belief, that the Vessels concerned have been, or are about to be, engaged in illicit Traffick in Slaves.

Your communication with the Spanish Governor, appears to have been conducted with great prudence and judgment.

It appears to me, that it would be advantageous to the effectual suppression of the Traffick in Slaves, that you should continue to intimate to the Spanish Governor the substance of such communications as to facts, that you may think yourselves warranted to make to me, as an indirect mode of exciting the attention of the Spanish Government, and of enabling His Majesty's Government to assume, that the Spanish Government will not be unapprized of such facts, on which it may be found necessary to remonstrate against abuses, that may be so practised in contravention of the Treaty.

I have full reliance on your prudence and discretion in executing this more delicate part of your duty.

*The British Commissioners.*

LONDONDERRY.

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No. 51.—*Messrs. Kilbee and Jameson to the Marquess of Londonderry.*  
(Received October 9.)

(Extract.)

*Havannah, August 2, 1822.*

SINCE the date of our Despatch of 22d July, we have had an opportunity of conversing with the new Captain-General, Kindelan, upon the subject of the illicit Traffick in Slaves still carried on throughout this Island.

We began the conversation by premising to General Kindelan, what we stated upon a former occasion to his Predecessor, namely, that the observations we were about to offer were not, by any means, intended as a remonstrance, which we were not authorized by our Government to make to the Authorities of His Catholick Majesty, but merely because we thought it right that he should be apprized of the violations of our Treaty, which we felt it to be our duty to report to our Government.

We then mentioned the suspicious Cases of the French Vessels stated in our Depatch of 22d July, the notoriety of Negroes being continually landed upon different parts of the Coast, and the fact that there were then actually Slaves for sale at the Barracones, or Depôts, outside the Town.

General Kindelan, in reply, stated, that with respect to the French Vessels, although they were very suspicious Cases, he had no means of acquiring proofs of their having been engaged in the illicit Traffick of Slaves: he admitted the notoriety of Negroes being landed on the Coasts, but stated the impossibility of the Government being able to guard against that species of illicit Traffick, considering the great extent of the Coast of the Island, and the few Ports at which there were Authorities residing:—he added that his jurisdiction as Civil Chief

did not extend all over the Island, but was confined to the Province of The Havannah.

With respect to the circumstance of Negroes being actually on sale at the Barracones, he promised to put a stop to such a scandalous violation of Treaty, and he concluded by assuring us, generally, that, so long as he remained in possession of the Chief Authority, he would do all in his power to put an end to illicit Traffick in Slaves.

It is scarcely necessary to point out to Your Lordship how entirely unproductive of any advantage have been the representations which, upon various occasions, we have made to the Chief Authority of the Island. We have been always well received, and redress, as far as it was practicable, promised; but the illicit Slave Trade increases, and is daily carried on more systematically. The first alarm at the danger of the Negroes being declared free is gradually passing away, and the failure of the attempt of the Count Torreno, to render more effectual the Law respecting the Abolition, together with the little interest manifested by the Government upon the subject, has generally given rise to the opinion that the Spanish Nation and Government are very indifferent about it, or do not dare, in the present state of their American Possessions, to offend the only Colony which has remained tranquil and faithful, by enforcing the execution of a measure which is in the highest degree unpopular. We have no hesitation in giving it as our opinion, that, but for the large stock of Negroes imported during the three years previous to the Abolition, and the present very low price of sugar, the Slave Trade would, at this moment, be as brisk and extensive as during any period whatever.

Such a state of things existing before our eyes, is most painful and mortifying to us, but your Lordship is aware that every thing, consistent with our powers and Instructions, has been done on our part to put a stop to it.

On the 26th ultimo, the French Brig *L'Aimable Henriette*, (an old Slave-trader), C. Gozan, Master, entered this Port in ballast, from, as alleged, the Danish Island of St. Thomas; and on the 29th the Portuguese Schooner *Paquete*, J. J. Nieves, Master, cleared out for St. Thomas, Cape de Verde Islands. This is the same Schooner which we mentioned in our Despatch to Your Lordship of 6th of May, as having entered this Port under very suspicious circumstances.

We have the honour to be, &c.

H. T. KILBEE.

R. F. JAMESON.

*The Marquess of Londonderry. K. G.*

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*No. 52.—Messrs. Kilbee and Jameson to the Marquess of Londonderry.*  
(Received November 9.)

MY LORD,

*Havannah, August 30, 1822.*

WE are happy to have an opportunity of reporting to Your Lordship a Case in which the present Local Government here has manifested a disposition to check illicit Traffick in Slaves.

On the 9th instant, the American Brig *Eros*, J. Demeron, Master, entered this Port from Baltimore, having on board 42 Negroes. She was said to be bound to New Orleans, and to have come in here in distress. It is, however, generally believed that the Negroes were intended to have been disposed of at this Place, if that could have been done with advantage to the Proprietor.

As soon as the Captain-General was apprized of the circumstance of Negroes being on board of this Vessel, he ordered her to put to Sea with the least delay possible, and directed that a guard should be sent on board, in order to prevent the Negroes from being landed, and maintained at her expense during her stay in this Port. The Vessel sailed again for New Orleans, with the 42 Negroes on board, on the 11th instant.

The Captain-General has likewise put a stop to the shameful practice which existed of selling Negroes at the Barracones, or Depôts, outside the Town, as stated in our last Despatch, but we do not understand that any steps have been taken for the punishment of those who had thus violated the Laws of this Country and the Treaty.

On the 23d and 24th instant, cleared out from this Port, for San Thomas, on the Coast of Africa, the Spanish Schooners *Rosalia*, Don Santiago Manzano, Master, and the *Nieves*, Don Juan Manso, Master.

We have the honour to be, &c.

H. T. KILBEE.

R. F. JAMESON.

*The Marquess of Londonderry, K.G.*

*No. 53.—Messrs. Kilbee and Jameson to the Marquess of Londonderry.*  
(Received November 11.)

(Extract.)

*Havannah, September 26, 1822.*

ON the 13th inst. the French Schooner *Marie*, H. Guyot, Master, entered this Port from the Coast of Africa, with 176 Negroes. The Master stated that his destination was Martinique, but that having been chased by a Pirate, he had been obliged to alter his course and enter this Port.

This improbable story is, of course, utterly unworthy of credit, and was framed for the purpose of furnishing an excuse for a Slave Ship entering this Port, where the Master hoped to be able to dispose of his Cargo. The Vessel, however, was ordered to leave the harbour as

soon as possible, and a guard of Soldiers was put on board, to prevent the Negroes from being landed, until the departure of the Vessel, which took place on the following day, when she sailed avowedly for Martinique.

Within these few days we have learnt, with great regret, that Negroes have been again exposed for sale at the Barracones outside the Town; and there is too much reason to believe that they formed the Cargo of the above-mentioned French Schooner, having been probably landed on the Coast shortly after their departure from this harbour, and marched by night to the Barracones.

H. T. KILBEE.

*The Marquess of Londonderry, K.G.*

R. F. JAMESON.

*No. 54.—Mr. Secretary Canning to R. F. Jameson, Esq.*

SIR,

*Foreign Office, November 12, 1822.*

YOUR Letter of the 3d of September, 1822, (marked Private) addressed to The Earl of Clanwilliam, has been laid before me, and I have to convey to you His Majesty's gracious permission for you to repair to England in the course of the ensuing Spring, upon leave of absence, for the recovery of your health; such leave of absence to continue for the period of your voyage to England, for sixth months residence in this Country, and for the period of your voyage back to The Havannah.

You will take care to give due notice of your leave and of your intention of availing yourself of it, both to the Board of which you are a Member, and also to the Local Authorities. I am, &c.

*R. F. Jameson, Esq.*

GEORGE CANNING.

*No. 55.—Messrs. Kilbee and Jameson to the Marquess of Londonderry.  
(Received February 11, 1823.)*

(Extract.)

*Havannah, November 14, 1822.*

SINCE the date of our last Despatch we have conversed with the Captain-General upon the subject of the Sale of Negroes at the Barracones; and he has again assured us that he would put an effectual stop to that violation of his orders, and of our Treaty. We have not heard that any Negroes have since that conversation been exposed to sale.

When the Case of the *Antonica*, as reported in our Despatch of December 10th of last year, came before this Mixed Commission, it was generally believed that the Slaves would be emancipated; and great alarm was excited from the danger to which it was supposed such a measure would expose this Island. General Mahy, then Captain-General, mentioned his intention of writing to the Spanish Govern-



ment upon the subject, and we have since learnt that he had come to the resolution of suspending the execution of our Decree, had it been to the effect of declaring the Negroes free. We have now, however, the satisfaction of acquainting Your Lordship, that the Authorities here are again directed to carry strictly into effect all the Stipulations of the Slave Trade Treaty, and that the Spanish Government does not consider the fears excited upon this occasion to be just or well-founded.

The Case of the Negroes belonging to the *Antonica* remains in the same state as reported to Your Lordship in our Despatch of the 3d of March. Orders, we have heard, have been received from Madrid to send there all the Documents respecting the Case. But the Parties concerned will either find means to evade the execution of these orders, till the matter be entirely forgotten;—or, should they be compelled to forward the Documents, and a final decision be given pronouncing the Emancipation of the Negroes, such a period will probably elapse before that event can happen, that they will be enabled, without difficulty, to procure Documents proving the death of the greater part, if not of all the Negroes, and thus evade the ends of justice.

On the 7th instant, the Spanish Schooner, *Amable Socorro*, Captain Don Jose Insua (whose departure from this Port was reported in our Despatch of 6th May) arrived here in ballast from the Coast of Africa. The Captain stated, that he had been robbed of all his Cargo, consisting of gold-dust and ivory, by an Insurgent Privateer, off Cayo Guinches; the common report, however, is, that he landed a number of Negroes on the Coast, very near this Port, if not actually within the Harbour. Your Lordship will perceive how little any effectual exertions for the suppression of illicit Traffick in Slaves are to be expected from the Authorities here, when such an excuse is allowed to pass unexamined.

H. T. KILBEE.

R. F. JAMESON.

*The Marquess of Londonderry, K. G.*

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No. 56.—*Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, November 26, 1822.*

I SEND to you for your information and guidance, the Copy of a Despatch, addressed on the 22d February, 1822, by the King's Command, to His Majesty's Minister at Madrid, proposing that the Provisions of the Slave Trade Treaty of the 23d of September, 1817, for the case of the death of one or more of the Commissioners, shall extend to the case of Vacancies occurring in the Commissions from illness, or absence on leave;—2dly, the Copy of a Despatch, dated the 17th of June, 1822, from His Majesty's Minister at Madrid, expressive of the

willingness of that Court to adopt the proposed extension of the Provisions of the Treaty ;—8dly, the Extract of a Despatch, dated the 27th of June, 1822, likewise from His Majesty's Minister at Madrid, stating that the Spanish Minister had promised that orders to the effect above mentioned should be sent out, without delay, to the Commissioners of His Catholick Majesty ; and, 4thly, I furnish you with the Copy of an Instruction which I addressed, on the 25th of September, 1822, by The King's Command, to His Majesty's Envoy at Madrid, inclosing a Project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your Fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

*No. 57.—Messrs. Kilbee and Jameson to Mr. Secretary Canning.*

*(Received March 11, 1823.)*

SIR,

*Havannah, December 26, 1822.*

WE have the honour to acknowledge the receipt of your Circular Despatch of the 16th of September, notifying to us that The King has been graciously pleased to appoint you His Majesty's Principal Secretary of State for Foreign Affairs, and directing us to address to you our Despatches and Letters upon publick business.

We have the honour to be, &c.

H. T. KILBEE.

*The Right Hon. George Canning.*

R. F. JAMESON.

*No. 58.—Messrs. Kilbee and Jameson to Mr. Secretary Canning.*

*(Received March 1.)*

SIR,

*Havannah, January 23, 1823.*

SINCE the date of our Despatch of the 14th November of last year, addressed to the Marquess of Londonderry, two Vessels have entered this Port under suspicious circumstances, namely, the Portuguese Schooner *Paquete*, Don Jose Maria Nieves, Captain, on the 29th ult. and the French Brig *Coureur*, M. G. Verrier, Captain, on the 19th instant, both avowedly from the Danish Island of Saint Thomas ; the former is an old Slave-trader with this Port, and sailed on the 29th July last for the Cape de Verd Islands, as reported in our Despatch of the 2d of August of last year.

These Vessels both arrived in ballast, but there is little doubt that they had previously landed Negroes on the Coast. We have not yet mentioned the subject to the Captain-General, who has been indisposed lately, but we shall take an early opportunity of doing so, although we cannot expect that much advantage will be derived from such a measure, since His Excellency, in a conversation reported to the Marquess of Londonderry in our above-mentioned Despatch, declared, that he had no means of acquiring proofs of the illegality of the voyages of Vessels which had entered this Port under precisely similar circumstances of suspicion as those mentioned in this Despatch.

The illicit Traffick of Slaves with this Island has certainly diminished within the last few months; but we have no hesitation in giving it as our opinion, that this diminution is to be attributed solely to the general distress, as well agricultural as commercial, which has existed here for some time, and by no means to any increased exertions on the part of the Authorities for the suppression of the Traffick.

We have the honour to be, &c.

H. T. KILBEE.

R. F. JAMESON.

*The Right Hon. George Canning.*

*No. 59.—R. F. Jameson, Esq. to Mr. Secy. Canning.—(Rec. April 7.)*

SIR,

*Havannah, February 16, 1823.*

I HAVE the honour to acknowledge the receipt of your Letter of the 12th of November last, in which you communicate His Majesty's gracious permission for me to repair to England, in the course of the ensuing Spring, on leave of absence.

Permit me, Sir, to thank you for the early and obliging attention you have given my request. I purpose availing myself of the permission about the beginning of May, and shall take care, pursuant to your directions, to give due notice of my intention, both to the Board of which I am a Member, and to the Local Authorities.

I have the honour to be, &c.

*The Right Hon. George Canning.*

R. F. JAMESON.

*No. 60.—Messrs. Kilbee and Jameson to Mr. Secretary Canning.  
(Received April 7.)*

SIR,

*Havannah, February 27, 1823.*

WE have the honour to acknowledge the receipt of your Despatch of the 26th November of last year, in which you have been pleased to apprise us of the Proposition made by His Majesty's Government to that of His Catholick Majesty, to the effect that the Provisions of the Treaty of the 23d September 1817, for supplying Vacancies in the case

of the death of the Commissioners, should extend to the case of Vacancies from illness or absence on leave.

We have communicated the substance of your Despatch to the Spanish Commissioners, who have not yet received any Instructions from their Government upon the subject in question; they have, however, expressed their readiness to act in the spirit of the intended arrangement, whenever circumstances shall so require it.

We have the honour to be, &c.

H. T. KILBEE.

*The Right Hon. George Canning.*

R. F. JAMESON.

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No. 61.—*Messrs. Killbee and Jameson to Mr. Secretary Canning.*  
(Received April 7.)

SIR,

*Havannah, February 27, 1823.*

SINCE we last had the honour of addressing you upon the subject of illicit Slave Trade, two Vessels have cleared out from this Port for the Island of St. Thomas, on the Coast of Africa, namely, the Spanish Schooners *Descamisada*, Don Juan Sandrino, Master, stated in general terms to be laden with effects, and the *Amable Socorro*, Don José Inzua, Master, with Colonial produce; both on the 1st instant. This last is an old Slave-trader, and we have frequently had occasion to mention her in our Despatches.

We have lately had a conversation with the Governor upon the subject of these and the other suspicious Cases mentioned in our Despatch of the 23d January, viz. the Portuguese Schooner *Paquete*, and the French Brig *Coureur*. With respect to the latter, His Excellency said that it was very possible they might have been engaged in the Slave Trade, but that the circumstance of their having arrived here in ballast from the Danish Island of St. Thomas, which was all that had been reported to him about them, was certainly not sufficient to justify him in proceeding against them. With respect to the other Vessels mentioned in this Despatch, he said, that their professed object, at least, was not the Slave Trade, but generally to Traffick in gold-dust, and other productions of the Coast of Africa, which was not prohibited by the Spanish Laws. His Excellency added, that whenever Cases of illicit Slave Trade should be brought before him in a tangible shape, he should be most willing to do all in his power to bring the Offenders to justice.

We have the honour to be, &c.

H. T. KILBEE.

*The Right Hon. George Canning.*

R. F. JAMESON.

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## RIO DE JANEIRO.

No. 62.—*Henry Hayne, Esq. to the Marquess of Londonderry.*  
(Received April 20.)

(Extract.)

*Rio de Janeiro, January 16, 1822.*

WHEN two months had elapsed, from the time of transmitting the Sentence passed by the Mixed Commission on the Schooner *Emilia* to the Judge of Contraband, it being notorious that she still remained unsold, I thought, my Lord, that ample time had been allowed, not only to execute the Sale, but even to settle the Accounts. I therefore availed myself of an opportunity, on the 27th of November, at the Court of the Commission, to state my sentiments to the Portuguese Commissary Judge on the subject, and to beg that he would urge his Government to give direction for her immediate sale; and for your Lordship's information, I beg to inclose the Protocol of the day, which was transmitted to this Government by the Portuguese Commissary Judge: in reply to which, Senhor Vieira, the Minister for Foreign Affairs, addressed a Portaria, or Official Note, to the Portuguese Commissary Judge, asserting, that in making such representations I had exceeded the limits of my functions in a manner unauthorized by the Convention and its Regulations, and that my Portuguese Colleague had arrogated to himself a diplomattick character in condescending to reply to my unlawful requisitions, for which he is reprimanded and peremptorily ordered neither to reply to similar requisitions nor to transmit them to his Government. I beg to inclose a Copy of this Document.

A stop being thus put, my Lord, to the usual mode of proceeding of the Commission, and the value of the Vessel daily diminishing, I addressed a Note on the 13th of December to His Majesty's Acting Consul-General, stating the Case and suggesting that the sale of the Vessel, by the appointed Authority, should be formally urged, and that the Alvará should be applied to the Offenders, or the reason assigned for its not having been done.

I trust it will appear evident that no exertion has been wanting on my part to bring this tedious Case to a close, the unsettled state of the Country, in addition to the causes above-mentioned, will account for its delay.

I have the honour herewith to transmit for your Lordship's information, a list, with particulars, of the Slave Vessels, and number of Slaves that were imported into this harbour during the year 1821.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

(Inclosure 1.)—*Protocol respecting the Sale of the Emilia.*

(Translation)

Session, November 27, 1821.

THE British Commissary Judge represented that he had an especial recommendation from his Government to urge the sales of condemned Vessels without loss of time, and this through the medium of the Portuguese Commissary Judge ; and two months having elapsed since the Commission sent the Sentence of Condemnation of the Schooner *Emilia* to the Superintendent of Contrabands, with the intention that this Magistrate should proceed with the sale according to the Alvará of 26th January 1818 ; and the said Magistrate not having yet sent the proceeds of the sale, which he has not yet made, as is publick and notorious, begged the Portuguese Commissary Judge would transmit to his Government this Protocol, and request that there should be no more delay in executing the said sale, because all Vessels in such a state must daily deteriorate and lose their value. To which the Portuguese Commissary Judge answered, saying, “ that sales made judicially in the Portuguese Dominions had their formalities marked by law ; that it appeared to him that the Schooner was not sold, because no one would advance upon her valuation, and in such a Case the law requires a new one to be made, and which necessarily must take time ; and to this casualty the delay ought to be attributed, and to no other reason ; however, he would transmit the Protocol to his Government, as the British Commissary Judge requested.” The said British Commissary Judge also represented, “ that he had asked the Portuguese Government, only for the sake of humanity, to use all possible promptitude in the apprenticing of the Free Blacks ; however, he knew that there were some of these unfortunate people in the Lazaretto to be hired, even to this day.” In such a case, guided by the same sentiments of humanity, he requested “ that, in conformity to the Convention, and Alvará of 26th January 1818, the Portuguese Government would provide that those people should be freed from that species of prison in which they are, and give them that destination which the said Convention and Alvará require.” The Portuguese Commissary Judge answered, “ that the Free Blacks had been all hired out in proper time, but those that had remained in the Lazaretto were there, because those who had hired them had not fetched them away, though intimation had been sent to them by the competent Judge, according to law, and he knew that by request of the Curator they were providing the means to hire them out anew, and that it would be effected in a few days ; but he would make known to the Government the British Commissary Judge’s humane intentions, according to his wishes.” The Session was finished.

BRAZ MARTINS COSTA PASSOS.

(*Inclosure 2.*)—*Portaria of the Minister for Foreign Affairs to the Portuguese Commissary Judge.—(Translation.)*

THE Note of Jozé Silvestre Rebello, the Commissary Judge of the Mixed Commission, being presented to His Royal Highness The Prince Regent, dated the 28th November last, with a Copy of the Protocol of the Session of the antecedent day, done in the Mixt Commission, including the answers which the said Commissary Judge readily gave to the two representations of the British Commissary Judge, in which he complained of the delay of the sale of the Captured Schooner, *Emilia*, and of the hire of some of the Free Blacks, who still remained at the Lazaretto to be hired; His Royal Highness orders the Secretary of State for Foreign Affairs to declare to the said Commissary Judge, Jozé Silvestre Rebello, that, the duties of the Mixt Commission being prescribed and regulated in the 8th Article of the Additional Convention of 1817, and in the Regulations for the Mixt Commission No. 3, in making similar representations the British Judge exceeded the limits of his functions, and that in an Official manner which the above mentioned Convention and Regulations do not authorize; not being able in the least to support his ground with the alledged motives of humanity for those Free Blacks, nor in the least with any especial recommendation that he may have from his Government; nothing of these gives him a right to call this Government to an account, with whose administrative routine he must conform: the conduct of the aforesaid Portuguese Commissary Judge being on this occasion less regular, as well for wishing to exceed his duty and arrogate to himself a diplomattick character with his Government, as his condescension to the unlawful requisitions of the British Judge, going, so far as to state them to be moderate. Also His Royal Highness orders me to warn you, that as often as requisitions of that nature shall be directed to you, exceeding the letter of the Regulations, you will peremptorily and finally refuse to reply to the same, and to transmit them afterwards to the Government in an Official manner, assuming a publick character which as yet has not been confided to you; recollecting likewise, your unseasonable replies only tend to anticipate the intentions of the Government, which alone is competent to decide the infractions which might occur in the execution of the Treaties; and lastly, that the said Commisary Judge having so understood should conduct himself accordingly.

*Palace, 3d December 1821.*

FRANCISCO JOZE VIEIRA.

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## (Inclosure 3.)—List of Slaves Imported at Rio de Janeiro during the Year 1821.

Arrived.	From whence.	Vessel.	Days at Sea.	Slaves embarked.	Slaves landed.	
1821.						
Jan. 2d	Cabinda - -	Brig - -	30	416	408	
21st	Angola - -	do. - -	28	557	549	
23d	Benguela - -	do. - -	29	425	396	
31st	Cabinda - -	Schooner - -	30	194	194	
Feb. 16th	Mozambique - -	Ship - -	84	992	632	
—	Cabinda - -	Brig - -	43	362	342	
18th	do. - -	Ship - -	37	522	511	
21st	Mozambique - -	do. - -	71	346	241	
22d	do. - -	do. - -	76	511	273	
26th	Guilimane - -	Brig - -	82	476	311	
Mar. 7th	do. - -	do. - -	60	451	385	
—	Madagascar - -	Ship - -	89	21	21	
12th	Guilimane - -	Brig - -	111	433	291	
15th	do. - -	Ship - -	54	434	267	
—	do. - -	Schooner - -	57	337	260	
—	do. - -	Brig - -	67	500	342	
—	Angola - -	do. - -	50	384	367	
19th	do. - -	Ship - -	32	455	433	
21st	Guilimane - -	do. - -	74	481	285	
23d	Benguela - -	Brig - -	36	431	395	
31st	Cabinda - -	do. - -	39	312	287	
—	Angola - -	do. - -	42	450	430	
—	Guilimane - -	do. - -	69	377	284	
Apr. 24th	Cabinda - -	do. - -	42	461	439	
May 3d	Angola - -	do. - -	47	528	378	
13th	Guilimane - -	do. - -	66	325	225	
19th	Angola - -	do. - -	49	375	365	
23d	Mozambique - -	do. - -	99	202	113	
27th	Angola - -	do. - -	32	450	429	
June 23d	do. - -	Ship - -	36	741	680	
July 7th	Bahia and Osim - -	H. M. S. Morgiana - -	25	197	197	} Prize con- demned.
—	do. - -	Emilia, Schooner - -	—	157	157	
Aug. 7th	Angola - -	Ship - -	33	566	514	
11th	do. - -	Brig - -	53	254	227	
—	—	—	35	481	460	
18th	Benguela - -	—	40	408	339	
26th	Angola - -	Ship - -	26	759	734	
29th	do. - -	Schooner - -	32	304	270	
Sep. 21st	do. - -	Ship - -	25	743	683	
Oct. 8th	do. - -	Brig - -	36	510	452	
12th	—	—	35	495	374	
21st	Pernambuco - -	—	18	50	50	
23d	do. - -	—	20	60	60	
—	Benguela - -	—	38	511	496	
28th	Ambrixe - -	—	48	450	449	
Nov. 7th	Angola - -	Brig - -	35	579	507	
8th	Benguela - -	—	37	407	390	
17th	Angola - -	—	45	544	500	
23d	Cabinda - -	Ship - -	30	573	561	
—	Angola - -	Brig - -	39	468	388	
25th	Guilimane - -	—	60	446	446	
28th	Mozambique - -	Ship - -	54	440	394	
Dec. 4th	Angola - -	do. - -	28	609	523	
5th	—	Brig - -	29	595	516	
18th	Mozambique - -	Ship - -	60	450	322	
23d	Angola - -	Schooner - -	33	358	310	
Total				24363	20852	

Slaves embarked - - 24363  
 Slaves landed - - 20852

Deaths - - - 3311



No. 63.—*Henry Hayne, Esq. to the Marquess of Londonderry.*  
(Received April 20.)

(Extract.)

*Rio de Janeiro, February 16, 1822.*

ON the 16th ult. I had the honour of addressing your Lordship on the subject of the causes of delay in the execution of the Sentence of the Mixed Commission in the Case of the *Emilia*; I now beg leave to transmit to your Lordship the Copy of a Note from His Britannick Majesty's Consul General, in reply to my Letter suggesting his interference, together with his Note to the Minister for Foreign Affairs (Senhor Vieira), and His Excellency's Answer, which inclosed a detailed and unsatisfactory account from the Judge of Contraband, of which I also beg to inclose a Copy, stating why the sale had not taken place, and attributing the delay to an exorbitant valuation, the want of bidders, and the accustomed forms of the law: and with regard to the prosecution of the Officers of the condemned Vessel, the said Judge openly declares, that he has not carried into execution the 1st Article of the Alvará, which prescribes the penalties to which those who infringe the Law are liable, because, in the first place, the Sentence, of which he is the mere executor, does not condemn them; and, in the next, because he has received no denunciation against the Parties, without which he cannot prosecute, and in this opinion he is most fully supported by Senhor Vieira, the Minister for Foreign Affairs, in his reply to the acting Consul-General. Relative to the first Question, of unnecessary delay in executing the sale of the Vessel, there can be little doubt of it, though it is made to appear that the accustomed legal form of sale required it; but that may always be contrived, and is the great objection to the sale being taken out of the hands of the Commission: and I feel confident, my Lord, that had the Alvará not placed the sale in the hands of the Judge of Contraband, the business would have been accomplished, and the product remitted three months since, with a saving of at least 10 per cent.

As the Commission did not feel authorized to sentence the Offending Parties concerned, when condemnation was passed on the Vessel and Cargo, I proposed, my Lord, that a Copy of the Matrícula, with notes from the evidence before the Commission, signed by my Colleague and myself, should be transmitted to the Judge of Contraband, with a view of assisting him in the prosecution, a Copy of which, as well as the Note which accompanied it, I have the honour of inclosing for your Lordship's information. Notwithstanding all that has been said and done these men are at large, without any notice having been taken of them, at liberty to resume their inhuman profession, to which they will most probably return, exasperated against their late Captors, doubtless with a determination to reek their vengeance on them whenever an opportunity may offer, and with confidence that the penalty of the Law will not be visited on them in the event of a second Capture. By insisting on the Law being carried

into full effect I feel persuaded that many would be deterred from engaging in the Traffic ; and at least those detected would be incapacitated from resuming it.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

(Inclosure 1.)—*The Deputy Consul General to The British Commissary Judge.*

SIR,

*Rio de Janeiro, January 7, 1822.*

I HAVE had the honour to receive your Letter of the 12th ultimo, in which you acknowledge the receipt of mine, dated 30th November, inclosing a Copy of my representation to the Minister, Senhor Vieira, on the subject of the delivery of the Slaves to their Owners, being part of the Crew of the *Emilia* Schooner, condemned by the Mixed Commission, together with a Copy of His Excellency's Reply thereto.

I have also to acknowledge the receipt of yours, dated on the following day, informing me that, in pursuance of your Instructions to urge your Portuguese Colleague to proceed to the sale of all condemned Vessels, as soon after condemnation as possible, you, on the 26th of November, represented to the Portuguese Commissary Judge, at the Court of the Commission, that two months had elapsed since the condemnation of the *Emilia*, but that the Vessel was still unsold, to her extreme prejudice and daily deterioration ; and that, therefore, you begged he would represent the Case to his Government, that there might be no more delay in the execution of the Sentence.

This, it appears, the Commissary Judge complied with, and accordingly transmitted the Protocol of the day to the Minister for Foreign Affairs, a Copy of which you inclose to me, together with a *Portaria* to the Commissary Judge, reprimanding him for answering your questions, and forbidding him to reply to them in future, or to transmit them to him. You, therefore, state this Minister's extreme want of liberality towards the Commission, and very justly complain of the unwarrantable delay in the execution of the Sentence : and, in your own justification, most truly say, that the system pursued in this instance is precisely in unison with that adopted from the first installation of the Commission. Under these circumstances, it became necessary for me to represent to His Excellency, Senhor Vieira, the great delay and procrastination of which you complain, in your two above-mentioned Letters to me ; and accordingly on the 21st ultimo, I addressed His Excellency in a Note, dated 21st December, a Copy of which I have now the honour to inclose, together with a Copy of his Reply thereto, accompanied by a Copy of a Letter from the Judge of Contraband, in answer to a Letter from His Excellency, dated 29th December, and which I also inclose you a Copy of, and I have to lament their contents are not of a more satisfactory nature ; for you will observe that Senhor Vieira is totally silent upon the subject of any punishment's being in-

flicted upon those who have been so clearly proved to have fitted out and navigated the *Emilia* upon her illicit voyage.

It is, Sir, with no small degree of concern, that I find your unre-mitted endeavours to obtain a full and complete execution of the letter and the spirit of the Convention, and the Regulations annexed to it, has met with such vexatious opposition, and wilful delay, on the part of the Brazilian Government, in the *Emilia's* Case, and for which, *under the present circumstances of the Country*, I fear no redress can at this moment be obtained, and therefore, your intention of transmitting all the proceedings therein, to His Majesty's Government in England, and requesting that some steps may be taken to place the Commission on a more favourable and independent footing, appears to be highly necessary and requisite, in order to prevent future opposition and delay, in the event of having other Vessels brought into this Port for trial : but, Sir, if you think any benefit or advantage can arise from further remonstrances or reclamations on my part, I will most readily attend to any thing which you may think proper to suggest, in order to obtain a more just and complete fulfilment of the Convention entered into between the Two Kingdoms of England and Portugal, for the purpose of preventing the Subjects of either Country from engaging in any illicit Traffick in Slaves. I have the honour to be, &c.

Henry Hayne, Esq.

ALEXANDER CUNNINGHAM.

(Inclosure 2.)—*The British Deputy Consul-General to the Portuguese Minister for Foreign Affairs.*

MR. ALEXANDER CUNNINGHAM, His Britannick Majesty's Deputy and Acting Consul-General for the Brazils, and its Dependencies, has the honour to present his most respectful compliments to His Excellency, Senhor Francisco Jose Vieira, Minister and Secretary of State for the Kingdom of Brazil, and for Foreign Affairs ; and begs leave to represent to His Excellency that, in consequence of the Schooner *Emilia* not having yet been sold, she is daily deteriorating and becoming of less value ; several months have now elapsed since her condemnation and her being surrendered to the Judge of the Contraband, and the Accounts relative to that Vessel's capture cannot be closed and transmitted to the British Government, until the proceeds of the sale of the Vessel, her Cargo, and appurtenances, be liquidated, and placed, as ordered by His 'Royal' Highness the Prince Regent, in his Aviso of the 6th of August, 1821, to the Judge of Contraband.

His Britannick Majesty's Acting Consul-General has therefore to request that His Excellency Senhor Francisco Jose Vieira will have the goodness to direct the Judge to proceed, without further delay, to the sale of the *Emilia* ; and he, at the same time, has the honour to assure His Excellency that in thus troubling him, upon a subject to which his attention has already been so frequently drawn, he is actuated

by no other motive than that which arises from a sense of its being his duty so to do, and in order to prevent future trouble and discussion.

The First Article of the Regulations for the Mixed Commission states, that Judgment shall be given without appeal, according to the letter and spirit of the Treaty of the 22d of January, 1815, and the Convention signed at London, on the 28th of July, 1817.

In the Treaty between Great Britain and Portugal, signed at Vienna 22d January, 1815, it also appears that other Powers of Europe have been induced to assist in the benevolent object of bringing about a gradual abolition of the Slave Trade; and therefore, it is not to be doubted, but that the whole of the Powers therein alluded to, are truly and sincerely interested in this humane pursuit, and that as the *Emilia's* Case is the first which has been brought before the Mixed Commission established in the Brazils, the manner in which the process has been carried on and concluded will become a matter of general concern and consideration; and the British Government in particular will, no doubt, expect that the First Article of His Most Faithful Majesty's Alvará, dated January 26th, 1818, pointing out the punishments of those who shall proceed to fit out and prepare Vessels for an illegal Traffick in Slaves, shall be put into effect, by applying it to the Offenders in the *Emilia's* Case, or at least that the reason why it is not should be explained. The Sentence was duly transmitted to the Judge of Contraband, together with a Copy of the Matricula, as well as an account of the wages due to each individual, for the purpose of enabling the Judge to apply the Alvará to those whom it might appear to affect. The Official Notes from His Britannick Majesty's Acting Consul-General to the Minister of State, naming the Persons who had transgressed the Law, and begging that the Law might be applied to the Case, was certainly a full denunciation, and therefore it cannot be alleged, that they were not mentioned or pointed out to the Portuguese Authorities.

Mr. Cunningham avails himself of this opportunity to repeat his high consideration and esteem for His Excellency Senhor Francisco Jose Vieira.

*Rio de Janeiro, December 21, 1821.*

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(Inclosure 3.)—*The Portuguese Minister for Foreign Affairs to the British Deputy Consul-General.—(Translation)*

THE Undersigned, Counsellor, Minister and Secretary of State for the Interior and Foreign Affairs of the Kingdom of Brazil, having received and laid before His Royal Highness The Prince Regent, the Note, dated 23d December last, which Mr. Cunningham, His Britannick Majesty's Consul-General, addressed to him through the Secretary of State's Office, making a representation against the delay which had occurred in the sale of the Schooner *Emilia*, condemned by the Mixed Commission, as well as for not having proceeded against those



people employed in the outfit and navigation of the same; received an Order from the same August Person to reply to you, and transmit the inclosed Copy of a Note from the Superintendent of Contrabands, by which it is evident that the course pursued is perfectly regular, and that neglect cannot in any manner be attributed to the Judge charged with that business.

The Undersigned, thus fulfilling the Orders he received from His Royal Highness the Prince Regent, feels persuaded that Mr. Cunningham will be convinced how much the Government of His Royal Highness is inclined, always to execute the existing Laws; and profits of this opportunity of repeating to him expressions of his particular esteem.

FRANCISCO JOSE VIEIRA.

*Palace of Rio de Janeiro, Jan. 4, 1822.*

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(Inclosure 4.)—*The Superintendent of Contrabands to the Minister for Foreign Affairs.—(Translation.)*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

IN compliance with the Portaria of the 24th instant, in which His Royal Highness the Prince Regent orders, that the Note of the Deputy Consul-General of His Britannick Majesty, and Arbitrator of the Mixed Commission established at this Court, which solicits the sale of the Schooner *Emilia*, condemned by the said Commission, and to be informed of the reason why full execution has not been given to the First Article of the Alvará of the 26th January, 1818, should be sent to me by the Secretary of State's Office, in order that I might report on the subject; I have the honour of communicating to Your Excellency, that you may be pleased to make known to His Royal Highness, that the Sentence of the above-mentioned Commission having been presented to this Tribunal on the 28th of September of the present year, and after the competent order to fulfil it, the valuation of the Schooner *Emilia*, condemned by the above-mentioned Commission, was consequently proceeded with by the Appraisers that I judged most fit, those of the Measurement Department of the Royal Marine Arsenal, having previously addressed a Note to the Inspector of the Arsenal to that effect, and having immediately advertised the sale by auction in the accustomed form of Law, and no advance upon the valuation being made on the last three days of the sale, it being said to be much too high, which gave rise to the representation that I had the honour of addressing to Your Excellency on the 24th of last month, to which His Royal Highness, noting my not having mentioned the amount of the valuation of the Schooner *Emilia*, or the price bidden, was pleased to order me, by the Portaria of the 1st instant, immediately to transmit the above-mentioned information, which I did in my Note

of the 5th instant; and in the Portaria of the 11th instant, His Royal Highness determines that, should the bidding not reach the actual valuation, that the Schooner should be put up to auction, with the reduction that the Law prescribes, or that a new valuation should be taken by those who took the first, but, however, not to be adjudged to the Treasury. In conformity to this, I proceeded a second time to put the Schooner up to auction, having previously announced it in the Diary for the 22d instant, on which day there being no bidders beyond the reduced valuation, as directed by the Portaria of the 11th instant, according to which, and the preceding, I have been guided, and shall continue so to be, as the inclosed Certificate, which I transmit to Your Excellency, will show, and which I presume will do away with any suspicion of culpable omission in this Court, in the execution of the Sentence of the Mixed Commission respecting the sale, solicited by His Britannick Majesty's Consul-General.

With regard, however, to the motive for not having given full execution to the First Article of the Alvará of the 26th of January, 1818, I have simply to say, that since the Officers of the Schooner *Emilia* are not condemned to be transported to Mozambique, or to any fine, by the Sentence of which I am the mere Executor, conformably to the Letter of the Law, any excess on my part would be looked upon as anti-legal, especially as I have not yet received a denunciation to commence a new Suit in this Court, as is prescribed by the above Alvará, by the letter and spirit of which, according to my view of it, I have been regulated, as I have told His Royal Highness; however, on viewing the whole referred to, and the inclosed Certificate, you will decide as you may think proper. God preserve Your Excellency.

Rio de Janeiro, December 29, 1821. JOZE FRANCISCO LEAL.

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(Inclosure 5.)—*Matricula of the Schooner Emilia. With Notes.*  
(Translation.)

Approved.

Rio de Janeiro, August 3, 1821.

HAYNE.

REBELLO.

THE list of the Crew of the Schooner *Emilia*, copied from the original *Matricula*, which is with the Documents, together with the Notes taken from the said Documents, captured by His Britannick Majesty's Ship of War *Morgiana*, and condemned for being taken when engaged in carrying on the illicit Slave Trade; viz.

Severo Leonardo, Master. Neither by the *Matricula*, or any Document, does it appear what wages he received; but by the cargo-book it appears that he had five Slaves of the Cargo, and two Slaves Mariners: he ran away at Bahia, where he landed with the permission of the Commander of the *Morgiana*, as he himself declared.

Domingos Joze de Faria, Mate, had four hundred mil reis wages, according to the Matricula; one Slave of the Cargo belonged to him; and he remained at Bahia, where he landed, sick of a wound which he gave himself in endeavouring to cut his own throat.

Prudencio de Albuquerque, Practitioner, had 70 mil reis wages; he had on board four Slaves, and remained on the Coast of Africa.

Manoel Alcantara, Boatswain, got 250 mil reis wages; he had on board five Slaves, and came with the Schooner to this Port, where his deposition was taken, and afterwards ran away.

Jozé Joaquim de Moraes, Black Doctor, embarked at Bahia, in the place of Lourenço Domingos dos Santos, who is named in the Matricula, and left the Schooner on the day of sailing; got 120 mil reis wages. He came to this Port, where his deposition was taken, and he is actually on board taking care of the Blacks.

Francisco Caetano, Cooper, had 180 mil reis wages; he had on board five Slaves, and remained on shore at Bahia with permission of the Captor.

Roque Nagou, Cooper, Slave of Vicente Ferr<sup>a</sup>. Milles; had no wages appointed, and remained on the Coast.

## SAILORS.

Antonio Joaquim had for wages 50 mil reis, and ran away in Bahia.—Joao da Crus had for wages 50 mil reis; he had on board one Slave; he ran away at Bahia.—Manoel da Hora had for wages 50 mil reis, and ran away at Bahia.—Estanislao Martins Marques had for wages 50 mil reis, and remained at Bahia with leave from the Captor.

Bento.....	Aussa	Jozé .....	Aussa	
Joao .....	Barba	Faustino...	Cabinda	
Christovao.....	Aussa	Firmo.....	Barno	
Caetano.....	Mosambique	Pedro.....	Aussa	} Remained on the Coast.
Antonio.....	Gege	Ventura ..	Mina	
Paulo .....	Aussa			

These 12 Slaves, Sailors, belong to Vicente Ferr<sup>a</sup>. Milles, who sailed from Bahia in the Schooner, with the intention of remaining on the Coast as Agent to the Owner of the said Schooner, as appears by Documents found on board, to load this and other Vessels; but it does not appear from the Passport, or the Matricula, that he went in the Schooner, therefore it is concluded that he went concealed: the truth of this supposition is plainly confirmed by several Letters found on board, and also by the depositions of one of the Witnesses: by some of the same Letters it appears that he had for wages 200 mil reis per month, from the 1st of October, 1820; and as the Schooner was captured on the 14th of February, 1821, he had already gained 900 mil reis of his wages. It also appears that he shipped on board the Schooner

on his own account, nine Slaves. George Gege, Slave of Joaquin. Carneiro de Campos, of Bahia, has not any interest in the negociation; he is on board the Schooner. Jozé Mina was drowned when swimming from the Schooner to the shore. Balthezar Aussa, Slave of Ignacio Jozé Ferreira of Bahia, has no interest in the negociations; he is on board the Schooner. Domingos Tapa, Slave of Joze Ramos of Bahia, is on board the Schooner.

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(Inclosure 6.)—*The Mixed Commission to the Judge of Contraband.*  
(Translation.)

THE Mixed Commission for the prevention of the Slave Trade, established in this City, ordered me to forward to Your Lordship the inclosed List, with some necessary explanations respecting the Crew of the Schooner *Emilia*, captured by William Finlaison, Esquire, Commander of His Britannick Majesty's Ship *Morgiana*, which Schooner was judged a Lawful Prize; in order that Your Lordship, in conformity to the Alvará of the 26th January, 1818, may be enabled to proceed against the Offenders as you may think proper: and that at the time of delivery of the said Schooner be pleased to demand a List, and the Crew, which ought to correspond with the inclosed.

I have also to make known to Your Lordship, by order of the above-mentioned Commission, that on board the said Schooner were found 845 Spanish dollars, which, by order of the Captor, were expended at Bahia, in the purchase of cables, sails, &c. for the said Schooner, by Mr. Riach, the Purser of the *Morgiana*, as he made appear by the accounts laid before the Commission, remaining responsible for the balance of 1718 reis, which Your Lordship will receive from the same Gentleman; and be pleased to acknowledge the receipt of the whole, for the information of the Commission. It remains for me to inform Your Lordship, that the Schooner and her Cargo were insured at 1,440,640 reis, as is apparent by a Paper signed by the Proprietor, without mentioning where insured, or by what Company.

God preserve Your Lordship.

BRAZ MARTINS COSTA PASSOS.

Rio de Janeiro, August 9, 1821.

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No. 64.—*Henry Hayne, Esq. to The Marquess of Londonderry.*  
(Received May 28.)

(Extract.)

Rio de Janeiro, February 28, 1822.

I HAVE great satisfaction in being at length enabled to lay before Your Lordship, accounts of the sale of the Schooner *Emilia*, condemned by the Mixed Commission established at this Place, and beg to inform Your Lordship, that by the Packet which conveys this, I



have remitted the proceeds to the Lords Commissioners of His Majesty's Treasury, in conformity to Your Lordship's Instructions.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

No. 65.—*Henry Hayne, Esq. to The Marquess of Londonderry.*

(Received July 30.)

MY LORD,

*Rio de Janeiro, May 12, 1822.*

I HAVE the honour to inform Your Lordship, that on the 27th of March last, the Brig *Desengano*, under Portuguese Colours, entered this Port from Bahia, with 390 Slaves on board, and, about ten days after, a Person, by name John Philip de Amorim, denounced the Vessel, for having taken the Slaves on board to the North of the Equator, in violation of the Convention of 1817, and the Alvará of 1818, before the Judge of Contraband, who, by the Fourth Article of the said Alvará, is authorised to take cognizance of all denunciations. The Judge ordered his *Escrivaõ*, or Registrar, to inform himself of the Case. The Registrar obtained information, reported upon it to the Judge; and the Judge, solely upon this Report, decided, that the evidence contained therein was sufficient to authorize his rejecting the Case.

Upon this the Informer, on the 16th of April, referred the Case to the Mixed Commission, upon the authority of the Fourth Article of the Alvará, which says, "it shall, however, be lawful for either of the Parties to apply to the Mixed Commission, for them to determine whether or not the Case have reference to the Abolition, in which event the Legal Proceedings upon it shall be delivered up to the Commission in the state in which they are, and whatever the Commission may decide shall be carried into effect."

I have the honour to inclose a Copy of the Papers which were laid before the Commission by the Informer, and have numbered them for the sake of reference. The first contains the Informer's Petition to the Mixed Commission, to take cognizance of the Case on the ground of an unsatisfactory decision of the Judge of Contraband. The second contains the original denunciation before the Judge of Contraband, on the ground of the Slaves having been embarked to the North of the Equator, together with the Judge's Despatch or Reply. The third contains the *Escrivaõ's*, or Registrar's Report, with the Orders from the Secretary of State to detain and release the Slaves, and the last decision of the Judge.

I thought it advisable, My Lord, to make the Case known to His Majesty's Acting Consul-General, to enable him to draw the attention of The Prince Regent's Government to a Case which bore the appearance of connivance, on the part of the Authorities at Bahia, and of neg-

lect, at least, on that of a Tribunal before which it had been already laid at this Place. I therefore lost no time in writing a Note, of which I beg to inclose a Copy, to His Britannick Majesty's Acting Consul-General, transmitting to him a Copy of the First Inclosure, expressing a hope, that on his representation, the Government would make every exertion, and would afford every opportunity to the Mixed Commission, to obtain a satisfactory elucidation of the Case.

It now became a question, My Lord, with the Portuguese Commissary Judge, whether the Case in its present state was cognizable by the Commission. I gave it as my decided opinion, founded on the Clause of the Fourth Article of the Alvará above quoted, that it became the Commission to ascertain whether or not it was a Case of Contraband.

The Portuguese Commissary Judge in reply said, that the Clause which I quoted from the Alvará, presumes a Legal Process to be commenced before the competent Authority, because it clearly says, that in the event of a reference to the Commission "the *Autos*, or Legal Proceedings upon it, shall be delivered up to the Commission in the state in which they are," and he maintained that a Suit had not been legally commenced, and that the Papers before us were not *Autos*, and as a proof of their not being *Autos*, he said they would have remained in the hands of the Registrar, and not in the power of the Informer, had they assumed that legal form, therefore he could not think of consenting to take cognizance of the Case in its present state. After weighing the objections of the Portuguese Commissary Judge, I proposed taking a legal opinion on the Point of Law, before I agreed to or dissented from them, as it could not be supposed that I should be conversant with the legal forms of the Law of the Land. I accordingly advised with the Judge Conservator, and others, who were decidedly of opinion, that the Papers in question were not *Autos*, and that as the Alvará expressly stated *Autos*, that it would be irregular and not warrantable by the Clause of the Act to proceed upon them in that state. It was, therefore, agreed, by the Mixed Commission, to return the Petition and the Papers to the Informer, with the following Note, "not cognizable by the Mixed Commission until formed into *Autos*," leaving it open to him to return with the Papers in due form.

The ex-parte statement contained in the Third Inclosure, on which the Judge of Contraband's decision is grounded, will of itself show Your Lordship the shallowness of its foundation.

Although, My Lord, this Case has every appearance of being contraband, and although the information is laid, which it never would have been, had the Informer not been urged to it, I fear, My Lord, if I may judge from the Proceedings before the Judge of Contraband, that with the system which prevails here, and the great general inte-

rest taken in the Traffick in Slaves, there will be little chance of a satisfactory result in this Case. I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

(*Inclosure 1.*)—*Petition to the Mixed Commission in the Case of the Desengano.—(Translation)*

MOST ILLUSTRIOUS SIRs, JUDGES OF THE MIXED COMMISSION,

JOHN PHILIP DE AMORIM declares, that in the month of March last, the Portuguese Brig, named the *Desengano*, entered this Port, coming from Bahia, with 390 Slaves on board, which Slaves, the Petitioner has every reason to believe, were embarked on board the said Ship at the Port of Onim, at the North of the Equator, in which Port the Traffick in Slaves is prohibited by the Alvará of the 26th of January, 1818.

The Petitioner, in consequence of the said Alvará and Treaty, denounced his suspicions to the Judge of Contraband of this Place in the Petition which he has the honour to annex, and by the Despatches or replies of the said Judge, it appears that he has not perceived the meaning of the Petitioner, supposing the denunciation to be made under the impression that the said Slaves were landed without paying the competent duties, whereas it is on the illegal purchase of them on the Coast of Africa, where they were embarked; and as the above-mentioned Alvará grants to the Petitioner the privilege of applying to the Mixed Commission on the supposition of his being aggrieved, on these grounds it is that he petitions to your Honours to take such steps as you may judge justice to require, in order to discover whether or not the suspicions of the Petitioner are well founded, and your Petitioner will receive a favour, &c. &c. &c.

(*Inclosure 2.*)—*Denunciation before the Judge of Contraband, with the Judge's Reply.—(Translation.)*

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, JUDGE OF THE CONTRABANDS,

JOHN PHILIP DE AMORIM declares, that he denounces to your Honour that, in the month of March last, the Portuguese Vessel, called the *Desengano*, entered this Port, coming last from Bahia, and bringing 390 Slaves, and the Petitioner is fully persuaded that the said Slaves were embarked at the Port of Onim, alias Molembo, to the North of the Gold Coast; this being prohibited by the Alvará of the 26th of January, 1818: and in conformity to the said Alvará, the Petitioner begs your Honour will be pleased to proceed to examine into the allegation of the Petitioner, in the appointed form of Law, by which your Petitioner prays your Honour to be pleased so to order it, and your Petitioner will be thankful.

## JUDGE'S ANSWER.

Let the Registrar inform himself, proceeding to the necessary means of coming at the truth.

*Rio de Janeiro, April 6, 1822.*

CRUZ.

(Inclosure 3.)—*Registrar's Report, Orders for the Detention and Release of the Slaves, and last Decision of the Judge.—(Translation.)*

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, SUPERINTENDENT-GENERAL OF CONTRABANDS,

IN compliance with the respectable Despatch of Your Honour, I went to the Street of Violas, at the house of Manoel Joaquim Ribeiro, Merchant, registered at the Royal Junta of Commerce, Correspondent at this place of Domingos de Almeida Lima, and of Antonio Ferreira Coelho, Proprietors of the Vessel called *Desengano*, and I was there informed by the proper Correspondent, that the Slaves, which were said to be prohibited, were brought from Bahia, where the full duties on them were paid, as is necessary to shew by a Despatch from the Custom House of that Place, and which was proved by the Custom House Certificate presented at the Custom House of this Place, and they were in consequence admitted free of duty; these Slaves were disembarked in the said City of Bahia above 40 days without the least opposition, and on their arrival in this Port, after being landed at the Lazaretto, they were there detained by an Order from the Secretary of State on the 28th of March, from five to six in the evening, and that on the 29th, at ten o'clock in the morning, an Order was issued by the Secretary of State for their being disembarked and freely sold, as they accordingly were. The said Orders are in the hands of the Administrator of the Lazaretto, and that the said Proprietors traded in Slaves to the Dominions of the Crown of Portugal, to the South of the Line, from whence this Cargo came; that it never could be considered prohibited, or it would not have been, as it was, despatched at the City of Bahia. Then going, likewise, to the house of the Administrator of the Lazaretto, to be better informed of what was above stated; by him I was put in possession of the above-mentioned Orders from the Secretary of State, of which the following are Copies:

His Royal Highness The Prince Regent, through the Secretary of State for the Interior, orders the Administrator of the Lazaretto not to allow, under his own responsibility, any of those Slaves that lately arrived from the City of Bahia to leave the Lazaretto without an Order from the said Secretary of State.

JOZE BONIFACIO DE ANDRADE.

*Palace of Rio de Janeiro, March 28, 1822.*

His Royal Highness The Prince Regent, through the Secretary of State for the Interior, communicates to the Administrator of the La-



zaretto, that the Order directed to him yesterday, concerning the Slaves lately arrived from the City of Bahia, is cancelled, and that they may be placed at the disposal of their Owners whenever applied for.

JOZE BONIFACIO DE ANDRADE E SILVA.

*Palace of Rio de Janeiro, March 29, 1822.*

This is all that I have been able to ascertain, and all the information I can give your Honour, who will order whatever you may think proper.

DEZIDERIO JOZE DO AMARAL.

*Rio de Janeiro, April 12, 1822.*

DECISION GIVEN ON THE ABOVE INFORMATION.

At sight of the above Information, I have nothing more to decide.

CRUZ.

*Rio de Janeiro, April 13, 1822.*

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(Inclosure 4.)—*The British Commissary Judge to the Deputy Consul-General.*

SIR,

*Rio de Janeiro, April 19, 1822.*

I HAVE the honour to inclose for your information, the Copy of a Petition which was received by the Mixed Commission on the 16th instant, by which you will learn that a Portuguese Brig, named the *Desengano*, arrived here on the 27th March, with 390 Slaves on board from Bahia; that Joao Philipe de Amorim laid an information before the Judge of Contraband as the Law directs, denouncing the said Vessel for having brought the said Slaves from the North of the Equator, in violation of the Convention of 1817, and the Alvará of January 1818.—By the same Papers you will also observe, that the Judge of Contraband orders his Escrivao, or Registrar, to obtain information and proof of the Case, or foundation for the denunciation, and upon his simple information also contained herein, which is obtained avowedly from the Owners and Consignees of the said Slaves, that the Brig came from Bahia, that the Slaves had been 40 days on shore at Bahia, and had there paid the duties; that the Slaves had been embargoed by an Aviso from the Minister of State, when in the Lazaretto of this Port, but had been placed at the disposal of the Owners by the same authority on the following day; and upon this information, without any further proof, the Judge of Contraband despatches the Informer's Petition thus: "After the above information I have nothing to grant."

Upon this evasive answer, which amounts to a refusal to accept the denunciation, the Informer avails himself of the Fourth Article of the Alvará, which grants to either Party the permission to refer the Case to the Mixed Commission, to decide, whether it has or not reference to

the Abolition.—Here the matter rests for the present, but I think I should lose no time in making it known to you, to enable you to call the serious attention of His Royal Highness The Prince Regent's Government to the subject.

Without meaning to prejudge the Case, I cannot refrain from remarking, that the Blacks in question are, as is publick and notorious throughout the City, belonging to Tribes inhabiting the North of the Equator, eight degrees to the North of the nearest legal Port of embarkation; and that they have been publickly selling in the Valungo as Minas Blacks, which is the vulgar name for the Blacks brought from the Gold Coast; judging from these circumstances, and from a Person having denounced the Vessel for the sake of the reward, I conceive, Sir, that there exists the strongest suspicion that this is a Case of gross violation of the Convention of 1817, and the Alvará of January 1818; and, therefore, I should hope that, upon your representation to His Royal Highness The Prince Regent of Brazil, through His Minister of State, every exertion would be made on the part of His Royal Highness's Government, and every opportunity given to the Mixed Commission to enable them (the Commissioners) to obtain a satisfactory elucidation of the Case. I have the honour to be, &c.

*Alexander Cunningham, Esq.*

HENRY HAYNE.

No. 66.—*Henry Hayne, Esq. to The Earl of Clanwilliam.*  
(Received July 30.)

MY LORD,

*Rio de Janeiro, May 15, 1822.*

I HAVE the honour to annex, for your Lordship's information, a list of the Slaves imported into this Harbour during the first three months of this year. Your Lordship will remark that the number has increased one-half, even compared with the same Quarter of the last year, contained in the list which I had the honour of transmitting to your Lordship in the month of January last.

The first Quarter, my Lord, is generally the heaviest, owing, I believe, to its being the season when the ships arrive from the Eastern Coast of Africa. I believe the accuracy of this list may be relied upon, and I purpose, my Lord, continuing to forward them quarterly.

I have the honour to be, &c.

*The Earl of Clanwilliam.*

HENRY HAYNE.

(Inclosure)—List of Slaves imported at Rio de Janeiro, from January to March, 1822.

Date.	Class of Ship.	Name.	From whence.	Slaves em-barked.	Died.	Arrived.	Imported.
1822.							
Jan. 2d	Ship	S. José Americano -	Cabinda -	808	58	750	2483
5th	Brig	Golfinho -	do. -	417	—	417	
10th	do.	Aurora do Cabo -	Moçambique -	492	194	298	
17th	do.	Landoff -	do. -	428	15	413	
18th	do.	Paquete do Rio -	Cabinda -	470	10	460	
20th	Escuna	Liberal -	Zaire -	145	—	145	
Feb. 1st	Brig	Amazona -	Moçambique -	465	43	422	5316
2d	Ship	Conceição Esperança -	do. -	389	124	265	
6th	Brig	Pastora de Lima -	Angola -	467	60	407	
11th	do.	Esperança -	Benguella -	431	29	402	
14th	do.	Triunfo do Brazil -	Moçambique -	532	131	401	
15th	do.	Senhora da Guia -	Quilimane -	529	83	436	
19th	Escuna	Maria Thomasia -	Angola -	470	60	410	
20th	Brig	Ulisses -	Moçambique -	631	213	418	
—	do.	Traiano -	Cabinda -	462	2	460	
22d	do.	Zephro -	Quilimane -	504	21	483	
23d	do.	Mercurio -	Benguella -	420	36	384	
24th	Escuna	Leopoldina -	Quilimane -	481	33	448	
26th	do.	Marianna -	Moçambique -	520	140	380	
March 2d	Brig	Minerva -	Quilimane -	487	12	475	4541
5th	Escuna	Principe Regente -	Cabinda -	681	17	664	
—	Brig	Principe Real -	Benguella P. Para -	334	—	334	
9th	Galera	Vinteseis de Fevereiro -	Moçambique -	623	127	496	
12th	Brig	Abismo -	Angola -	305	66	239	
14th	do.	General Sampayo -	do. -	465	113	352	
26th	do.	General Silveira -	Quilimane -	460	54	406	
—	do.	Conde dos Arcos -	do. -	477	52	425	
—	do.	Mariana Daphne -	Angola -	470	104	375	
27th	Ship	Felis Eugenia -	Moçambique -	672	217	455	
—	Brig	Dezengano -	Bahia -	320	—	320	
Total				14355	2024	12340	12340

No. 67.—Henry Hayne, Esq. to The Marquess of Londonderry.  
(Received September 2.)

(Extract.)

Rio de Janeiro, July 4, 1822.

I HAVE this day, my Lord, made known to His Majesty's Consul-General the arrival of the Schooner *Toninha*, 14 days from Bahia, with 256 Slaves on board, belonging to the same Owner, and coming precisely under the same circumstances (with Slaves belonging to the North of the Line) as the *Dezengano*, the particulars of which Case I had the honour of forwarding to your Lordship on the 12th of May last, subsequently to which date, the endeavours of His Majesty's Acting Consul General and myself, in bringing to justice, and making an example of such a bold and obvious violation of the Convention, have, I regret to state, proved unsuccessful. Even supposing the Slaves to have been legally imported at Bahia, (which, judging from their cast, was not the Case), the Convention prohibits their being sent Coastways for Traffick without a licence, *ad hoc*, and if the Ship possesses such a licence, the fact of the Slaves having come from the North of the Line being notorious, renders it an evident connivance of the Authorities concerned.

Mr. Chamberlain has promised to do what he can to put a stop to this new and growing branch of Contraband Trade.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

No. 68.—*The Marquess of Londonderry to the British Commissioners.*

(Extract.)

*Foreign Office, July 31, 1822.*

I HAVE to acknowledge the receipt of Mr. Hayne's Despatch of the 16th of February 1822, respecting the delay in the sale of the Portuguese Slave Vessel *Emilia*, and the neglect on the part of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade.

Upon the general question regarding the due execution of the 3d Article of the Treaty, which provides for the punishment of Portuguese Subjects who may be found engaged in the prohibited Traffick in Slaves, I have received The King's commands to direct His Majesty's Chargé d'Affaires at Lisbon, to make suitable remonstrances to the Portuguese Government.

*His Majesty's Commissioners.*

LONDONDERRY.

No. 69.—*Henry Hayne, Esq. to The Earl of Clanwilliam.*

(Received November 10.)

MY LORD,

*Rio de Janeiro, August 21, 1822.*

I BEG, herewith annexed, to transmit to your Lordship, a list of the Ships which have arrived at this Port with Slaves on board, for the purpose of Traffick, from the 1st of April to the 30th of June last, in the same form as the list of the three preceding months, which I had the honour of forwarding to your Lordship. The number imported, my Lord, this year compared to the corresponding six months last year is no less than an increase of 6,536. A partial increase may be accounted for by the arrival of three Vessels from Bahia, which, not finding a good market there, owing, I presume, to the disturbed state of that City, came to this Port where their Cargoes met with a ready sale, and fetched a higher price than those usually imported, owing to their being of a better race, doubtless from the North of the Equator, which is readily ascertained by their marks and language; however they were entered at the Custom-House at Bahia, as coming from Molembo.

I have the honour to be, &c.

*The Earl of Clanwilliam.*

HENRY HAYNE.



(Inclosure.)—List of Slaves imported at Rio de Janeiro.—(April to June, 1822.)

Date of Arrival.	Description.	Vessel's Name.	From whence.	Embarked.	Died on passage.	Arrived.	TOTALS.		
							Em-barked.	Died.	Arrived.
1822.									
April 16th	Ship	St. Ant. Destimido	Angola .	747	228	519			
18th	do.	Maria . . .	Cabinda .	448	69	379			
—	Brig	Santa Rosa . .	do. .	313	22	291			
23d	do.	Senr. do Baluarte	Quelimane	418	215	203			
							1926	534	1392
May 4th	do.	Conceicao Passos	Angola .	450	49	401			
8th	do.	Reino do Brazil .	Benguela .	425	37	388			
							875	86	789
June 6th	do.	Gram Penedo .	Cabinda .	459	27	432			
—	Schooner	Urania . . .	Angola .	302	34	268			
7th	Ship	Amalia . . .	do. .	760	153	607			
—	Ship	St. Anna Flor do	Cabinda .	545	11	534			
		Loando . . .							
26th	Brig	Legeiro . . .	Benguela .	408	18	390			
27th	Schooner	Toninha . . .	Bahia . .	256	—	256			
							2730	243	2487
		Total in Month of January, 1822 .					2760	277	2483
		February . . .					6301	985	5316
		March . . .					5303	762	4541
		Total in Six Months					19895	2887	17008

No. 70.—Messrs. Hayne and Cunningham to The Marquess of Londonderry —(Received November 10.)

MY LORD,

Rio de Janeiro, August 30, 1822.

WE have the honour to acknowledge the receipt of Your Lordship's Despatch of the 17th of May last, \* inclosing the Copy of a Letter, dated the 2d of April, from the Secretary of the Admiralty, by which, my Lord, we are informed that the Instructions, issued in conformity to the Treaties for preventing the illegal Traffick in Slaves, to Naval Officers, will, for the future, be signed by two instead of three of the Lords of the Admiralty.

No Ship has arrived here for adjudication since we had last the honour of addressing your Lordship.

We have the honour to be, &c.

HENRY HAYNE.

The Marquess of Londonderry, K.G. ALEXR. CUNNINGHAM.

No. 71.—Henry Hayne, Esq. to The Marquess of Londonderry. (Received November 11.)

MY LORD,

Rio de Janeiro, September 12, 1822.

I HAVE already been more than three years out of England, and having suffered much from the heat of last year, and dreading to encounter the whole of the approaching summer, I beg leave to solicit your Lordship's permission to return to England, on leave of absence for six or eight months, for the purpose of recruiting my strength.

Neither on this plea, nor on any other, my Lord, should I be in-

See No. 2, page 283.

duced to beg such a favour of your Lordship, if I conceived that the service in which I am employed would be prejudiced by my temporary absence, the risque of which will not I think be considered doubtful, since my Colleague, Mr. Cunningham, and the Consul-General (who is appointed *Locum tenens* by the Convention in the event of vacancy) are both on the spot, and have authorized me to inform your Lordship, that they are very ready to undertake the duty that will devolve upon them in consequence of my absence from my Post.

Under these circumstances, I trust that your Lordship will be pleased to grant my request.

I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

HENRY HAYNE.

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No. 72.—*Messrs. Hayne and Cunningham to the Secretary of State.*  
(Received Dec. 11.)

(Extract.)

*Rio de Janeiro, October 19, 1822.*

WE have the honour to acknowledge the receipt, on the 7th instant, of your Lordship's Despatch, dated the 31st of July last, in reply to Mr. Hayne's Despatch of the 16th of February 1822, respecting the neglect of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade, and informing us that your Lordship had made suitable remonstrances on the subject to the Portuguese Government at Lisbon.

With regard to those of the Crew who incurred the penalty of the Law in the Case of the *Emilia*, though neither of them were brought to this Port, yet they were left within the jurisdiction of this Government, and no steps were taken to apprehend them, or any proceedings made against them, although the Authorities were urged to proceed against them, verbally, by Mr. Hayne, and at his instigation, officially, by His Majesty's Acting Consul-General. The three who are liable to prosecution by the Law, are :

Severo Leonardo, the Master, who left the Ship at Bahia, with the British Commander's permission, having been told by the same when the Ship was to sail ; in proof of which we beg to inclose the Copy of some interrogatories which were taken before the Commission ;

Domingos José Faria, the Pilot or Mate, who, on account of his being very ill, in consequence of an attempt to destroy himself, was left at Bahia, by permission of the British Commander ;

Vincente Ferreira Milles, who embarked on board the *Emilia*, though his name does not appear in the Matricula, remained at Onim, on the Coast of Africa, whence the Slaves were exported. He sold the the Cargo, and shipped the Negroes at Onim, and, therefore, I conceive should be looked upon as the Supercargo, though not rated as such.

Nothing more, my Lord, has been done in this business since Mr. Hayne had the honour of addressing your Lordship on the subject,

on the 16th of February 1822, and the only reason assigned for not proceeding against these people was, because they were not named in the Sentence which condemned the Vessel and Cargo ; and therefore the Judge of Contraband, who called himself the mere Executor of the Sentences of the Mixed Commission, would not, *ex officio* proceed against them ; and the Prime Minister, in his reply to Mr. Cunningham, expressed himself satisfied with the said Judge's reasons. Both the Judge's report and the Minister's reply, to the Acting Consul-General, to that effect, were inclosed in Mr. Hayne's Despatch of 16th February, to which we beg leave to refer your Lordship.

We do not see, my Lord, how far the Mixed Commission was authorized to sentence these People to a punishment, to which they were rendered liable by the Alvará, and not by the Convention, or by the Regulations with which we were furnished.

Under the new order of things here, we feel it to be our duty, my Lord, to remain at our Post, and to perform the functions of our Office, in every respect, as long as we are permitted so to do, and our Portuguese Colleagues continue to act with us, or until we are honoured with His Majesty's commands to the contrary.

HENRY HAYNE.

ALEXR. CUNNINGHAM.

*His Majesty's Principal Secretary of State for Foreign Affairs.*

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(Inclosure.)—*Extract of the Proceedings against the Emilia.*

(Translation.)

On the 18th of July 1821, William Finlaison, Esq. Commander of His Majesty's Ship *Morgiana*, appeared before the Mixed Commission, and the following Interrogatories were put to him on oath, by the Portuguese Commissary Judge.

"Why did you not permit the Master, Severo Leonardo, to make a protest against the Capture of the Schooner *Emilia*, at the time of the Capture?"—Because, neither at the time of Capture, or at St. Thomé, or on the Gold Coast, or at Cape Coast, or lastly, at any other place, day or hour, did the Master ask me for pen, ink, and paper for that purpose, or did he shew, or communicate to me, any wish to that effect, and it was only after we entered Bahia, in the cabin of the *Morgiana*, before some Officers of the Ship, and other Persons, that I heard the Owner, Manoel Francisco Moreira, say to the Master, why did you not make a protest, and I heard the Master reply, that having taken from him all the Papers he had on board, "what was the use of protesting."

"Why did you allow the Master of the Schooner to escape, when he should have come to give his Deposition before the Commission?"—Because it was his duty to defend his right, if he had any ; I had no business to prevent his escape : adding that he did not hear the

conversation between the Master and the Owner through the medium of an Interpreter, and that when it was over the Master smiled; that he communicated to him through Lieutenant H. S. Head, the day on which he expected to sail, and made the same participation to the British Consul at Bahia.

This was taken and signed before the Commisary Judges.

WILLIAM FINLAISON, Captain.

Rio de Janeiro, Oct. 17, 1822. THEO. DE MELLO, (Interpreter.)

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*No. 73.—Mr. Secretary Canning to the British Commissioners.*

GENTLEMEN,

*Foreign Office, November 26, 1822.*

I SEND to you, for your information and guidance, the Copy of a Despatch, addressed, on the 22d of February 1822, by The King's command, to His Majesty's Chargé d'Affaires at Lisbon, proposing, 1st, that the provisions of the Convention of the 28th of July 1817, for the case of the death of one of the Commissioners, shall extend to the case of Vacancies occurring in the Commission from illness or absence on leave.—2dly, the Copy of a Despatch, dated the 6th of April 1822, from His Majesty's Chargé d'Affaires at Lisbon, together with its Inclosure, signifying the readiness of the Court of Portugal to sign an Article to the effect suggested.—And 3dly, the Copy of an Instruction, which I addressed on the 25th of September 1822, by The King's command, to His Majesty's Chargé d'Affaires at Lisbon, inclosing the *Projet* of an Additional Article for extending the provisions of the Convention in this particular accordingly.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you.

In the mean time, you will endeavour to come to an agreement with your Fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

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*No. 74.—Mr. Secretary Canning to Messrs. Hayne and Cunningham.*

GENTLEMEN,

*Foreign Office, January 10, 1823.*

YOUR Despatches to the 19th of October last have been duly received, and I cannot acknowledge the receipt of them, without adverting in terms of approbation to that part of your Despatch of that date, wherein you state that you feel it to be your duty to remain at your Post, and perform the functions of your Office in every respect, notwithstanding the political change which is taking place in the Dominions of Brazil.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

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No. 75.—*Mr. Secretary Canning to Henry Hayne, Esq.*

SIR, *Foreign Office, January 14, 1823.*

I HAVE received your Letter of the 12th of September, 1822, addressed to the late Marquess of Londonderry, and I have laid the same before the King.

I am to convey to you His Majesty's gracious permission for you to come to England on account of ill health; such leave of absence to continue for the period of your voyage to England, for six months' residence in this Country, and for the period of your voyage back to Riode Janeiro.

You will take care to give due notice of your leave, and of your intention of availing yourself of it, both to the Mixed Commission, of which you are a Member, and to the Local Authorities at Rio de Janeiro.

I am, &c.

*Henry Hayne, Esq.*

GEORGE CANNING.

## SURINAM.

No. 76.—*C. E. Lefroy, Esq. to William Richard Hamilton, Esq.*

*(Received April 22.)*

SIR, *Surinam, February 8, 1822.*

I HAVE the honour to acknowledge the receipt, yesterday the 7th instant, of your Letter, dated 25th October, 1821, informing me, by direction of the Secretary of State, 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.

*William Richard Hamilton, Esq.*

CHRIS. EDW. LEFROY.

No. 77.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*

*(Received May 23.)*

(Extract.)

*Surinam, March 19, 1822.*

I AM happy to say that we continue without any open arrivals of Slaves since May last, but I have reason to fear that some contraband importations have been effected.

*The Marquess of Londonderry, K.G.*

CHRIS. EDW. LEFROY.

No. 78.—C. E. Lefroy, Esq. to The Marquess of Londonderry.  
(Received July 4.)

(Extract.)

Surinam, May 1, 1822.

ON the subject of the *Process of our Court*, I regret to inform your Lordship that, notwithstanding the repeated importunities of myself and late Colleague, *the Mixed Court is actually without any Process by which it can act, up to this day*; the Authorities here having refused the English Forms of Practice, which, in obedience to Your Lordship's directions, we pressed upon their adoption as soon as we arrived. The late Dutch Judge, Mr. Chagnion, was ordered (as we were informed), to arrange a Form of Proceeding according to the Dutch Law, but he having died without discharging that duty, the fulfilment of it devolved, of course, to his Provisional Successor under the Treaty, viz. our late Governor Mr. Vaillant, who promised his immediate attention to it, but who has *done nothing up to this day*; and I cannot forbear saying, that if his Successor persists in the same negative conduct upon the subject of the Treaty, in the execution of which I have the honour to be employed, the increase of clandestine importations will, it is to be feared, be nearly, if not fully, commensurate with the restriction of the open Traffick. The Slave Trade, it is obvious, is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by Miscreants whose inhuman character no language can adequately designate, and the profits of which are nearly in proportion to the risk; but so far from the Authorities of this Colony having *hitherto* made any active use of the means which are in their hands for the suppression of this murderous Traffick, I am reluctantly compelled to acquaint Your Lordship that the *Comet*, Dutch Frigate, and *Swallow*, Brig of War, both commissioned under the Treaty, and also a Brig of War, called the *Thetis*, maintained at the expence of, and belonging to, the Colony, have been, one or other of them, laying off the Town more than once when Slave Vessels have been hovering off the mouths of the Rivers (and some of which I have reason to fear, have effected a disembarkation of their Cargo), without ever quitting their moorings, instead of cruizing occasionally up and down the Coast to interrupt or observe them.

I am happy to say that we continue without any open arrival of Slave Vessels since May last, and that, although an offer which I made of a reward for the conviction of *English* Slave-traders has been rejected, I am not without hope, from the subsequent seizure of a Vessel for Slave-smuggling, the Parties concerned in, and circumstances of which, are now undergoing the proper inquiry, (the first that has been instituted here, to my knowledge, since I have resided here), that it will have the effect I desired, viz. that of provoking the Government of this Colony in future to a little more activity: Your Lordship will

not, I am persuaded, feel it the less necessary to make the Mixed Court efficient, by calling upon the Ministers of His Netherlands Majesty, either to furnish it with a Form of Process agreeable to the Dutch Laws, or to give directions to the Dutch Commissioners here to adopt that practised in the British Courts, agreeably to Your Lordship's proposal made to them through us. It is only necessary for me farther to inform Your Lordship, at present, that no Court or apartment has been appropriated to the Mixed Commission since the building originally designed for that purpose was burnt down, in January, 1821, and that no Commissioner has yet been appointed to take the place of Mr. Chagnion, who died so long ago as November, 1820.

I shall of course communicate to the Fiscal here, from time to time, all the information I can obtain against illicit Slave-traders, but in a Slave country, where the testimony of Slaves is not evidence, Your Lordship will easily believe that it will be, in nine cases out of ten, impossible to procure legal *proof*.

*The Marquess of Londonderry, K. G.*      CHRIS. EDW. LEFROY.

No. 79.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*

(Received July 5.)

(Extract.)

*Surinam, May 10, 1822.*

I HAVE the honour to acquaint Your Lordship that a Vessel has been seized for Slave-smuggling, the Parties and circumstances of which are undergoing inquiry: I have since been so fortunate as to obtain from two of the Crew the Depositions of which the inclosed are Copies. I also inclose Copy of a Letter which I thought it my duty to address to the Fiscal.

The Governor has called on me to say, that he had ordered the accused, *Charles Beverley*, into custody to be examined, and, if the Evidence was found adequate to support the Charge, to be proceeded against regularly in the Court of Criminal Justice here, called the Court of Policy; and I am happy to say that the man is now in the criminal gaol here awaiting the proceedings of the Court, which are at present, I believe, in the preliminary stage, corresponding with the inquest of our Grand Juries: with the result of their proceedings, whether they *ignore* the bill, or put the man upon his trial, I shall of course acquaint Your Lordship as soon as I know it.

Your Lordship will see that I have ventured to act in the present case a little beyond the letter of your directions, and you will of course correct me if I have done wrong; but I thought it of such great importance that an example should be made of the present Prisoner, and felt so confident that this would be the case if his trial took place in a British Colony, (for the Slave Trade by a British Subject is now become patricide as well as felony, and I am sorry to say there are other Englishmen in this Colony more criminally and extensively engaged

in it than the Prisoner,) that I thought myself called upon to make to the Governor the offer which I did, even without any direct authority from Your Lordship to that extent.

Begging more precise Instructions from Your Lordship for my future guidance in such cases, I have the honour, &c.

*The Marquess of Londonderry, K.G.*      CHRIS. EDW. LEFROY.

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(Inclosure 1.)—*Deposition of Johanes Pierre Clairac.*

*Paramaribo, Surinam, South America, May 1, 1822.*

APPEARED personally before me, (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Johanes Pierre Clairac, Freeman and Creole of this Colony, and late serving on board the *Thetis* Brig of War, belonging to this Colony, who being duly sworn, maketh oath and saith, that, since the beginning of the present year, (but the day or month in which he cannot specify), he sailed from hence to Martinique in a Sloop belonging to and commanded by *Charles Beverley*, an Englishman, now residing in the Colony of Surinam, where (that is to say at Martinique), this Deponent maketh oath and saith, that he, the said Charles Beverley, took into the said Sloop a Cargo of 22 new Negroes, apparently recently imported into Martinique from Africa, all of whom he this Deponent swears, to the best of his knowledge and belief, had never been employed as Slaves on a plantation till within a very short period of his, this Deponent's, arrival at Martinique, where they were found by the said Sloop on a small plantation to the leeward of the Island, and embarked on board the same by the said Charles Beverley, in the middle of the night; and this Deponent, on his oath, further saith, that he made sail on board the said Sloop from Martinique, with the said Charles Beverley and the said Africans, direct to the Coast of Nickerie, a district of this Colony of Surinam, where all the said Africans (except one, which he, this Deponent, maketh oath that the said Charles Beverley brought to his own house, near Paramaribo,) were disembarked, and put on shore; and this Deponent, on his oath, further saith, that he saw no more of any of the said Africans (except the one aforesaid), after their disembarkation from the said Sloop, on the Coast of Nickerie; and that he does not know to whom they were consigned, to whom they belong, or in whose possession they, or any of them, now are, except the one so brought by the said Charles Beverley to his house, near Paramaribo, as aforesaid, which, as far as this Deponent is informed and believes, still remains in his possession; and this Deponent further saith, that there was one white Sailor, besides the said Charles Beverley, engaged and taken on board the said Sloop to serve as a Sailor therein, by the said Charles Beverley, at Martinique,



whom he, this Deponent, verily believes to be an Englishman, but who was only known to him, this Deponent, by the name of Jim.

JOHANES PIERRE CLAIRAC.

On the First day of May, 1822, the said Johanes Pierre Clairac was duly sworn to the truth of this Affidavit, before me,

CHRIS. EDW. LEFROY,  
Brit. Com. Judge.

(*Inclosure 2.*)—*Deposition of James Eley.*

*Paramaribo, Surinam, South America, May 3, 1822.*

APPEARED personally before me (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) James Eley, native of the Parish of Clerkenwell, in the County of Middlesex, Seaman, lately serving on board the American Merchant Brig, called the *Liberty*, who being duly sworn, maketh oath, and saith, that on or about the 11th day of March in this present year, he was engaged at St. Pierre, in the Island of Martinique, by Captain *Charles Beverley*, (to the best of this Deponent's knowledge and belief an Englishman, generally resident in the Colony of Surinam,) to serve on board a Sloop called the *Heriot*, (then commanded by, and, as far as this Deponent is informed and believes, belonging to the said Charles Beverley,) at the rate of 14 dollars per month, but that neither the nature of the Cargo which the said Charles Beverley was in quest of, nor the voyage projected by him, entered into the terms of the engagement between him, this Deponent, and the said Charles Beverley, nor were known to him, this Deponent, at the time of his engagement, further than that the said Charles Beverley told him, this Deponent, that he was going to Surinam; and this Deponent further saith, that in a day or two after his embarkation on board the said Sloop, (that is to say on or about the 13th March,) he made sail with the said Charles Beverley, in the said Sloop from the Harbour of St. Pierre, to a part of the Coast of the said Island between the Towns of St. Pierre and Port Royal, where they took into the said Sloop a Cargo of 22 new Negroes, apparently recently imported into Martinique, from Africa, all of whom he, this Deponent, swears, to the best of his knowledge and belief, had never been employed as Slaves on a Plantation, till within a very short period of their embarkation on board the said Sloop at the Place aforesaid, in the Island of Martinique, where they were found by the said Sloop, and embarked on board the same, by the said Charles Beverley, about the hours of 11 and 12 o'clock at night; and this Deponent farther saith, that he made sail on board the said Sloop from Martinique, with the said Charles Beverley, and the said 22 new Negroes, immediately after their embarkation, direct to the Coast of Nickerie,

a District, (as far as this Deponent is informed and believes,) of the Colony of Surinam, where all the said Negroes (except one which accompanied him, this Deponent, on board the said Sloop to Paramaribo,) were disembarked and put on shore ; and this Deponent on his oath further saith, that he saw no more of any of the said 22 Negroes, so embarked on board the said Sloop at Martinique as aforesaid, (except the one aforesaid,) after their disembarkation from the said Sloop on the Coast of Nickerie, and that he does not know to whom they belong, or in whose possession they or any of them now are.

JAMES ELEY.

On the 3d day of May, 1822, the said James Eley was duly sworn to the truth of this Affidavit before me,

CHRIS. EDW. LEFROY,  
Brit. Com. Judge.

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(Inclosure 3.)—*The British Commissary Judge to the Fiscal.*

SIR,

*Paramaribo, May 4, 1822.*

UPON the evidence now before you of Johanes Pierre Clairac, and James Eley, you see, Sir, that my suspicions of Slave-smuggling into this Colony are not unfounded. I invoke upon *Charles Beverley*, (whom I hope you have in close custody,) the penalties of Article I. of your Law of November 1818, unless the Governor, to whom I shall immediately apply, will, in compliance with the wishes of my Government, deliver him over for trial, with the Witnesses, to the Governor of Berbice, or some other British Colony. I am aware, Sir, that my judicial duties only extend to cases of Vessels brought before me by a Dutch or British Cruizer ; but I should ill discharge my duty as an International Officer, appointed to execute and see executed a solemn Treaty, either to my Government or your's (whose character for good faith and sincerity might otherwise be compromised,) if I had failed to complain of the utter inactivity upon this subject which prevailed throughout the Government of M. Vaillant, especially during the early part of my residence here. I hope better things of his Successor ; but I need scarcely say to a man of your professional intelligence, that the Slave Trade is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by the most demoralised and inhuman Desperadoes, and the profits of which are nearly in proportion to the risk. At all events, I call on you officially to detain the persons of the Witnesses now in your custody, and to take immediate steps for securing that of the said *Charles Beverley*, till I have had time to communicate with the Governor upon the subject ; and I farther beseech you, Sir, that you would pursue the investigation of the Case with your characteristic energy, in order to discover the other Parties concerned, and, if they are Englishmen, that

you would furnish me with their names, and those of the Witnesses against them, with Copies of their Depositions, in order that I may, in obedience to my directions, transmit them to my Government, or send them for trial, if I can prevail with His Excellency to take that step, to the nearest British Settlement. I have the honour to be, &c.

*His Honour The Fiscal.*

C. E. LEFROY.

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No. 80.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*  
(Received July 5.)

MY LORD,

*Surinam, May 16, 1822.*

I HAVE the honour to acknowledge the receipt, on the 13th instant, of Your Lordship's Despatch, dated January 15th, inclosing the Copy of a Note from the Ambassador of The King of The Netherlands at the Court of London, addressed to Your Lordship, announcing the appointment of The Netherlands Corvette *Kemphaan* to the service of the suppression of the illicit Slave Trade. I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

CHRIS. EDW. LEFROY.

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No. 81.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*  
(Received August 11.)

MY LORD,

*Surinam, June 4, 1822.*

I HAVE the honour to inclose Your Lordship the Copy of a Letter addressed to me by Major-General de Veer, the present Governor-General of this Colony, announcing the appointment of Mr. A. F. Lammens, Member of the Court of Civil Justice, to the Office of Judge of the Mixed Court, under the Treaty for the Suppression of illicit Slave-trading, on the part of His Majesty The King of The Netherlands, in the room of Mr. J. P. Chagnion, deceased, and to acquaint you that Mr. Lammens has since duly taken the Oath prescribed by the Treaty for such Appointment. I have the honour to be, &c.

*The Marquess of Londonderry, K.G.*

CHRIS. EDW. LEFROY.

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(Inclosure.)—*The Governor of Surinam to The British Comm'y. Judge.*  
(Translation.) *Paramaribo, May 17, 1822.*

I HAVE the honour of notifying to you, that His Majesty The King, by His Decree of the 8th of January, 1822, (No. 27) has been pleased to appoint Mr. A. F. Lammens, Member of the Court of Civil Justice in this Settlement, to be Judge of the Mixed Commission for the prevention of the Slave Trade.

Accordingly, as this Gentleman will have frequent intercourse with you, nothing will afford me greater satisfaction than to be informed that perfect harmony and similarity of sentiments uniformly prevail between you, Sir, and the Judge in question; for it will tend to promote the accomplishment of the objects which both Powers have in view.

*C. E. Lefroy, Esq.*

A. DE VEER.

No. 82.—C. E. Lefroy, Esq. to The Marquess of Londonderry.

(Received September 4.)

MY LORD,

Surinam, July 2, 1822.

I HAVE the honour to inclose you a Copy of a *Mode of Procedure* for the Mixed Court established in this Colony, already arranged with me by Mr. Lammens, since his appointment to the Office of Judge on the part of The King of The Netherlands, subject, however, to His Majesty's approbation. This arrangement appears to me to embrace the directions of the Treaty, and all the essential points of the Regulations provided for the Courts in the English Colonies, from which we design to translate the Forms of the Pleadings, for the use of our Proctors, almost literally; but it is necessary for me to call Your Lordship's attention particularly to the latter part of the 16th Article. By Your Lordship's present directions I am ordered to remit the full moiety of the produce of condemned Ships, without any deductions for salary or contingent expenses, to the Lords Commissioners of His Majesty's Treasury; this is of no consequence; but as the costs of proceeding by a Proctor to obtain the condemnation of a Vessel, may be very considerable, and must in the first instance be defrayed by the Naval Officer employing him, to whom it may often be a serious inconvenience to advance such a sum of money till he can be reimbursed from home, it appears to me very desirable that the Court should be furnished with a discretionary power of ordering the payment of these costs, out of the produce of the sale of the condemned Vessel, where (as, in all probability, will most frequently be the case) the Master of the condemned Vessel, or Claimants, have no other funds within reach of the jurisdiction of the Court. If Your Lordship thinks this suggestion reasonable, I will beg you to communicate to me your approbation of my exercising, in concurrence with my Colleague, such a discretion, as I feel myself precluded by my present Instructions from so doing. Mr. Lammens informs me, that he is already furnished, by the Ministers of His Majesty The King of The Netherlands, with sufficient authority for that purpose. With the spirit of integrity, cordiality, and good faith in which this Gentleman has commenced his attention to the duties of his new Appointment, I am happy to express to Your Lordship my entire satisfaction, although Your Lordship sees that the Mixed Court, as at present constituted, how anxious and zealous soever for the accomplishment of its great object, can only take cognizance officially of Cases brought before them by a Dutch or British Cruizer.

I have the honour to be, &c.

The Marquess of Londonderry, K.G.      CHRIS. EDW. LEFROY.



(*Inclosure.*)—*Mode of Process, or Form of Procedure for the Mixed Court at Surinam.* (Translation.)

ARTICLE 1. THE Judgment of the Court is to be given as summarily as possible, and without Appeal, about,

1st. The validity of the attachment laid on Vessels used in the Slave Trade, and their forfeiture.

2dly. The invalidity of the detention of Vessels, and the recovery of damages, claimed therefore. (Treaty, May 4, 1818, Instruction for the Courts, Art. 3, 6, 7.)

II. The Sentence (if possible), shall be pronounced within twenty days. (Treaty, May 4, 1818, *idem* Art. 1.)

III. In order to fulfil that part of the Law, the commissioned Captain, or the Person in charge of the captured Vessel, shall make his declaration with regard to the arrested Vessel or Vessels, within thrice four and twenty hours after the Vessels are come into the river of *Surinam*; which Declaration, written in the Dutch language, and under his oath, he is to deliver into the hands of one of the Judges or the Secretary of the Court, and in case of his not fulfilling this, then the Captain or Master of the arrested Vessel shall deliver in his Declaration, in the same manner, written in the Dutch language, within the following twice four and twenty hours; in this last event, the Commissioned Captain, if even he has made his arrest properly, shall be condemned in the costs of the Process.

IV. The Secretary shall, within twenty-four hours after the delivery of the aforesaid Declaration, by the Doorkeeper, by way of affixing a *Citation* to the door of the Court of *Civil Justice*, and by personal service of the same, (of which he shall make his report to the Court), summon both Parties, or their Attornies, to appear within three free days before the Court, (fixing, in the Citation, day, hour, and place), to hear the claim and conclusion made by the Parties or Claimant, in order to answer thereupon, and to proceed with the Process from three to three days.

V. The arrested Person, Plaintiff, or Claimer, shall deliver in, the first day, all his Documents and evidence, upon which the Secretary shall put his exhibitum, and give a receipt for the same.

The Person arrested, Plaintiff or Claimer, shall not or may avail himself of any others, or more, without consent of his Adversary.

VI. All Documents in use before the Mixed Court, are exempt from stamp duty.

VII. All Documents may be inspected by the opposite Party, and Extracts or Copies taken thereof; which shall be delivered by the Secretary at the expence of those that may require them.

VIII. At all the terms, the respective Parties shall proceed, by way of memorial, to answer, reply, and rejoin; after which, the Case shall be considered as determined, without pleading.

IX. The Court may, for their own particular information, require such Documents as they may deem proper.

X. In case the Arrested or Defendant, may want more than three days to produce justificatory evidence, then a delay of four weeks, at the utmost, may be allowed him, to deliver in his answer, in order that the Definitive Sentence may be pronounced within two months. (Treaty, 4th May 1818. Instructions for the Courts of Justice, Article 1.)

XI. Should the Arrested or Defendant apply for a longer delay, as necessary to bring forward evidence, in this case four months may be granted him, in addition to the before mentioned time of four weeks,—nevertheless under these conditions, that he shall give on his part, unlimited and sufficient security, satisfactory to the Court, to make good all farther costs of process, demurrage, damages, &c. which may result therefrom, or occur within that period, or of such which may be purely accidental, and that may stand in no connexion with the Lawsuit. (Treaty, 4th May 1818, *idem*.)

XII. In case by the decision of the Court the arrest or detention be declared unlawful, then the Captain of the arrested or detained Vessel shall deliver to the Secretary his claim for recovery of damages, within four times twenty-four hours, and the Proceedings continue as is expressed before, Article 4, and following.

XIII. As soon as Sentence shall be pronounced, notice thereof shall be given immediately to His Excellency the Governor of this Colony, and (if need be), his assistance be asked, to effect the execution of the same. (Ministerial Instruction, July 18, 1819.)

XIV. Proctors and Attornies shall be admitted, before the Mixed Court, provided they have previously taken the Oath prescribed before one of the Judges, and of which the Parties shall be informed at the delivery of their declaration of arrest or detention. (The King's Decree, August 1, 1820.)

XV. To the Proctors or Attornies, if required, shall, at their expence, be given :

1st. Authentick Copy of the Treaty, May 4, 1818.

2dly. This Mode of Procedure, and such Forms as are stipulated thereby.

XVI. The Secretary is authorised to tax the costs of the Proctors, &c. and, in case of the opposite Party not being satisfied, he may bring the same before the Court for re-examination, and all costs shall be paid by the Party against whom Judgment may be given; or, in case the arrested Vessel shall be condemned, the same may be paid out of the produce thereof, if the Court should be authorised thereto, and should think it expedient so to order.

XVII. A proper Register shall be kept by the Secretary, to take down every thing that is going on before the Court.

XVIII. This Mode of Procedure may be enlarged and altered as circumstances might require.

XIX. If the Judges cannot agree in regard to the construction of these Articles, or the jurisdiction of the Court, it shall (*pro re nata*), be decided by one of the Arbitrators (to be chosen by lot), upon reference to the Treaty and Ministerial Instructions.

This Form of Process to be sent for approbation to His Majesty The King of The Netherlands, and, in the mean time, provisionally adopted by the Mixed Court sitting at *Surinam*.

A. F. LAMMENS.

*Paramaribo, June 19, 1822.*

CHRIS. EDW. LEFROY.

No. 83.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*

(Received September 13.)

MY LORD,

*Surinam, July 23, 1822.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated May 17, 1822,\* communicating the Copy of a Letter from the Secretary to the Admiralty, to Joseph Planta, jun. Esq. intimating, that in future there would be only two signatures of the Lords Commissioners of the Admiralty, to the Instructions issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

I have the honour to be, &c.

*The Marquess of Londonderry, K. G.* CHRIS. EDW. LEFROY.

No. 84.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*

(Received October 28.)

(Extract.)

*Surinam, August 22, 1822.*

As there is generally a long discontinuance of any direct intercourse with Europe after this month, and the opportunities of communication through our Colonies are quite accidental, I thus early renew my solicitation for the indulgence of a furlough, to return to England in the ensuing Spring. It is, moreover, my Lord, of course desirable, if such indulgence can be extended to me, that I should have some little notice, and I shall not probably receive your Lordship's reply to this application within six months at least.

I have nothing of official importance to communicate to your Lordship.

*The Marquess of Londonderry, K. G.* CHRIS. EDW. LEFROY.

No. 85.—*C. E. Lefroy, Esq. to the Marquess of Londonderry.*

(Received November 20.)

(Extract.)

*Surinam, September 20, 1822.*

FROM the Inclosures which I have now the honour to submit to you, (*viz.* Copies of a Letter addressed by me to the present Governor-General of this Colony,—Translation of a Proclamation of His Excellency,—and, Copy of a Letter I have thought it my duty to address to the Governors of the neighbouring British Colonies,) your Lordship

\* See No. 2, page 283.

will learn that *Charles Beverley*, the British Slave-trader, already reported to your Lordship, has contrived, since the date of my last Despatch, to make his escape from the Criminal Gaol of this Colony, and that the Fiscal has restored the Negroes brought in here by Beverley, to Monsieur le Martineau (the Consignee,) upon his giving security (as I am informed,) that he would prove the lawfulness of their importation; I am sorry also to say, that the Governor has declined my offer of a reward for the re-capture of Beverley; and I cannot but regret, that no reference to the offence for which he was imprisoned is made in the accompanying Proclamation. I am not aware that it is open to me to take any further step in this business than I have done.

Your Lordship has well observed, in a letter to The Earl of Clancarty, dated the 21st of March 1821, and printed in the Parliamentary Papers, "that the continuance of this horrible Trade, or its abolition within the Dominions of The Netherlands Government, to which His Netherlands Majesty is solemnly pledged by Treaty, depends entirely upon the tenour of the Orders which they may send out to their Colonial Possessions." But the Treaty has now been concluded nearly five years, and (excepting in my present Colleague, M. Lammens, who is but just appointed, and is scrupulous of interfering with the duties of the Executive Government here,) I cannot perceive in any other of the Surinam Officers of His Netherlands Majesty, either Civil or Military, the slightest appearance of any peremptory Orders, in the *bonâ fide* spirit of the Treaty, having been received by them, towards accomplishing the object of the Treaty. So far from cordially co-operating with me, if any good has been effected since I have been here, it has been effected only by the most irksome and continuous extra-judicial importunity on my part, which ought not to have been necessary, and at the utmost expense possible of trouble and expostulation to your Lordship, and His Majesty's Ambassador in Holland. Will your Lordship think me too presumptuous, if I suggest that there is still one step by which the Government of His Netherlands Majesty may satisfactorily evince their earnestness and good faith in this important cause, (viz.) the introduction into this Colony of a Registry Act, similar to that enforced in the British Colonies? This Act, your Lordship says, although it might in some degree be crippled, could not be entirely defeated; because, by making the registration of Slaves indispensable to the Owner's title, the neglect of complying with its provisions would put People in the power of each other.

I beg to take this opportunity of acquainting your Lordship, that on the 29th ult., Captain Herbert, of the English Corvette *Icarus*, and Captain Crole, of the *Surinam* Brig of War, did me the honour to call on me, and that I pointed out to them those parts of the Coast where I had reason to think illicit debarkations of Slaves had been



effected, and expressed my opinion of the importance of their occasionally shewing their Colours here.

*The Marquess of Londonderry, K. G.* CHRIS. EDW. LEFROY.

(Inclosure 1.)—*The British Commissary Judge to the Governor of Surinam.*

MAY IT PLEASE YOUR EXCELLENCY, *Paramaribo, Sept. 16, 1822.*

ON my return home this evening, I was informed that *Beverley*, the English felon, had escaped from the Fort. Your Excellency will, I think, agree with me, that this could scarcely have happened without collusion or gross negligence somewhere, which (no doubt) Your Excellency will enquire into and punish. The object of this Note is merely to ask whether there is any way (such as joining Your Excellency in offering a reward or otherwise) in which I can assist Your Excellency in his re-apprehension?

With due consideration, &c.

*H. E. Major-General De Veer.* CHRIS. EDW. LEFROY.

(Inclosure 2.)—*P. oclamation of the Governor of Surinam—(Translation.)*  
CAUTION.

WHEREAS, the Person of *Charles Beverley* being confined in the Fortress of Zelandia, he contrived yesterday evening to escape out of Prison, and it being of the highest importance that this Person should again be taken into custody, all and every one are hereby duly warned not to lodge or harbour the said *Charles Beverley*, much less to help him in his further escape, but on the contrary, each and every one possessing any knowledge where the said *Charles Beverley* maintains himself, is invited immediately to communicate the same to the Magistracy here, and in case the above-mentioned escaped Prisoner should be discovered upon a plantation, thereof immediately to give notice to the Commanding Officer of the nearest established Post. All Officers and other military men, upon the outposts, moreover being charged to look well to it, that the said *Charles Beverley* does not pass their Post, but, attempting the same, that he is there detained, such Officers and military men being further charged to make the necessary researches after the same, and upon discovering him, immediately to arrest him and send him in safe custody to *Paramaribo*.

At the time of his escape, the said *Charles Beverley* was clothed with long white trowsers, white shirt, and black waistcoat.

#### Description of his Person.

Height . . . .	Guessed about 5 ft 7 or 8 in.	Eyebrows . . .	black and large
Figure . . . .	rather stout and well made	Nose . . . . .	aquiline and thickish
Age . . . . .	about thirty-one	Mouth . . . . .	broad and shewing the teeth
Forehead . . .	round		when speaking
Eyes . . . . .	black	Countenance .	oval
		Colour . . . . .	red brown

And in order that every one may have due notice hereof, We charge and command that these presents shall be published and affixed every where, where it is customary to publish and affix such notifications, and further, that it be sent round from plantation to plantation along the Rivers.

Given at Paramaribo, this 17th day of  
September 1822.

A. DE VEER.  
By order of His Excellency,  
J. C. GUICHERIT,  
Government Secretary.

(Inclosure 3.)—*C. E. Lefroy, Esq. to the Governor of Barbadoes.*  
SIR, *Paramaribo, September 19, 1822.*

YOUR Excellency will see, by the three Inclosures which I have the honour to transmit to you (of which two are Copies of depositions taken by me, and the third the Copy of a Proclamation issued by the Governor of this Colony,) that *Charles Beverley*, who stands charged in those depositions with the illicit introduction into this Colony of African Negroes, (and is become thereby subject to the penalties of the 46th Geo. III. ch. 52; 47th Geo. III. ch. 36; and 51st Geo. III. ch. 23,) made his escape from the criminal gaol of this Colony on the evening of Monday the 16th instant. Should he presume to take shelter within Your Excellency's Government, it would be, I am sure, quite superfluous in me to add any thing to the accompanying Papers, to induce Your Excellency to take every proper measure for his re-capture, and should that be effected, either to deliver him back to the Authorities of this Colony or to lodge him in safe custody, to be dealt with according to the English Abolition Laws, and to have the goodness to acquaint me with his arrest by the earliest opportunity, in order to my communicating further with Your Excellency upon the subject. In the mean time, I will beg a line from Your Excellency in acknowledgment of these present advices.

As *Beverley* is the first English illicit Slave-trader in this Colony against whom I have been able to obtain any decisive evidence, I am the more anxious that an example should be made of him.

I have the honour to be, &c.

CHRIS. EDW. LEFROY.

*Major-General Sir Henry Ward, K. C. B.*

P. S. Your Excellency will, I trust, think it right to cause a Copy of this Letter and its Inclosures to be forwarded to the Magistracy of the Islands, in subordinate connection with Your Government, as I have no other means of communication with them than through Your Excellency.

[N.B. A similar Letter was sent to the Governors of *Demerara* and *Berbice*.]

No. 86.—*C. E. Lefroy, Esq. to The Marquess of Londonderry.*

(*Rec. November 20.*)

MY LORD,

*Surinam, September 23, 1822.*

I HAVE the honour to acknowledge the receipt of your Lordship's Letter, of the 11th of June 1822,\* acquainting me that Instructions under the Treaty with The Netherlands for the prevention of the Slave Trade, had been issued to the following of His Majesty's Ships, viz.

The *Bann*,.....twenty guns, C. Phillips,.....Commander.

... *Cyrene*,...twenty guns, Percy Grace, ....Commander.

... *Driver*,...eighteen guns, Thomas Wolrige ...Commander.

And that those issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, would be recalled.

I have the honour to be, &c.

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

CHRIS. EDW. LEFROY.

No. 87.—*Mr. Secretary Canning to C. E. Lefroy, Esq.*

SIR,

*Foreign Office, September 25, 1822.*

I HAVE received your Despatches of the 1st and of the 10th of May 1822, which complain of the supine conduct of the Colonial Authorities at Surinam, in regard to the suppression of the Traffick in Slaves, and which notice a late occurrence there, in the seizure of a Vessel, on suspicion of being engaged in smuggling into that Colony, Slaves recently imported from Africa.

This occurrence, it appears, had brought to light charges of a very heinous nature against *Charles Beverley*, a British subject, for being principally concerned in one, if not more, of these transactions.

In the state in which this affair was left when last you wrote, it must naturally have been terminated, before you could receive an answer from hence.—But the question which it involves is now under consideration, and I shall not fail to furnish you with such instructions thereon, as the case may warrant.

I have not delayed to forward Copies of your Despatches to His Majesty's Ambassador in The Netherlands, with directions to make the strongest representations to The Netherlands Government, with a view to the issue of more decisive Instructions from that Government to their Colonial Authorities, and to their Cruizers, to prevent the infraction or the evasion of the solemn Compacts subsisting upon this subject between the two Countries.

I am, &c.

*C. E. Lefroy Esq.*

GEORGE CANNING.

No. 88 —*Mr. Secretary Canning to J. H. Lance, Esq.*

SIR,

*Foreign Office, September 25, 1822.*

HIS MAJESTY'S Government having permitted you to delay repairing to your Post unto that period of the year, when an European may,

\* See No. 37, page 421.

without imminent danger to his health, establish himself in the climate of Surinam, I have, (that period being now arrived,) to convey to you The King's commands, that you proceed without further delay, to execute the duties of His Majesty's Commissioner of Arbitration to the Mixed British and Netherlands Commission, established at Surinam under the Treaty between His Majesty and The King of The Netherlands, concluded at The Hague, on the 4th day of May 1818, for the prevention of the Traffick in Slaves.

I have the honour to send to you herewith the Commission, bearing date the 27th day of April 1822, by which The King was pleased to appoint you to the above-mentioned Situation.

You will show your Commission to M. Lefroy, and after conferring with that Gentleman, who will introduce you to The Netherlands Commissioners, and to the Local Authorities, you will proceed to take the requisite oaths, in the form prescribed, and will enter upon the duties entrusted to your charge.

You will consider the Instructions sent out from this Office for the guidance of your Predecessor, and Mr. Lefroy, as equally addressed to yourself:—and will make those Instructions, together with the Treaty above-mentioned, and the Act of Parliament consequent upon it, the rule of your conduct.

Further Instructions and directions will be forwarded to you from time to time, as circumstances may require.

I am, &c.

*His Majesty's Commisr. of Arbitration.* GEORGE CANNING.

No. 89.—*C. E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(Received February 7, 1823.)*

(Extract.)

*Surinam, October 24, 1822.*

FROM the very melancholy intelligence which has reached this Colony of the death of the late Marquess of Londonderry, I have to request you will lay the inclosed Papers before his Successor. The information they contain, places beyond all doubt the fact of contraband importations of Africans to an indefinite extent, taking place in this Colony, up to this day, which all my importunities have failed hitherto to obtain from the Local Authorities here any adequate exertion to suppress; a fact, of which I conceive a clear proof to be of some importance, because, from the Papers lately laid before Parliament, which I have had the honour to receive from you, for my information and guidance, the Ministers of His Netherlands Majesty, seem to me to be much disposed to maintain strenuously a very inauspicious scepticism on that point.

Inclosed is the Copy of a Deposition of Cornelius O'Sullivan, lately employed by one of the most desperate Slave Traders in this Colony, whose motive for making the disclosure he did to me, was a quarrel



with his Owner, which I mention, because His Excellency the Governor-General (contrary to all English Legal and Police experience) was disposed to consider it as quite destructive of his credit, till his relation was happily confirmed by the very opportune arrival of Letters (of which the inclosed are Copies) from Captain Edwins Rich, of His Majesty's Sloop *Bustard*.

The information which I thus received I immediately communicated to the Governor, and subsequently waited upon him, with Captain Rich in person, to offer him any further information, and also any assistance which Captain Rich could give him (either by taking down to the place where he left the Slave-Vessel, a party of soldiers, or otherwise) consistently with the limits of his discretion in this service. His Excellency declined any assistance from Captain Rich, but immediately sent down a party of soldiers to the spot, and has since reported to me the result of their inquiries, which is, that the Vessels described by Captain Rich had disappeared before their arrival, but that, from the appearance of a Negro encampment upon the shore, there was certainly reason to fear that the Slave-Vessel had succeeded in disembarking her Cargo, which the soldiers traced into the neighbouring bush, but that all their zeal and diligence, as also that of the Chief Police Magistrate of the district, called "the Heimraad" (whom the Governor also ordered to inquire,) had been unable to obtain any further information as to the Parties concerned in this transaction, or those in whose possession, custody, or power, the Negroes then were. I think it right to add, that we have had no Dutch Man of War here since the beginning of last May, and that General De Veer declares his utter inability to prevent the continuance of a clandestine Slave Trade without one; and from the great length of Coast which this Colony comprises, with the number of creeks distant from observation, I do not think, without active naval assistance, or the introduction of a Registry Act, similar to that in force in the British Colonies, that he could. It is true, indeed, that the Dutch Men of War, stationed here during the Government of M. Vaillant, might (as far as the suppression of the Slave Trade was concerned) just as well have been away, because he never employed them in that service; but as the efficiency of such assistance depends entirely upon the Governor, by the constitution of the Dutch Colonial Governments, I am willing to hope that His present Excellency would make a better use of it.

I beg to take this opportunity of informing you, that Charles Beverley, the Slave Trader, who has been the principal subject of my late Despatches, and who lately made his escape from confinement, has again been taken and recommitted to the Criminal Gaol, but, from what I can learn, it appears that all idea of proceeding against him under the Dutch Abolition Laws, is now given up. I have only further to add, that I have again since his recaption, renewed my proposal to the Governor of sending him, with the witnesses, for trial to an English Colony

as a Subject of His Britannick Majesty, for a breach of the English Abolition Laws, which His Excellency continues to decline.

*Joseph Planta, jun. Esq.*

CHRIS. EDW. LEFROY.

(*Inclosure 1.*)—*Deposition of Cornelius O'Sullivan.*

APPEARED personally before me, (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Cornelius O'Sullivan (sometimes called Charles Sullivan), lately serving as a Warrant Officer in His Britannick Majesty's Navy, who, being duly sworn, maketh oath and saith, that on or about the 6th day of September last he received from *Richard O'Ferrall, junior*, an inhabitant of this Colony, directions to take charge of a Schooner belonging to the said Richard O'Ferrall, and proceed with her in the first place to Nickerie, and from thence to return back and beat up to windward as far as Devil's Island, in the neighbourhood of which he, this Deponent, was to remain for some time, and be there governed by the directions which he would receive from a friend of the said Richard O'Ferrall, who would accompany him, this Deponent, on board for the benefit of his health. And this deponent further saith, that he subsequently found the person so accompanying him on board the said Schooner to be Edward O'Ferrall (the brother of the said Richard O'Ferrall, junior), who told him that he expected to meet somewhere in their course, with a Brig and Sloop, which would answer to this Deponent's private signal of a White Flag over a Blue Flag at the mizen, and that he, this Deponent, must keep a good look out for them. And he, this Deponent, upon his oath further saith, that he understood that he was to afford every assistance in his power to the said Brig and Sloop in the debarkation of their Cargoes, or otherwise, as they might require, and carefully to avoid all other Vessels. That he, this Deponent did not fall in with the said Brig and Sloop, or either of them, as he was led to expect, but that he understood, and verily believes, the expected Cargoes of the said Brig and Sloop, for which he was sent to look out and aid the debarkation of, were Cargoes of contraband Negroes, and this Deponent, on his oath, further saith, that he has reason to believe a Brig belonging to Martinique, called *The Hermaphrodite*, has been for some days past, and is at present, laying off the mouth, or in the neighbourhood of the Wanny-lowanna Creek in this Colony, with a cargo of 250, or 350, contraband Negroes, and also that a Schooner left the Town of Paramaribo on the evening of Friday last, the 5th instant, with provision for the said Brig, and to assist (as far as this Deponent is informed and believes) in effecting a debarkation from the said Brig of the said contraband Negroes.

CORs. O'SULLIVAN.

On the 8th of October 1822, the said }  
Cornelius O'Sullivan was duly sworn to } CHRIS. EDWD. LEFROY.  
the truth of this Affidavit—Before me }

(Inclosure 2.)—*Captain Rich to C. E. Lefroy, Esq.*

SIR, *H. M. S. Bustard, at Sea, October 6, 1822.*

I HAVE to request you will lay the inclosed before His Excellency the Governor of Surinam, in order that he may take such measures as he may deem expedient for the discovery of the same.

I remain, &c.

*Christopher E. Lefroy, Esq.*

EDWINS RICH.

(Inclosure 3.)—*Captain Rich to C. E. Lefroy, Esq.*

SIR, *H. M. S. Bustard, at Sea, October 6, 1822.*

I BEG leave to inform you that, on the 6th instant, at 4 P. M. I spoke a Brigantine, under French Colours, laying at an anchor, Warappa Creek, bearing S. by W. four or five miles, said to be from Martinique, bound to Cayenne, which, from her appearance and a Schooner hovering near her, I have every reason to suppose was engaged in the illegal Traffick in Slaves, as from the state of the weather nothing could have prevented her from proceeding to her said destination.

The said Vessel is long and low, with a narrow white ribbon, rigged as a Brig forward, with a Schooner mainmast, with a small main-topsail and top-gallant-sail, with two guns mounted; and only six or seven men appeared on deck when I past her.

I remain, &c.

*Christopher E. Lefroy Esq.*

EDWINS RICH.

No. 90.—*Mr. Secretary Canning to Messrs. Lefroy and Lance.*

GENTLEMEN, *Foreign Office, October 25, 1822.*

THE Despatch of Mr. Lefroy of the 2d of July 1822, addressed to the late Marquess of Londonderry, and inclosing a Copy of a *Mode of Procedure* for the Mixed Court at Surinam, has been duly received.

I feel a difficulty in making observations upon this declaratory instrument, under the disadvantage of not being acquainted with the Forms of Process in the ordinary Courts of the Settlement, which may have influenced the judgment of the Commissioners in forming these Rules.

Under these difficulties I think it, however, right to remind you that, by the Regulations annexed to the Treaty, the Proceedings are intended to be as summary as possible, and should therefore be continued *de die in diem*, under the sanction of the Judges, by Minutes of the Court, recording the bringing in of Instruments and Proofs, and the prayers of the Parties in the simplest form: and I should hesitate to say, that the directions, as to memorials or replies, (Art. 8.)—as to the condemnation in costs, (Art. 3.)—as to the adjournments from three days to three days, (Art. 4.)—are Rules which appear the best adapted to the provisions of the Treaty.

A suggestion, similar to that in the Sixteenth Article, had been already submitted for consideration by the Court at Sierra Leone; but it

was deemed, on the whole, more expedient not to authorise a deduction from the proceeds of prizes, for the purposes of defraying the expences of the suit. The same principle will serve for a guide to you upon the point in question. Upon the remaining points, I have only at present to recommend to you that the spirit of these Rules should be adopted, in the way best calculated to prevent prolixity in the proceedings, or delay and expence to the Parties.

I am, &c.

*The British Commissioners.*

GEORGE CANNING.

No 91.—*C. E. Lefroy, Esq. to Earl Bathurst.*—(*Rec. Feb. 7, 1823.*)

MY LORD,

*Surinam, October 28, 1822.*

I HAVE had the honour to receive Your Lordship's Circular, dated August 14, 1822, signifying to me His Majesty's commands that until He should be pleased to appoint a Successor to the late Marquess of Londonderry, I should address my Despatches to Your Lordship.

Just before the receipt of Your Lordship's Letter (having previously heard of the very lamentable occurrence of the death of the noble Marquess), I had closed a Despatch to Mr. Planta, of some importance to the service in which I am engaged, containing Copies of Communications to me from a man of the name of *O'Sullivan*, and *Captain Edwin Rich*, of His Majesty's Sloop *Bustard*, regarding an illicit debarkation of Slaves, and reporting, from conversation with the Governor, the result of an inquiry instituted by him, at my request, into the transaction.

I have now the honour to inclose to Your Lordship the Copy of a Letter from His Excellency, received too late for my Despatch to Mr. Planta, which is merely a more formal communication of the result of the above inquiry, than that which His Excellency had before verbally made to me, but which, from its not being open to any doubts of mistake or inauthenticity as to information derived by me from conversation, I think it proper to put your Lordship in possession of.

I will only add that, so far from my agreeing with His Excellency in the concluding paragraph, my suspicions are entirely confirmed; and, from the circumstance of the Negro Camp, reported by his own Officer, I am convinced that a debarkation of contraband Negroes has been effected. Whether the interruption of his purposes by Captain Rich, and the apprehension of a seizure of the Negroes in consequence, by the Authorities here, induced the Master of the Slave-vessel to re-embark them, does not in the least alter the fact, of which I have now put Your Lordship in possession of incontestable proof, viz. that contraband importations of Africans into this Colony, to an indefinite extent, continue to take place up to this day.

I have the honour to be, &c.

*Earl Bathurst, K. G.*

CHRIS. EDW. LEFROY.



*(Inclosure.)—The Governor of Surinam to the British Commissary Judge.*  
 SIR, (Translation.) *Paramaribo, Oct. 26, 1822.*

IMMEDIATELY after receiving the information which you communicated to me of a Vessel under French Colours, lying at anchor off Warappa Creek, which you had well-founded suspicions was endeavouring clandestinely to land Slaves; I despatched to the above Creek an Officer attached to the company of Colonial Guides, with a party of troops, directing him to set on foot there the needful inquiry.

Accordingly, in consequence of the arrangement I had previously concerted with you, I now have the honour of acquainting you that I have received from the Officer charged with the Mission a report stating, "that on his arrival at Warappa Creek he took every means to procure the necessary information, though without success, as he could not discover any particulars bearing on the subject, or trace any Vessel whatsoever, but that, on proceeding with his party along the beach, he came to a spot where some wood was still left burning, and several fragments of sea-biscuits scattered on the ground, while he was able to distinguish the footsteps of a number of persons walking barefoot, which marks having followed to some distance he at length lost, owing to the hardness of the ground, without being able to trace them further on; whereupon the Officer tried to procure intelligence from the Overseers of several Plantations: being again disappointed, it struck him that Negroes would be the most likely persons to hear of any fresh importation of their countrymen, and, acting on that presumption he desired his men to seek privately to converse on the subject with the Blacks employed in the Plantations. By these means he learned that a Schooner which had been at anchor off the Coast, had taken on board Negroes from a Brig, had set them on shore in the vicinity of the very spot noticed by the Lieutenant, and had sent some of them to the Plantations of Goosen, and others to that of Esterslust."

This report I lost no time in transmitting to the Councillor, Commissioner of the Court of Police, and Colonial Justice, who is also invested with the Office of Inspector of the Dykes for the division of Matappica, requesting that he would order the Captain of that division to institute the strictest investigation into the matter, and also to cause the Negroes suspected to have been landed there to be apprehended and conveyed hither. The Captain in question sent two of his Lieutenants with their Non-commissioned Officers to the Plantations of Goosen and Esterslust, enjoining them to satisfy themselves on the spot, whether, during the months of September and October, any fresh Negroes had been brought thither, and, if so, to seize them forthwith.

The result of the investigation was forwarded by the Captain of the division to the Inspector of the Dykes, and by him to me. It is to this effect, that in the plantations referred to, not only no trace of any new comers could be found, but that the Overseers declared that so far from

receiving any fresh Negroes, said to have lately arrived, they had not so much as seen any.

It affords me pleasure, Sir, that the suspicion which you entertained has not been verified by the fact, as I now am also justified in withholding my belief from that portion of the Report, transmitted by the Lieutenant, which relates to the information given by the Negroes of the Plantations. Indeed, Sir, you yourself cannot but have had frequent occasion to observe that the intelligence obtained from persons of that description carries very little weight with it.

I have the honour, &c.

C. E. Lefroy, Esq.

A. DE VEER.

No. 92.—*Mr. Secretary Canning to Messrs. Lefroy and Lance.*

GENTLEMEN,

*Foreign Office, November 1, 1822.*

I LEARN by a Communication from the Ambassador of The King of The Netherlands at this Court, that The Netherlands Corvette *De Eendragt* (the Concord) of 150 men and 18 guns, Captain Lieutenant *Schröder*, about to sail for the West Indies, will be furnished with a Copy of the Treaty of the 4th May 1818, for repressing the Trade in Slaves, and of the several Documents thereunto annexed.

You will be so good as to communicate this information to the Board, of which you are Members. I am, &c.

*The British Commissioners.*

GEORGE CANNING.

No. 93.—*Mr. Secretary Canning to C. E. Lefroy, Esq.*

SIR,

*Foreign Office, November 6, 1822.*

I HAVE received your Letter of the 22d of August 1822, addressed to the late Marquess of Londonderry, and I have laid the same before The King.

I am to convey to you His Majesty's gracious permission for you to come to England, on the ground of ill-health, for the space of six months; the period of your voyage to and from Surinam not being included in that time.

You will not fail to make due and sufficient notification of your intended absence, both to the Board of which you are a Member, and also to the Local Authorities of Surinam. I am, &c.

C. E. Lefroy, Esq.

GEORGE CANNING.

No. 94.—*Mr. Secretary Canning to Messrs. Lefroy and Lance.*

GENTLEMEN,

*Foreign Office, November 12, 1822.*

IN reference to that part of the Despatch of Mr. Lefroy, dated the 10th May, 1822, in which Mr. Lefroy requests Instructions for his further guidance, in Cases similar to that of *Charles Beverley*, who was accused of smuggling Slaves into the Colony of Surinam; I have to make to you the following observations, for the direction of your conduct.

The demand conveyed in Mr. Lefroy's Letter of the 4th of May 1822, addressed to the Fiscal at Paramaribo, extended far beyond the purport of the Note of Lord Clancarty of the 26th of February, 1821.

The Note of Lord Clancarty related only to Cases established in proof on the authorized Proceedings of the Commission. The Case in question was of a nature to which the judicial duties of Mr. Lefroy did not extend: and the demand made could not be supported, as to an offence committed against the Laws of the Colony.

In cases similar to that in question, you will be careful to limit your interference to the communicating information to the Local Authorities, with a request, made, as it were, extra-officially, that the Laws of the Colony may be enforced against the Offenders. You will bear in mind that your functions as Judges and Arbitrators are limited to the jurisdiction specially established by Treaty, and that while you are properly and zealously alive to any infractions of the Treaty, there will be danger of publick inconvenience, if you should make your functions obnoxious to the Local Authorities by allowing your attention to be diverted to objects that do not properly belong to you.

I am, &c.

*The British Commissioners.*

GEORGE CANNING.

*No. 95.—Mr. Secretary Canning to Messrs. Lefroy and Lance.*

GENTLEMEN,

*Foreign Office, November 26, 1822.*

I HAVE received Mr. Lefroy's Despatch of the 20th of September 1822, addressed to the late Marquess of Londonderry.

With respect to that portion of it, which relates to *Charles Beverley*, accused of being concerned in illicit Slave-dealing; I have at present only to refer you to my Despatches of the 25th of September last, and of the 12th instant, upon this subject.

In reference to the subject of the latter part of Mr. Lefroy's Despatch, I have to recommend you upon all occasions to keep strictly within the bounds of the Treaty, and of the Act of Parliament, which you are called upon to execute, lest the weight of your opinion, officially expressed, should lead to acts which His Majesty's Government might feel themselves called upon to disavow.

I am, &c.

*The British Commissioners.*

GEORGE CANNING.

*No. 96.—Mr. Secretary Canning to Messrs Lefroy and Lance.*

GENTLEMEN,

*Foreign Office, November 26, 1822.*

I SEND to you, for your information and guidance, the Copy of a Despatch, addressed on the 22d of February 1822, by The King's command, to His Majesty's Ambassador at The Hague, proposing, that the provisions of the Treaty of the 4th of May 1818, for the case of the death of one or more of the Commissioners, shall extend to the case of

Vacancies occurring in the Commission from illness, or leave of absence. 2dly, the Copy of a Despatch, dated the 10th of May 1822, from His Majesty's Minister at The Hague, and of its Inclosure, stating the acquiescence of The King of The Netherlands in this proposition. And 3dly, the Copy of an Instruction, which I addressed on the 30th of September 1822, by The King's command, to His Majesty's Ambassador at Brussels, inclosing the *Projet* of an Additional Article for sanctioning in a more formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you. In the mean-time you will endeavour to come to an agreement with your Fellow Commissioners to act in the spirit of the intended arrangement.

I am, &c.

*The British Commissioners.*

GEORGE CANNING.

No. 97.—*C. E. Lefroy, Esq. to Mr. Secretary Canning.*—(Received April 27, 1823.)

SIR,

*Surinam, December 4, 1822.*

I HAVE the honour to acknowledge the receipt of your Letter of the 16th of September 1822, accompanied by one of the same date from The Right Honourable Earl Bathurst, acquainting me that His Majesty had been graciously pleased to appoint you to be His Principal Secretary of State for Foreign Affairs, and instructing me in future to address to you my Despatches and Letters on publick business.

I have the honour to be, &c.

*The Right Hon. George Canning.*

CHRIS. EDW. LEFROY.

No. 98.—*C. E. Lefroy, Esq. to Mr. Secy. Canning.*—(Recd. March 6.)

SIR,

*Surinam December 23, 1822.*

I HAVE the honour to submit to you, inclosed, Copy of a Letter just received from the Governor of Berbice, relating to a debarkation of 500 Africans in this Colony, so late as last month, and of one addressed by me to the Governor of this Colony; but I have little hope of any efficient steps being taken in consequence. It is painful to me to be obliged to continue to impugn the Authorities here, at a period so long since the execution of the Treaty, but I should be trifling with you, Sir, and His Majesty's Government, if I did not repeat my conviction that, without much more energetick conduct on the part of those Authorities, the Slave Trade in this Colony will never be overcome.

I beg to acknowledge the receipt of your Despatch of the 25th September, and have the honour to be, &c.

*The Right Hon. George Canning.*

CHRIS. EDW. LEFROY.



(Inclosure 1.)—*The Governor of Berbice to C. E. Lefroy, Esq.*

SIR,

*King's House, Berbice, December 6, 1822.*

I HAD the honour of receiving your Letter of the 21st of November, conveying to me the satisfactory intelligence of the retaking of *Charles Beverley*, charged with Slave-trading.

I greatly lament to hear of the open and extensive manner in which the Slave Trade is still carried on upon the Coast of Surinam. I am informed by Captain Boyd, of the American Schooner *Olive Branch*, which arrived here the 19th of November last, that his Vessel was detained two days and a half by a large ship, with about 500 new African Negroes on board, about 20 miles to windward of Bram's Point, and that he himself was compelled to go on board of the ship, when he was detained the whole of the above-mentioned time, and his boat employed in landing the Negroes, after which he was handsomely rewarded by the Captain of the Ship, and suffered to proceed on his voyage.

This is the most flagrant Case I have yet heard of, and I hope that the circumstances of it have come to your knowledge.

I have the honour to be, &c.

*Christopher Edward Lefroy, Esq.*

HENRY BEARD.

(Inclosure 2.)—*The British Commissary Judge to the Governor of Surinam.*

SIR,

*Paramaribo, December 23, 1822.*

THE inclosed is the Copy of a Letter just received from the Governor of Berbice, which I lose not a moment in submitting to Your Excellency, in order that, by taking the proper steps (which no doubt you will) for the detection and punishment of the Parties concerned, you may satisfactorily vindicate this Colony and your Country from the imputations of bad faith, and utter indifference to all the prospective interests of the great family of man, to which the continuance of the transactions described in the inclosed must expose them in the eyes of all Europe.

The Slave-vessel is probably that to which Your Excellency some time since refused admittance into this River.

I shall send a Copy of the inclosed by the first opportunity to my own Government, and likewise request the Governor of Berbice to endeavour to procure for me such further particulars from Captain Boyd as may assist Your Excellency in the conviction of the atrocious Scoundrels who thus persist in provoking the indignation, and defying the retributive justice, of their species and of God.

I have the honour, &c.

*H. E. Major General De Veer.*

CHRIS. EDW. LEFROY.

No. 99.—*Mr. Secretary Canning to Messrs. Lefroy and Lance.*

(Extract.)

*Foreign Office, December 27, 1822.*

MR. LEFROY'S Despatches up to 23d September, 1822, have been duly received.

His Majesty's Ambassador at the Court of The King of The Netherlands, has been instructed to request an explanation of the conduct of the Fiscal, in restoring to the Consignee the Negroes brought into Surinam by *Charles Beverley*, and to require that the Negroes may, (if not restored to liberty,) at least be taken into His Netherlands Majesty's service, till the matter of their legal importation be decided.

His Majesty's Ambassador has likewise been instructed to express a desire, that inquiries may be instituted, as to whether the escape of *Beverley* was favoured by any Persons in the employment of the Local Government, and whether any other British Subject besides *Beverley* was concerned in the importation of Slaves, with which that Person was charged.

His Majesty's Government have perceived, with some satisfaction, that, amid Mr. Lefroy's representations of the supineness of the Colonial Authorities, there does not appear in his Despatch of September 20, 1822, or in the Papers accompanying it, any suggestion that an importation of Slaves had actually occurred in Surinam, subsequent to the month of June 1821; and, except in respect to the omission of any offer of a reward for the apprehension of *Beverley*, the Governor's Proclamation, issued the day after his escape, appears to be sincerely framed with a view to the object of *Beverley*'s recapture.

The establishment of a Registry for Slaves in the Colonies has been suggested to The Netherlands Government, as a measure well calculated to prevent their future importation; and His Majesty's Government hope, that the adoption of it may be found to be compatible with the policy and Regulations of The Netherlands Government at Surinam.

*The British Commissioners.*

GEORGE CANNING.

No. 100.—*C. E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(Received March 27.)*

SIR,

*Surinam, January 14, 1823.*

I HAD yesterday the honour to receive your Circular of the 10th of September last, with the accompanying Copies of an humble Address which was presented to His Majesty, pursuant to a Resolution of the House of Commons, of the 27th of June 1822, upon the subject of the Traffick in Slaves, for my information and guidance on occasions when that subject may come under my notice.

I have the honour to be, &c.

*Joseph Planta, jun. Esq.*

CHRIS. EDW. LEFROY.

No. 101.—*C. F. Lefroy, Esq. to Mr. Secretary Canning.*—(*Received March 27.*)

SIR, *Surinam, January 20, 1823.*

I HAVE the honour to acknowledge the receipt of your two Despatches dated the 26th of November 1822, (the latter accompanied by Copies of a Correspondence which has taken place with the Dutch Government, on a proposed extension of the Article of the Treaty for supplying Vacancies in the Commission in the case of death, to Vacancies from illness or leave of absence,) and I shall take care to conform to the Instructions which they severally contain.

Your Despatch of the 12th November, referred to in the former of the two, which I have now the honour to acknowledge, has not yet come to hand.

I have the pleasure to announce to you, that Mr. Lance arrived here on the 6th instant. He was shortly after taken ill, which has hitherto prevented him from being sworn in, and is the reason of his not signing this Despatch. I am, however, happy to say, that he is now in a state of convalescence. I have the honour to be, &c.

*The Right Hon. George Canning.* CHRIS. EDW. LEFROY.

No. 102.—*C. E. Lefroy, Esq. to Mr. Secretary Canning.*—(*Received March 17.*)

SIR, *Surinam, January 25, 1823.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 12th of November last, and I will be careful in future to govern my general official intercourse with the Local Authorities, by the limits and directions therein prescribed. I have the honour to be, &c.

*The Right Hon. George Canning.* CHRIS. EDW. LEFROY.

No. 103.—*C. E. Lefroy, Esq. to Mr. Secretary Canning.*—(*Received March 17.*)

SIR, *Surinam, January 25, 1823.*

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of November, conveying to me His Majesty's gracious permission for me to come to England on the ground of ill health, for the space of six months, exclusive of the voyage backwards and forwards; and I hope, Sir, I am not unpardonably trespassing upon official formality in simply expressing, from the bottom of my heart, my gratitude for this indulgence, it being nothing less to me than a reprieve from death, or what is ten times worse, constitutional ruin.

I propose to leave this Colony about the end of April, or beginning of May, and will not fail to give due notification of my temporary departure to the Local Authorities, and the Board of which I am a Member. I have the honour to be, &c.

*The Right Hon. George Canning.* CHRIS. EDW. LEFROY.

No. 104.—*J. H. Lance, Esq. to Mr. Secy. Canning.*—(*Rec. Mar. 17.*)  
 SIR, *Surinam, January 27, 1823.*

I have the honour to inform you that I arrived here on the 7th instant.

In obedience to your commands I waited on Mr. Lefroy, and shewed him my Commission; I was introduced by him to the Netherland Commissioners, and to the Governor, before whom I this day took the requisite Oaths, in the form prescribed; and I am now prepared to act in the discharge of my duties as Commissioner of Arbitration, on the occurrence of any Case by which they may be called into exercise.

I have the honour to be, &c.

*The Right Hon. George Canning.*

J. H. LANCE.

*CORRESPONDENCE of the Colonial Office with the British Colonial Authorities, relative to the Slave Trade.*

*Presented to Parliament, July, 1823.*

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*No. 1.—Sir Charles Mac Carthy to Earl Bathurst.*

MY LORD,

*Sierra Leone, March 10, 1822.*

I HAVE the honour to inform you, that Commodore Sir Robert Mends, commanding the Squadron on this Coast, who had been detained by contrary winds for a long period in Europe, arrived here on the 18th past.

I received by him the New Charter granted by our Most Gracious Sovereign for the Colony and its Dependencies, and I had the same proclaimed with all possible solemnity on the 29th past.

Sir Robert Mends on his passage to this, visited the River Gambia, and it affords me the most heartfelt satisfaction to state, that he speaks in very favourable terms of the Navigation of that River, and the flourishing condition of the Trade at Bathurst.

In consequence of the information he obtained of the manner in which the Slave Trade was carried on at the Portuguese Settlements of Cacheo and Bissago, Sir Robert sent his boats for the purpose of searching these Rivers; they returned here on the 2d instant only, with a Portuguese Schooner taken near Cacheo, having on board 175 Slaves.

The Depositions of the Crew fully prove that the Governor of Bissago shipped a number of these Slaves on his own account; many of them were from the banks of the Gambia.

I propose embarking to-morrow to proceed to the Gold Coast in obedience to your Lordship's Instructions, and shall avail myself of such opportunities as may offer to report my proceedings. I regret exceedingly, that from the long detention of the *Iphigenia* it was not in my power to do so before.

I have, &amp;c.

*Earl Bathurst, K.G.*

C. MAC CARTHY.

*No. 2.—Sir Charles Mac Carthy to Earl Bathurst.*

MY LORD,

*Sierra Leone, June 19, 1822.*

HAVING frequently with heartfelt sorrow deemed it my duty, in the situation I have the honour to hold, to report to your Lordship the horrid cruelties inflicted on the unfortunate Africans, daily torn from their Native Country by Subjects of civilized European Powers in amity with our Most Gracious King, in defiance of the laws and repeated declarations of their own Sovereign, I again beg leave to solicit your attention to the same painful subject.

Since I transmitted to Mr. Goulburn (on the 14th January) Memoranda of the information I had obtained on the Traffick in Slaves, carried on this Coast, from the period of Commodore Sir George Collier's return to Europe, the French Brig of War *L'Huron*, Commodore

Mauduit du Plessis came into this Harbour from a cruise to leeward. I received that Officer, who commands the Squadron of small Vessels of War employed between Senegal and Goree, and on occasional Cruises along the Coast, with that politeness due to his rank, and the friendly relations subsisting between our respective Countries; and learnt from him with equal regret and surprise, that, having proceeded as far as Grand Bassa, he fell in with and visited several Vessels under the French Flag, which he had strong grounds to suspect were employed in the Slave Trade, but that he did not detain any, as from his instructions he was not authorized to seize any Vessels but such as had *Slaves on board*; that he was particularly anxious to take in water and other articles he required, in order to resume his Cruise off the Gallinas, as he feared that two French Vessels he had left there, and who had landed their Cargoes, might take advantage of his absence to embark their Slaves and proceed to their destination. Commodore Du Plessis arrived at Sierra Leone on the 1st February, and sailed again on the 9th or 10th on his Cruise off the Gallinas; he appears a zealous Officer, and anxious to display his zeal in the cause of humanity, I therefore do not entertain any doubt of the correctness of what he stated; yet I can only reconcile this very extraordinary circumstance with the sentiments expressed by M. Le Baron Portal, late Minister of Marine, to whom I had the honour of being introduced by His Majesty's Ambassador Sir Charles Stuart, and with whom I had three or four audiences on the subject of the Slave Trade in December 1820, and February and March 1821, to some misunderstanding with respect to the English Laws, in supposing that the same Instructions were issued to the Naval Officers with regard to their conduct to Foreign Vessels, and towards any British Vessel which might be found employed in that criminal Traffic. M. Le Baron Portal frequently said to me, (to the best of my recollections, M. Le Baron Pasquier, then Minister for the Foreign Department, made the same declaration in my presence to Sir Charles Stuart,) that Instructions to the same purport had been transmitted to the French Cruisers on this Coast for the seizure of French Vessels, as he (Le Baron Portal) understood were given to British Cruisers; that His Most Christian Majesty's Government acted with the utmost good faith, and were desirous to put a stop to that infamous Trade. It is well known that according to our Laws any British Vessel fitted or employed in the Slave Trade is equally liable to condemnation, and the Person engaged in that Traffic subject to the same penalties, whether there are Slaves on board or not, and that of course His Majesty's Officers would lawfully detain such a Vessel and prosecute her and the Crew. It is true, that in the Treaties with the Sovereigns of Spain, Portugal, and The Netherlands, it has been determined that no Vessels should be liable to detention but such as had actually Slaves on board: it does

not belong to me to make any observations upon the criminal advantage taken by Vessels bearing the Flag of those Nations, of the wording of that Article, which in open day, and contrary to the spirit of the Treaties, carry on this Traffic.

As there cannot be any plea urged to prevent the seizure of French Vessels by their own Navy, I am led to hope, that if the circumstances under which the Slave Trade is now carried on under the French Flag, were stated to the Ambassador of His Most Christian Majesty now in London, his high sense of honour would soon rectify an omission which I suppose to have been unintentional; and when it is considered, that by enforcing the same Laws towards their own Vessels which have been so honourably carried into effect by Great Britain, since the Abolition of the Slave Trade, one Brig of War will do more essential service in one Cruise as far as the Equator, than twenty times the number of Vessels cruising with inefficient Instructions, I cannot but believe that the suggestion may appear worthy of consideration. I have not heard at Cape Coast that the *Huron* had been met with by any of our Cruisers or Merchant Vessels since she left Sierra Leone.

The inclosed Memoranda will prove that the Vessels under French Colours now carry on the Traffic fully armed, and that they have been guilty of acts, if not Piratical, in firing on the Boats of His Majesty's Cruisers, at least very nearly as atrocious.

The number of Slave Vessels taken and examined since the arrival of Commodore Sir R. Mends, will convey full information as to the extent of that Traffic; and I beg leave to observe, that the Case of the *Conde de Villa Flor*, seized near Bissao, which fully establishes that Signor Andrade, the Governor, had shipped a number of Slaves on his own account, can merely be considered as an additional proof of the incorrigible perversity of the Portuguese Officers on this Coast; that I have received repeated reports of the Governors of Bissao and Cacheo having full Cargoes of Slaves in irons ready for all purchasers; that the Traffic is carried on openly at the Cape de Verd Islands, St. Thomas, and Princes.

The appointment of a Consul to reside at the Bissaos for a few years, might operate as a check to these nefarious transactions.

I have, &c.

Earl Bathurst, K.G.

C. MAC CARTHY.

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(Inclosure.)—Memoranda of Vessels employed in the Traffick in Slaves, visited or detained by His Majesty's Cruisers on the Coast of Africa, from the 1st of February to the 28th of April, 1822.

Date of Capture or Examination.	At what Place.	Name and Description.	—	Whence.	Master.	Owner.	Slaves on Board.	Slaves on Shore.	Cargo when complete.	Remarks.
Feb. and March.	Gallinas	Brig L'Espoir -	French -	Nantes	P. L'Empreur	-	-	-	-	Slave platform laid, water casks, &c.; had landed a number of Slaves.
	Sugry -	Ship Phenix -	do.	Havre	Dupré -	-	-	-	-	Slave platform laid, water casks, &c.; 320 tons and 22 men.
	Gallinas	Ketch le Furet -	do.	do.	J. Herrewyn	-	1	-	-	ditto - ditto.
	do.	Brig la Rose -	do.	Nantes	M. Thomas	-	-	-	-	had arrived only a few days; 200 tons and 23 men.
	do.	Schooner L'Adolphe -	do.	St Malo	S. Decarn	-	-	-	-	fitted for Slaves - 169 tons and 26 men.
	do.	Sloop Le Thomas -	do.	Martinique	G. Detouch	-	-	-	-	ditto - last from Goree.
	do.	Schooner La Coquette -	do.	Guadaloupe	Bassoins	-	-	-	-	ditto - 132 tons and 23 men.
	Bissaos	Conde de Villa Flor	Portuguese	-	Brandea	-	175	-	-	condemned in Mixed Commission Court; Slaves landed at Sierra Leone.
	Rio Pongas	Dolphin -	United States	-	Benj. Pearson	-	-	-	-	detained, and sent to America by Mr. Hunter, U.S.N., and Dr. Clarkson, R.N.
April -	-	Dichosa D'Estrella	Spanish	-	-	-	-	-	-	detained by His Majesty's Ship, Morgiana—Before Mixed Commission Court.
	-	Joseph -	do.	Matanzas	Juan Krouze	-	-	-	-	condemned in Mixed Commission Court, for having had Slaves on board.
	Appam	Des de Fevreiro -	Portuguese	-	-	-	10	-	-	detained by His Majesty's Ship Iphigenia—Before Mixed Commission Court.
	Lagos -	Esperanza -	do.	Bahia	J. de Britta Lima	-	187	-	-	condemned in Mixed Commission Court—Slaves landed at Sierra Leone.
— 6	Whydah	Schooner Nymfa del Mar	do.	do.	Fran. Dellar	-	3	247	250	Slaves ready for embarkation.
	do.	Star -	do.	do.	José Rodriguez	-	-	250	-	unfortunately lost—People saved.
	do.	Juliana -	do.	do.	Juan Zacheaba	-	-	-	300	a Negro Boy clinging to the rudder chains—said he was driven overboard at the approach of our Boats.
	do.	Ship Vigilante	do.	do.	Jan. Fel Lobo	-	-	-	500	Slaves ready for embarkation.
	Porto Novo	Brig Lusitania	do.	do.	M. J. Dacquire	-	-	-	350	these Vessels had Royal Passports to take Slaves from Melamba.
	do.	Sacramento -	do.	do.	J. J. Velasco	-	-	-	350	ditto - ditto - ditto.
	do.	Maria Gloria -	do.	do.	J. de Fonseca	-	-	-	300	-
	do.	Esperanza Fortuna	do.	do.	Claud. Demarrez	-	-	-	250	-
Whydah	Schooner Amelia	-	do.	do.	These five Vessels arrived on the Coast within a week after the Iphigenia passed down from thence.	-	-	-	250	platforms laid ready to take Slaves on board.
do.	Remela -	-	do.	do.	-	-	-	-	250	-
do.	Polacca Desengano	-	do.	do.	-	-	-	-	250	-
do.	Schooner Zefra	-	do.	do.	-	-	-	-	300	-
Porto Novo	Gonna -	-	do.	do.	-	-	-	-	300	-
Bonny	Vecua -	-	Spanish	Havannah	-	-	325	-	400	landed the Slaves at the Cruiser's approach.
"	Ycanam -	-	do.	do.	-	-	380	-	500	detained by Iphigenia and Myrmidon—Before Commission Court.
"	Brig La Vigilante	-	French	Nantes	A. C. Bonfiere	-	-	-	-	unhappily upset in a tornado, only 11 persons saved. 16 of the Crew of the Iphigenia and two Officers were among those who went down.
"	La Petite Betsey	-	do.	do.	Jean Porrean	-	345	-	400	detained by Sir Robert Mordaunt, for assisting the Vecua and Ycanam in their desperate attacks on the Boats of Iphigenia and Myrmidon—Slaves landed at Sierra Leone.
"	L'Ursule	-	do.	Martinique	B. Donlier	-	216	-	250	-
"	Le Theodore	-	do.	Hartley	Clamard	-	-	-	250	completely fitted for Slaves.
Old Calabar	La Tamise	-	do.	Marseilles	Juan Brance	-	100	-	-	detained, and sent on account of her leaky state, to Sierra Leone in the
"	Polacca Desengano	-	Portuguese	Italia	M. Marka	-	-	-	-	Boat of the ship, 555 tons.



*No. 3.—Sir Charles Mac Carthy to Earl Bathurst.*

(Extract.)

*Cape Coast Castle, May 22, 1822.*

SIR ROBERT MENDES has this moment anchored in these Roads after a short, but extraordinary and successful, Cruise, having, since we parted at Accra, taken six Vessels with 1,656 Slaves, which, added to the number he took near the Bissagos and Afam, make a total number of 1,838, and eight Vessels taken by that Ship, last in company with His Majesty's Ship *Myrmidon*, which he ordered to cruise to Calabar. The *Morgiana* has also made two Prizes in her Cruise to the Ascension, with about 180 Slaves, since March, thus proving that this abominable Traffic is now carried on beyond former precedent, and with more audacity. The Vessels in the River Bonny were so moored as to present a most formidable battery, from which they kept up an incessant and tremendous fire upon the Boats, until they were conquered by the undaunted gallantry of our tars. It is to be regretted that two men of the *Iphigenia* were killed in action, and several wounded. The piratical ruffians suffered very severely, many of them jumped overboard and were drowned; and in the conflict the friends of humanity will lament that several of the unfortunate victims of the insatiable cupidity of those villains were also dangerously wounded; one poor female lost both her legs, another an arm.

*Earl Bathurst, K.G.*

C. MAC CARTHY.

*No. 4.—Sir Charles Mac Carthy to Earl Bathurst.*

(Extract.)

*Sierra Leone, June 21, 1822.*

I FOUND on my return the inhabitants generally healthy, although I fear, from the quantity of rain which has fallen since my arrival, that the rainy season has already begun, nearly a month before the usual period; a circumstance I regret exceedingly, from the considerable accession we have had, of about 1,800 liberated Africans, since January last, and the difficulty of placing them comfortably and advantageously to the public during the rains; that is, in encouraging their clearing the ground and planting, and more so, from the necessity which will devolve upon me of purchasing clothing for these unfortunate Beings, unless the requisition which I had the honour of addressing to your Lordship on the 12th January last, No. 264, is immediately forwarded here. Feeling as I do, my Lord, the enormous responsibility which, in these times of economy, falls upon an Officer who incurs expense, I own that under no other circumstances, but that of relieving that class of individuals whom the benevolence of our Country has rescued from Slavery, should I be found disposed to order any purchases, or incur expenses, without a regular approved Estimate. I shall, however, con-

tinue in the performance of what I consider a paramount duty, that of preventing the perishing from wretchedness, these, either adopted children of our Country, or otherwise outcasts from the human race, and devoted to misery.

*Earl Bathurst, K.G.*

C. MAC CARTHY.

*No. 5.—Sir Charles Mac Carthy to Earl Bathurst.*

(Extract.)

*Sierra Leone, June 26, 1822.*

COMMODORE Sir Robert Mends proposes taking his departure this day, on his return to Europe, by the West Indies; the short period he has been employed on the Coast has been attended with more success than I believe has hitherto been known in the same space of time. The loss of a Spanish Vessel upset in a tornado, as mentioned in the Return I had the honour of transmitting in my Letter No. 283, 19th instant, will be lamented by those who so anxiously wish for the Abolition of that Traffic.

Sir Robert Mends has sent to Europe the three French Vessels he took in the River Bonny, for firing on his Boats: their arrival will, perhaps, convince those Persons in France who are so unwilling to believe that the Subjects of His Most Christian Majesty are buying Slaves on the Coast of Africa. The Vessels left to cruize on the Coast are the following: the *Driver*, gone down, I understand, as far as Calabar; the *Bann*, to the Ascension, and from thence to cruize to the Bight of Biafra and neighbourhood. His Majesty's gun Brig *Thistle* is at present cruising in those parts, and expected with Prizes shortly here. The Gun Brig *Snapper* is to sail on a cruize this day to leeward and return shortly. The *Myrmidon* is waiting for the arrival of the *Cyrene* by whom she is to be relieved: but should not the latter appear soon, she will cruize to windward. The *Pheasant* is on her way home by St. Thomas and the Brazils, having Captain Sabine on board making important observations. The *Morgiana* sailed four days past, on her passage home by the Ascension. Two Brigs are expected to relieve those at present on this Station; and as Sir Robert Mends proposes returning to the Coast in November or December, it can be reasonably expected that a great number of Vessels will be taken; may these Captures at last induce Foreign Powers to engage warmly in the suppression of that Traffic!

Having understood that the outcry against the *horrid* climate of Sierra Leone had not only been renewed at home, but given out by Foreign Powers as one of the causes for their not keeping complete their respective Members of the Mixed Commission; without making

myself an advocate for any tropical climate, I beg leave to observe, that not only the whole of the Persons who were Commissaries in that Commission, but even those who were attached to it, have either returned to Europe to suit their own convenience, and not from ill-health, (although they may have been indisposed and paid a seasoning) or are here at present enjoying health.

*Earl Bathurst, K.G.*

C. MAC CARTHY.

*No. 6.—Sir Charles Mac Carthy to Earl Bathurst.*

MY LORD,

*Sierra Leone, August 3, 1822.*

REFERRING to the Letter I had the honour of addressing to your Lordship on the 26th June, No. 286, I beg leave to inform you that His Majesty's Gun Brig *Thistle*, Lieutenant Hagan Commander, whom I had mentioned as cruizing in the Bight of Benin, arrived in this Harbour on the 19th last, with a Portuguese Slave Brig, having on board 309 Slaves.

I understand that at the time she was detained several of the unfortunate Slaves were ill with the Small-pox; but from the care of them by that Officer, and his ordering those infected with that disorder to be separated from those in health; and the quickness of the passage, viz. 20 days in the whole from the bottom of the Bight of Benin, and only 9 days from off Princes Island, it affords me great pleasure to state that one individual only died of the small-pox during the voyage, and 7 from extreme weakness and disease.

On these unfortunate Africans being landed here, they were so judiciously disposed of under the direction of Dr. Nicoll, Deputy Inspector of Hospitals, and Chief of the Civil and Military Medical Establishment, that only one died (a little girl of 7 years) out of 23 cases; the others are recovering fast, and we have no apprehension of this loathsome and fatal disorder spreading.

Vaccination has confined the range of the small-pox to those only who brought in the disease, not another individual has been affected. The humane and skilful exertions of the Medical Department have in that, as in all cases that daily occur, been unbounded. No less than 3,000 Persons have been successfully vaccinated since April last in the Peninsula; and vaccine matter has been sent to all the distant Settlements. The Natives around have derived the same advantage.

Measures are pursued to extend this great benefit far and wide of our Establishments.

I inclose herewith a Memorandum of the Vessels taken by Lieutenant Hagan in his last Cruise, and of those he visited; and it is painful to observe, that the whole of these Vessels trading to the North of the Line were provided with Royal Passports for the South-

ward, one excepted. I will not expatiate on the horrors and cruelties which continue to be inflicted on this devoted race of Beings. The Case of the *San José Hallaxa*, is of the same description as that of the Schooner reported in my Letter of the 24th August 1819, No. 212, noted in the Papers laid before Parliament in February 1821 ; and I cannot but declare it as the painful conviction of my mind, that so long as such Persons as Gomez, who was removed from the situation of Governor of Princes, and rewarded by a Situation of greater emolument, and those Governors of the Portuguese Establishments from Cape de Verd to St. Thomas, who have shamefully and openly either carried on that Traffic themselves, or participated in its criminal profits, are not only permitted to retain the price of the blood of Africans, but continue in Offices of trust and power, the laudable exertions of His Majesty's Government, and the unabated zeal of His Navy, will not extirpate that horrid Commerce.

I have, &c.

Earl Bathurst, K.G.

C. MAC CARTHY.

(Inclosure 1.)—Memorandum.

THE inclosed List proves most incontestibly the existence of the Slave Trade to an enormous extent on this Coast ; and the particular circumstances of atrocity which have come to light respecting the *San José Hallaxa*, also prove that its attendant horrors are not diminished. This Vessel affords a striking display of the cold-blooded villainy of those who are engaged in the Slave Trade, and of the wretchedness and misery which their unfortunate victims are doomed to suffer.

The *San José Hallaxa*, a Schooner under seven tons burthen, was captured by His Majesty's Brig *Thistle* in the River Calabar, and it appears by the acknowledgment of the Master, that he shipped at Duke Ephraim's Town, on that River, 30 Slaves ; that he had gone to Sea with that number on board, intending to proceed to Princes Island, but not having been able to make that Port, he had returned to Calabar, having his provisions and water nearly expended after having been at sea five or six weeks.

During this voyage ten unfortunate objects of his avarice, not being able to procure sufficient nourishment to satisfy the cravings of nature, had been released from further sufferings by starvation ! One poor female, in the absence of food, had existed on salt water until her faculties were destroyed, and she became raving mad ; but even the deplorable and affecting state of insanity did not shield her from the brutal outrage of her oppressors, who with a view of stifling her cries by frequent repetition of the lash, literally flogged her to death. The



Owner of this Vessel and the Purchaser of these Human Beings is a Woman! Donna Maria de Cruz, daughter of the notorious Gomez, formerly Governor in the name of His Most Faithful Majesty of Princes Island, and now holding the Appointment of Fiscal and Member of Council. This woman is known to the Mixed Commission Court, having been under their cognizance some time since as Proprietor of the *Conceição*, condemned by the British and Portuguese Judges.

Lieutenant Hagan, with the greatest humanity, removed the surviving Slaves on board His Majesty's Brig; and having found the *San José* not sea-worthy, ordered her to be destroyed.

The *Estrella*, captured in the Bight of Benin, had on board 298 Slaves. She had been visited by Lieutenant Hagan and a Detachment of the Colonial Corps, when passing Cape Coast Castle at the time of my being there. The Master declared that he had been to Elmina for provisions and water; but it is now proved that his object was to obtain Canoes, which continue to be furnished up to this period, under the sanction or connivance of the Officers of the Dutch Government.

At the time Lieutenant Hagan detained the *Estrella* there were two Vessels in the River Bénin with Slaves on board; but owing to the *Thistle* having supplied a number of men to navigate the *Estrella*, and having eight men short of her complement, she was considered too weakly manned to proceed after them.

It may be remarked, that a Ship and Brig mentioned in the List were found at Whydah, the former fitted for 650 Slaves, and the latter for 200; but Lieutenant Hagan's anxiety to proceed in chase of a Vessel a few miles to leeward, prevented him ascertaining any further particulars. He, however subsequently learnt, that the Slaves were confined in the old and nearly destroyed Portuguese Fort of Whydah, ready for embarkation. The Ship had been boarded by His Majesty's Ship *Iphigenia* when cruising on the Coast.

The particulars relating to the sufferings of the Slaves of the *San José Hallaxa*, and the number of persons who died from starvation, are grounded on Affidavits in the Mixed Commission Court.

C. MAC CARTHY.

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(Inclosure 2.)—List of Vessels detained by H. M. B. Thistle, Lieut. Robert Hagan Commander, and now before the Mixed Court.

Name of Vessel.	Name of Master.	Name of Owner.	How Rigged.	No. of Men.	Tonnage.	Where from.	Where bound to.	To what Port belonging.	No. of Days out.	Lading.	Place where boarded.	Date.	No. of Slaves fitted for.	Remarks.
Estrella -	Manoel de Santos -	Manoel Francisco Mouriera -	Brig -	34 -	163 -	Lagos -	Bahia -	Bahia -	169 -	Slaves	Bight of Benin	29 June	406 -	on board 29th.
San José Hallaxa	De Trinidad -	Donna Maria de Cruz -	Schooner Boat -	7 -	7 -	Princes Island -	at anchor in Calabar River	Princes Island	90 -	do.	Old Calabar -	23 June	10 -	on board 20.

List of Vessels boarded by the Boats of H. M. B. Thistle, Lieut. Robert Hagan, Commr. between 25th May and 2d June, 1822.

Bon Caminho -	José Pedro D. Susa -	Thonie Cofresco du Moura -	Brig -	26 -	202 -	Bahia -	Molemo -	Bahia -	58 -	General Cargo & rum do.	off Rio Volta off Quita -	25 May 26 -	506 -	500 -
Conceição -	Manoel Joaq. de Almuda -	Louis José Pesira Richa -	Hermaphrodite Brig -	23 -	200 -	do. -	Princes Island, & St. Thomas, & Molemo -	do. -	50 -	do.	Quittal Little Pessoa -	27 -	445 -	75 -
Paquette de Vianna	Carlos Morisulla -	J. R. Terrara -	Brig -	25 -	217 -	do. -	St. Thomas's -	do. -	62 -	tobacco & rum do.	Porto Novo -	29 -	500 -	355 -
Monte de Canno	J. Tresada -	Parlas Santos Machado -	Schooner -	9 -	31 -	do. -	do. -	do. -	280 -	do.	Agudo -	-	362 -	262 -
Soiratana -	Jane Leal -	Maria de Silva -	do. -	28 -	600 -	do. -	Bahia -	do. -	214 -	do.	do. -	-	150 -	150 -
Juliana -	Manoel Joaquim -	José Antonio -	Hermaphrodite -	22 -	118 -	do. -	Molemo -	do. -	224 -	do.	do. -	-	-	-
Lousitania -	Manoel Joaquim Deloso -	Louis Periso Franco -	do. -	19 -	105 -	do. -	do. -	do. -	163 -	do. & rum	at Sea -	2 June	-	-
Sacramento -	José Joaquina Deloso -	Manoel Algeveras -	Sloop -	12 -	60 -	St. Thomas -	Princes Island	Pernambuco	-	-	-	-	-	-
Minerva de Concia	Antonio Periz -	-	-	-	-	-	-	-	-	-	-	-	-	-

A Ship and Brig boarded: particulars not known, being led off in a chase: fitted for Slaves. Had information of two Vessels being in the River Benin with Slaves on board.

*No. 7.—Sir Charles Mac Carthy to Earl Bathurst.*

MY LORD,

*Sierra Leone, September 26, 1822.*

I HAVE again, in continuation of the distressing information I have had the honour to transmit to Your Lordship on the subject of the Traffick in Slaves, to forward herewith inclosed an Affidavit from an European Inhabitant of this Place, who has solemnly sworn, before Dr. Nicoll, M.C. that he saw nine Vessels under the French Flag trading for Slaves at the Gallinas; that eight of these to his knowledge, between January and March, obtained Cargoes of Slaves; and that he was present when one of the Brigs at the Gallinas embarked her Slaves in less than two hours, saw her under weigh, and that she was in sight of the place for two days.

He attests the same with regard to the Ship which sailed from Sugury, and which he saw under sail beating against a contrary wind. He further swears, that to his personal knowledge the Slave Trade has much increased within the last four years.

A few days after, a Native Chief of the name of Caulker, who has been educated in England, and generally resides on an Island he possesses 18 miles from this Peninsula (the Plantains) stated that he went to the Gallinas in the beginning of May, having a brother, also a Chief who resides there, and being closely connected with the other Chiefs; that at the period of his arrival there were no Slave Vessels, but some days after seven arrived, all except one (a Spaniard) under the French Flag; that in a short time these Vessels sailed with full Cargoes of Slaves. That a month after three other French Vessels came in; and that in July, when he left the Gallinas, their Cargoes of Slaves were ready. In the month of August, five more Vessels under the French Flag had arrived for Slaves. Thus in four months 14 French Vessels and one Spanish had been loaded at the Gallinas.

That the Natives, from the circumstance of the British Men of War not having detained such Vessels laden with Slaves as they had met near the place, were persuaded that the Trade was lawful; that it was flourishing, and carried to a *greater extent* than it ever had been at any former period; that the Gallinas was the Port of the most frequent paths in the interior. That Pa Konka, a Chief of Rokelle, one of the higher branches of the Sierra Leone River, had made a path from his Place to communicate with the Gallinas, for the purpose of disposing of Slaves.

I have further understood from Lieutenant Hagan, R.N. commanding His Majesty's Gun Brig *Thistle*, who returned here on the 25th instant from a Cruise off the Bissagos and River Cacheo, that the Traffick in Slaves was carried on at both Places in the most open manner, under the sanction of the Governor. That in the middle of August last a Brig, the property of a Signor Quello, a well-known character at the Cape de Verd Islands, had sailed from Cacheo with up-

wards of 500 Slaves. That another Brig, the property of Signor Juan Perara, a Member of the Junta of St. Jago, had gone to Cacheo for the same purpose (Slaves) last June, but it was reported that, in consequence of the illness of Signor Perara, she had sailed with him for Lisbon; this last report Lieutenant Hagan has strong ground to discredit.

Lieutenant Hagan represents the Block House of Cacheo, which the Portuguese call a Fort, being in the most wretched state of decay, the situation as badly selected, surrounded with swamps; he adds, that the whole of the Officers (who, with the exception of the Governor and one European, are men of Colour) did not conceal that a considerable Traffick was carried on in Slaves at Cacheo and the Bissagos; and regretted that the *Thistle* had not arrived sooner, as she would have found two Vessels well manned, and might have changed Masters. That one of these Vessels mounted 16 guns and the other 11. The name of the Governor of that Place, who is the principal Dealer in Slaves, as in all the other Establishments of His Most Faithful Majesty on this Coast, is Juan Antonio Gomez. I have, &c.

Earl Bathurst, K.G.

C. MAC CARTHY.

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(Inclosure.)—*Depositions of Thomas Gordon, an European Trader, of nearly 22 Years' Residence in this Country.*

THOMAS GORDON, having been duly sworn, deposeth as follows:—That in the middle of December last he proceeded from this Port in a small Sloop named *James*, his own property, on a trading voyage to leeward. On his arrival at the Gallinas, saw three Schooners bearing the French Flag; did not go on board of them, but went on shore to dispose of some goods; remained there at anchor for two days, during which time Siaco, the Chief of the Gallinas, was busily employed in collecting the Slaves for embarkation. Deponent states, that there is a small Island inside the *bar* of the River Gallinas, where all the bartering trade for the Slaves is carried on. The Slaves are also sent to this Island when the Vessel is ready to receive them on board.

The Deponent next proceeded to Suggury, where he found a large Ship,\* under the French Flag, with a Tender rigged as a Ketch;† Deponent instantly recognized the Ship, having seen her five or six weeks previously off the Isles de Loss, at which time Lieutenant Hagan, Commander of His Majesty's Brig *Thistle*, boarded her, and having strong suspicions of her Slave-trading intentions, instantly ordered her away from the Island. Deponent went on shore at Suggury, where he

\* This is the *Phoenix* from Havre, described in Nos. 205 and 222 of the Sierra Leone Gazette.

† This is the *Furet* from Havre, described in Nos. 205 and 222 of the Sierra Leone Gazette.



remained five or six days; saw the Captain and Surgeon of the said Ship bargaining with the Natives, and every evening counting the Slaves which had been purchased; the Slaves were kept in two large houses, and under a temporary shed, close by the waterside. When Deponent left Suggury for Cape Mount, the Cargo was completed all to a few Slaves, and a few days afterwards Deponent saw from Cape Mount the said French Ship under sail, beating out against a contrary wind from the shore. Deponent further declares, that he examined the Kroomen who had assisted in putting the Slaves on board of this said Ship, who informed him that they had taken upwards of 300 on board. The Kroomen also stated, that the Captain of the said Ship had ordered the Captain of the Ketch to sail for the River Gaboon, the Surgeon of the Ship having gone in her for the purpose of carrying on the Traffick. The Captain of the Ketch came on shore at Cape Mount, and visited Deponent for the purpose, he stated, of purchasing ivory.

The Deponent, proceeding on his trading voyage, arrived at Grand Bassa, where he found two Vessels, a Brig and a Schooner, both French, waiting for Slaves; at Trade Town he saw two Schooners under the French Flag: the Chief of this last Town is called "King Wise," *alias* "Wilson," who is always engaged in the Slave Trade, and never gives encouragement to any Persons trading there except Slave Dealers.

The Deponent further states, that having been plundered three different times by Spaniards during his residence on this Coast, and being poorly provided on this voyage with fire arms, he was most anxious in his inquiries of the Natives to ascertain whether or not any Vessels of that Nation were on the Coast; he could learn only of one, supposed to be the *Dichoza de Estrella*, captured by Captain Knight, of His Majesty's Ship *Morgiana*, and afterwards lost off Cape Mesurado.

Deponent having gone as far down the Coast as Grand Cestos, found a number of Slaves at Piccanniny Cestos; but as there was no Vessel there to take them, the Natives were about sending them to King Wise at Trade Town, for the purpose of disposing of them to the Trade Schooners lying there. The Deponent now returned to the Gallinas, where he arrived in the middle of March last. The three French Schooners which he had left there about two and a half months before had sailed with full Cargoes of Slaves; and the Brig which Deponent had seen off Grand Bassa was at anchor off the bar of the River. As Deponent crossed the bar, and was proceeding up the River, he met the Captain of the Brig with a number of Slaves in the Boat; there were besides, two Boats and several Canoes with Slaves following. Deponent observed also a great many Slaves on the beach, which were afterwards taken by the Canoes and Boats to the Brig. Deponent was

informed that this said Brig took 200 Slaves from the Gallinas, and that they were all embarked in less than two hours. The instant they were all received on board the Vessel got under weigh, but in consequence of light airs and calms she was two days in sight.

The Deponent further declares, that to his personal knowledge the Slave Trade has much increased within the last four years, at least from the River Gallinas to Trade Town, owing, it is supposed, to an English Man of War having found French Vessels in that Quarter, without interrupting them in any way in the Traffick in Slaves.

T. GORDON.

Sworn before me, this 6th day of September,  
in the Year of our Lord 1822.

A. NICOLL, J.P.

*No. 8.—Sir Charles Mac Carthy to Earl Bathurst.*

MY LORD,

*Sierra Leone, October 22, 1822.*

I HAVE the honour to inform Your Lordship that Captain Wolrige returned here from a cruize to leeward, having taken a Spanish Schooner and a Portuguese Brig; the former anchored off this harbour on the 28th of September last, and some of the Slaves being very sickly the whole were landed on the 30th, and the Vessel condemned on the 5th instant. When she was taken in Bonny, there were 216 male Slaves on board: 33 died during the passage, and five since their landing. The Portuguese Prize is not yet arrived.

I herewith inclose a Return of the Slave Vessels visited by Captain Wolrige between the 14th July and the 19th September; Your Lordship will observe in the number, that eight were under the Portuguese Flag, three under the French, and one under the Spanish.

Reports were circulated to windward that a French Squadron of three Vessels, two Schooners, and a Brig or Sloop of War, had sailed on a cruize to leeward in September or August; as yet none of His Majesty's Cruizers have fallen in with them, nor have they been seen in the neighbourhood of this Place, or heard of, a circumstance the more to be regretted, as by the latest intelligence I have received from the Gallinas, it appears that Vessels under the French Flag continue this Traffick in Blood with the utmost audacity.

I have, &c.

*Earl Bathurst, K.G.*

C. MAC CARTHY.

(Inclosure.)—Return of Slave Vessels boarded by His Majesty's Ship Driver, Captain Thomas Wolrige, between the 14th of July and 19th September, 1822.

No.	Time when.	What Place.	Name and Description of Vessel.	Name of Master.	Name of Owner.	No. of Men.	No. of Guns.	No. of Tons.	Where from.	Where bound.	Where belonging.	No. of Slaves fitted for.	No. of Slaves actually on board.	Remarks, &c.
1.	July 14	Whydah	Schooner Cararades*	José Braza -	Antonio Farira	20	2	300	Buda	Molemo	Bahia	506	-	with Royal Licences to trade for Slaves to the Southward of the Line, but preparing to ship them; Slaves ready on shore for embarkation, water casks full, and platforms down.
2.	—	do.	Ship Vigilante*	Sol. Lobo -	J. J. dua Sylva	33	4	300	Bahia	Whydah	Bahia	1,000	-	
3.	—	do.	Smack Saint Antonio,	—	—	26	2	188	do.	Molemo	do.	600	-	
4.	—	Porto Novo	Lisboa*	Francisco Q. Lead	Don Silv. Macks	28	6	150	do.	do.	do.	502	-	
5.	—	do.	Schooner Juliana*	Juan Lealor Leiquel	Letis Ferrara	33	2	270	do.	do.	do.	506	-	
6.	—	do.	Schooner Conceicao*	Elm Javice del Almeida	Sino Moura	26	1	250	do.	do.	do.	600	-	
7.	—	Badagary	Brig Bon Caminho†	José Ped. Souza	Marton	21	2	128	Nantes	Princes	Nantes	400	-	
8.	—	Bonny	La Fontaine	Hy. Cinvillier	—	26	6	200	Havannah	St. Thomas	Nantes	—	-	
9.	—	do.	La Juliet	Mons. Tonna	—	26	6	200	Havannah	Princes	Princes	60	-	
10.	Aug. 13	at Sea	Schooner Magdalena	James	Xavier	11	3	20	Riv. Gaboon	Do. & Onim	Havre	250	-	boarded by Lieut. King, in River Bonny, preparing to take Slaves on board. said they were trading for palm oil, ivory, &c. but platforms laid for Slaves, belonging to the Governor of Prince's.
11.	do.	at Sea	Ketch Le Furet	James Herewin	Leon Martel	7	4	80	Calabar	Do. & Onim	Havre	—	-	trading for palm oil, ivory, &c.—this is the Tender to Le Phenix from Havre. This Ketch is constantly employed in collecting Slaves at the different Slave Ports on the Coast, for a Company of Slave Traders at Havre and Nantes.
12.	Sept. 7	Cameroons	Brig Comerciante (captured)	Domingo R. Follah	Franciso L. Nasa del Nobie	30	7	249	R. Cameroon	Bahia	Bahia	650	179	captured by Lieut. J. King, in the Ship's Boats, up the River Cameroons, with 179 Slaves, which were in the act of being landed when that Officer took possession of her, but were all restored upon his determined conduct.
13.	Aug. 19	Bonny	Schooner Josefa Maracayra (captured)	José Monyana	Company	21	1	90	Bonny	Havannah	Havannah	217	-	interesting chase of 20 hours, with 216 male Slaves on board.
Grand Total												5,791	-	

Those marked thus \* had Royal Passports to take the number of Slaves specified from Molemo and Cabinda, but here they were to the Northward of the Equator with their Cargoes on shore, the Slaves preparing for embarkation, platforms down, and water casks full, and every thing ready for sailing with the Victims of their criminal cupidity.

† This Vessel was boarded at Sea, and said by her Captain to be bound for Prince's, but was next day boarded in the River Bonny.

No. 9.—*Earl Bathurst to Lt.-Gov. Beard and Major-Gen. Murray.*  
 SIR, *Downing Street, August 30, 1822.*

I HEREWITH transmit to you the Copy of a Letter from Mr. Croker, inclosing the Copy of a Letter found on board the French Slave-ship *L' Ursule*, addressed to the Commander of that Vessel by a Merchant at Martinique, containing directions for the clandestine disposal of a Cargo of Slaves at Surinam, Martinique, or other Spanish Islands.

You will perceive that a British Subject, named *Richard O'Farrel*, is engaged in a Traffick of Slaves at Surinam, and that a system of Signals for the introduction of Slaves appears to have been established in that Settlement. I am to desire that you will transmit to me any information which you may be enabled to obtain on the subject, and that you will be particularly careful not to permit any clandestine introduction of Slaves into the Colony under your Government.

If you should hear that Mr. O'Farrel is arrived in any British Colony, where he might be apprehended and proceeded against, you will not fail immediately to report the same to me. I have, &c.

*Lt.-Gov. Beard and Major-Gen. Murray.*

BATHURST.

No. 10 — *Lieutenant-Governor Beard to Earl Bathurst.*  
 MY LORD, *Berbice, October 23, 1822.*

I HAVE had the honour of receiving Your Lordship's Despatch of the 30th August last, transmitting to me the Copy of a Letter and accompanying Document from Mr. Croker at the Admiralty, relative to a British Subject in Surinam being engaged in the Slave Trade; and I take leave to assure Your Lordship, that every exertion shall be made to secure this Person, should he be found within this Government.

I take this opportunity of forwarding to Your Lordship a Correspondence which I have lately had with Mr. Lefroy, the British Commissary Judge at Surinam, relative to another British Subject in that Colony, charged with trafficking in Slaves, having made his escape out of Fort Zelandia, together with my Proclamation thereon, and Copies of the Proceedings adopted by me for discovering this man should he take refuge within this Colony.

In the hope that Your Lordship will approve of these Measures,  
 I have, &c.

*Earl Bathurst, K.G.*

HENRY BEARD.

(*Inclosure 1.*)—*C. E. Lefroy, Esq. to Lieutenant-Governor Beard.*  
 SIR, *Paramaribo, September 19, 1822.*

YOUR Excellency will see by the three Inclosures which I have the honour to transmit to you, (of which two are Copies of Depositions taken by me, and the third the Copy of a Proclamation issued by the Governor of this Colony,) that *Charles Beverley*, (who stands charged in those Depositions with the illicit introduction into this Colony of



African Negroes, and is become thereby subject to the penalties of the 46 Geo. III. c. 52 ; 47 Geo. III. c. 36 ; and 51 Geo. III. c. 23,) made his escape from the Criminal Gaol of this Colony on the evening of Monday the 16th instant. Should he presume to take shelter within Your Excellency's Government, it would be, I am quite sure, superfluous in me to add any thing to the accompanying Papers, to induce Your Excellency to take every proper measure for his recaption ; and should that be effected, either to deliver him back to the Authorities of this Colony, or to lodge him in safe custody, to be dealt with according to the English Abolition Laws ; and to have the goodness to acquaint me with his arrest by the earliest opportunity, in order to my communicating further with Your Excellency upon the subject : in the mean time I will beg a line from Your Excellency in acknowledgment of these present Advices.

As Beverley is the first English illicit Slave Trader against whom I have been able to obtain any decisive evidence, I am the more anxious that an example should be made of him. I have, &c.

*Lieutenant-Governor Beard.*

CHRIS. EDW. LEFROY.

*Lieutenant-Governor Beard to C. E. Lefroy, Esq.*

SIR,

No. 49, Correntyne Coast, Berbice, Oct. 14, 1822.

LAST night on my arrival here, in my way from the Correntyne River to Town, I received your Despatch of the 19th of September last, informing me of the escape of *Charles Beverley*, a British Subject, from the Criminal Gaol of Paramaribo, being charged with having imported into Nickerie certain new African Negroes, contrary to the several Acts of Parliament prohibiting this inhuman Traffick. I have accordingly lost no time in adopting the most vigorous Measures for discovering and securing this Person, should he have passed over into this Colony. I greatly lament the length of time which has elapsed between the date of your Despatch and my receipt of it, inasmuch as a most favourable opportunity has been lost of discovering this man, during my visit to inspect and distribute presents to the Indians nearly 200 miles up the Correntyne River, where he would be most likely to secrete himself.

I shall issue a Proclamation for the apprehension of *Charles Beverley* the moment I reach the King's House, from which I am now distant about 40 miles.

Should I fortunately obtain intelligence of the Fugitive I shall immediately communicate the same to you ; and on the other hand, should you hear any thing of him from any other quarter, you will have the goodness to inform me of it by an early opportunity.

I have the honour, &c.

*C. E. Lefroy, Esq.*

HENRY BEARD.

*Lieutenant-Governor Beard to William Ross, Post Holoer, Correntyne.*  
 SIR, *No. 49, Correntyne Coast, Berbice, Oct. 14, 1822.*

ON my arrival here last night I received a Despatch from Surinam, informing me of the escape, from the Criminal Gaol of that Colony, of *Charles Beverley*, a British Subject, accused of having illicitly imported into Nickerie several new African Negroes from Martinique, contrary to the several Acts of Parliament prohibiting this inhuman Traffick; and as there is great reason to suppose that this Person may have crossed over from Nickerie to the Correntyne, I have to desire that you use every possible exertion within your District to discover and secure him, and in the event of your obtaining possession of his person, you will then without loss of time forward him to the Barracks in New Amsterdam, under a proper and safe escort, which will be furnished you by the Burgher Officer between your residence and the Town. You will of course give immediate circulation to this information to the several inhabitants on the Correntyne River, and strictly enjoin all persons to aid and assist in the discovering and securing of the said *Charles Beverley*, the description of whom is as follows:

“About 31 years of age, rather stout and well made; about 5 feet 7 or 8 inches high, with an oval countenance, red-brown complexion, round forehead, black eyes, large black eyebrows, aquiline nose, broad mouth, showing the teeth when speaking. At the time of his escape, he had on long white trowsers, white shirt, and black waistcoat.

“The said *Charles Beverley* lately commanded a Sloop called the *Harriott*.”

You will not fail to report to me the nature of the Measures you may adopt for the purpose of carrying the object of this Communication into effect.

I am, &c.

HENRY BEARD.

*Lieutenant-Governor Beard to Adjutant-General Thompson.*

SIR, *No. 49, Correntyne Coast, Berbice, Oct. 14, 1822.*

ON my arrival here last night I received a Despatch from Surinam, informing me of the escape from the Criminal Gaol of that Colony, of *Charles Beverley*, a British Subject, accused of having illicitly imported into Nickerie several new African Negroes from Martinique, contrary to the several Acts of Parliament prohibiting such inhuman Traffick, and as there is great reason to suppose that this Person may have crossed over from Nickerie into this Colony, I have to desire that you give immediate information hereof to the several Majors of the Burgher Militia, in order that they may use every possible exertion, within their several districts, to discover and secure the said *Charles Beverley*; and in the event of obtaining possession of his person, that

he may be forwarded under a sufficient and safe escort to the Barracks in New Amsterdam, reporting the same to me without loss of time.

You will also direct the several Majors to give extensive and immediate circulation to this information within their several districts, and strictly to enjoin all persons to aid and assist in the discovery and securing of the said Charles Beverley, the description of whom is as follows: [The description as before stated.]

You will not fail to report to me the nature of the Measures you may adopt for the purpose of carrying the object of this Communication into effect.

I have, &c.

Adj.-Gen. Thompson.

HENRY BEARD.

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(Inclosure 2.)—Proclamation.

By His Excellency Henry Beard, Esq. Lieutenant-Governor and Commander-in-Chief in and over the Colony of Berbice, and its  
(Berbice,  
L. S.  
H. Beard.) Dependencies, &c. &c. &c. President in all Courts and Colleges within the same, sole Judge of the Vice-Admiralty Court, &c. &c. &c.

WHEREAS I have received a Despatch from the British Commissary Judge of the Mixed Commission at Paramaribo, Surinam, for the Suppression of the Slave Trade, informing me that a British Subject named *Charles Beverley*, being charged with having illegally conveyed a certain number of Slaves into that Colony, contrary to the several Acts of Parliament in such cases made and provided, had, on the evening of the 16th day of September last, made his escape from out of the Fortress Zelandia, wherein he had been confined upon such charge as aforesaid, and pending the proceedings instituted against him:

And whereas there being great reason to apprehend that the said Charles Beverley would take refuge within this Colony, all persons are cautioned against harbouring or concealing the said Charles Beverley; and all Burgher Officers, and others the Inhabitants of this Colony, are hereby strictly commanded to endeavour, and aid and assist in endeavouring, to discover and secure the said Charles Beverley, and him safely to lodge in the common Gaol of this Colony, to be dealt with according to Law.

Given under my hand and seal of arms, this 18th day of October, at the King's House, Berbice, in the Year of Our Lord 1822, and in the Third Year of His Majesty's Reign.

By His Excellency's Command,

H. M. MORRIS, Gov. Sec.

GOD SAVE THE KING!

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*No. 11.—Lieutenant-Governor Murray to Earl Bathurst.*

MY LORD,

*Demerara, October 24, 1822.*

I HAVE had the honour to receive Your Lordship's Despatch of the 30th of August, relative to the Instructions found on board the French Slave Ship *Ursule*, together with its Inclosures. Your Lordship may depend on my paying the strictest attention to the Instructions therein contained.

I have every reason to believe that no attempts are made to introduce African Slaves into this Colony, yet will I be unremitting in the watchful jealousy that the character of my Government and of the Colony require of me, with an urgency as imperious as that which the faithful discharge of my duty imposes. I do not think that any attempt of the kind could possibly succeed in this Colony, where, in addition to all the penalties of the British Acts, there is a reward of £500 sterling, secured by a Colonial Act, to any individual who may give information leading to detection in such cases, which measure, I trust, your Lordship will view as highly creditable to the Colony.

I received a Communication some weeks ago from Mr. Lefroy, of Surinam, respecting the escape from the gaol in that Colony of Charles Beverley, who stands charged with being engaged there in this detestable traffic. I have in consequence described his Person, and by Proclamation called upon all inhabitants within my jurisdiction, to seize Charles Beverley, if he should be found within its precincts; and I have taken every measure necessary to lead to his apprehension if he should make his appearance here.

I have, &amp;c.

*Earl Bathurst, K.G.*

JAMES MURRAY.

*No. 12.—Lieutenant-Governor Beard to Earl Bathurst.*

MY LORD,

*Berbice, November 19, 1822.*

REFERRING to a Despatch which I had the honour of addressing to your Lordship on the 23d October last, relative to the escape of a British Subject named *Beverley*, charged with Slave-trading, from Fort Zelandia in Surinam, I have now the honour of transmitting to your Lordship the Copy of a Despatch, dated 1st November, received by me this day from Mr. Lefroy, the British Commissary Judge in Paramaribo, informing me of the retaking of *Beverley*, and of his being again lodged in the Criminal Gaol of that Colony.

I have, &amp;c.

*Earl Bathurst, K.G.*

HENRY BEARD.



(*Inclosure.*)—C. E. Lefroy, Esq. to Lieut. Governor Beard.

Paramaribo, Surinam, November 1, 1822.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of the 14th ultimo, and beg to return you my thanks for your prompt attention to my Despatch of the 19th September.

I have now the pleasure to acquaint you, that *Beverley* has since been retaken in this Colony, and again committed to our Criminal Gaol.

I have the honour to be, &c.

H. E. Lieut. Governor Beard.

CHRIS EDW. LEFROY.

No. 13.—Lieutenant-Governor Beard to Earl Bathurst.

MY LORD,

Barbice, November 24, 1822.

I HAVE the honour to transmit herewith, for your Lordship's information, an extract from the log-book of the Schooner *Olive Branch*, Captain R. Boyd, belonging to Messrs. Coopers, of Pits Town, near Boston, in The United States, which arrived here the 19th instant from Bath, in America, by which your Lordship will with pain perceive that the Slave Trade is still openly and extensively carried on in Surinam.

I have this morning personally examined Captain Boyd, who very readily gave me every information. It appears that the Crew of the Ship which detained the *Olive Branch* was composed of men of all Nations, and that they had about hundred new African Negroes on board, a great number of whom were landed on the Coast of Surinam in the Boat of the *Olive Branch*, Captain Boyd being detained on board the Ship until the landing of these Negroes was effected, when the Captain of the Slave Ship paid him for his detention, and gave up his Boat to him, and allowed him to proceed on his voyage. I have thought it my duty to make this communication to your Lordship without delay.

I have, &c.

Earl Bathurst, K.G.

HENRY BEARD.

(*Inclosure.*)—Extract from the Log Book of the Schooner *Olive Branch*, R. Boyd Master, from Bath, near Boston, in The United States; from the 15th to the 17th November 1822.

" 15th.—AT one P. M. saw a large Ship and a Schooner at anchor about 20 miles to the windward of Surinam; ran down to speak them; was fired upon by the Ship, and ordered to come to an anchor, and send the Boat on board; accordingly did so, and I was detained, and my Boat employed in landing Slaves. The Captain was on shore till the 17th, when he came off; he said he was very sorry for detaining us, and that he was willing to pay the damage and let us go. They ap.

peared to be all of different Nations, as I could not understand their languages, nor gain any information from them."

ROBERT BOYD,

Master of the Schooner *Olive Branch*.

Signed in presence of

*H. M. Morris, Gov<sup>t</sup>. Sec<sup>y</sup>.*

*No. 14.—Lieutenant Governor Beard to Earl Bathurst.*

MY LORD,

*Berbice, January 16, 1823.*

I HAVE the honour of transmitting to your Lordship Copies of a Correspondence which I have recently had with Mr. Lefroy, the British Commissary Judge in the Mixed Commission at Surinam; and to remain,

My Lord, &c.

*Earl Bathurst, K.G.*

HENRY BEARD.

*(Inclosure.)—C. E. Lefroy, Esq. to Lieutenant Governor Beard.*

SIR,

*Paramaribo, December 26, 1822.*

THE accompanying is upon the subject of your Letter to me; will your Excellency be good enough to forward it? it may be long before an opportunity occurs from hence.

Your Excellency's, &c.

CHRIS. EDW. LEFROY.

*H. E. Licut. Gov. Beard.*

*Note.*—This Letter contained a Despatch addressed to the Right Hon. George Canning, &c. &c. &c. which was forwarded with Governor Beard's Despatches to The Earl Bathurst by way of Demerara, the 16th January 1823.

*Copy of a Correspondence between Lt. Governor Beard, of Berbice, and C. E. Lefroy, Esq. of Surinam, relative to the landing of some new Negroes in the Boat of the American Schooner Olive Branch.*

SIR,

*Paramaribo, Surinam, December 24, 1822.*

I BEG to return you many thanks for your Letter of the 6th instant, the information which your Excellency therein communicates being of great value, whether I may be able to prevail with the Authorities here to take any efficient steps for the detection and punishment of the Offenders or not, as, in the latter case, it will furnish His Majesty's Government with strong grounds of remonstrance with that of His Netherlands Majesty; however I have laid a Copy of your Excellency's Letter before the Governor of this Colony, and he has directed the Fiscal to make the proper inquiries, and act as the case may require. If your Excellency could obtain from Captain Boyd, and acquaint me with the name,

class, style of rigging, colour and breadth of riband (if any) painted round her sides, or any other distinguishing marks of the Slave Vessel, also the name and Nation of the Captain, Crew (if possible), and last Port, with the name of the plantation where the Slaves were landed, or how they were disposed of on being landed, as far as Captain Boyd or his men had an opportunity of observing, also the name or names or description of any Person or Persons belonging to this Colony, Black or White, Dutch or British, Slave or Freeman, who took part in the transaction, with such other particulars as your Excellency can procure, and may deem pertinent, your Excellency would further promote the service in which I have the honour to be engaged, and oblige, &c.  
*H. E. Licut. Gov. Beard.* CHRIS. EDW. LEFROY.

SIR,

*King's House, Berbice, January 13, 1823.*

I HAVE this day had the honour of receiving your Despatch of the 24th December last, acknowledging the receipt of mine of the 6th of that month.

I should hope that in so plain and open a case of extensive Slave-trading as that to which I have taken the liberty of calling your attention, the Government of Surinam would not hesitate to take prompt and vigorous measures to detect the Offenders; and this I should think could not be very difficult when so large a body of Negroes has been landed at so short a distance from the Capital.

I greatly regret that I cannot give you the information you require. The *Olive Branch*, Captain Boyd, belongs to Messrs. Coopers of Pits Town, near Boston, in The United States, and came last from Bath in those States; he remained here but a short time, and sailed on the 30th of November last for Wilmington, in North Carolina, with a Cargo. Captain Boyd could not give me any particulars as to the name of the Slave Ship, or whence she came; the Crew appeared to him to be Foreigners of different Nations.

The Negroes were landed by the Crew of the Ship in Captain Boyd's own Boat, and as the Ship was at anchor upwards of 20 miles from the shore, he could not discover any place at which they landed; all he could say was, that his Boat was continually employed going and returning to and from the land to the Ship with the Negroes, until all of them were landed. He was then allowed to take his Boat and return to his own Vessel.

Should you be able to make any discovery in this matter, I should feel myself obliged by your giving me early information of it. Your Dispatch for Mr. Canning I shall forward to-morrow by the way of Demerara.

Always anxious to co-operate with and assist you in the important

objects of your Commission, whenever opportunities may present themselves, or you should think my services could be made available,

I have the honour, &c.

*Chris. Ed. Lefroy, Esq.*

HENRY BEARD.

*No. 15.—Earl Bathurst to Major General Murray.*

SIR, *Colonial Office, Downing Street, May 7, 1823.*

A LETTER dated the 18th ultimo has been addressed to my Under Secretary by direction of Mr. Secretary Canning, accompanying Copies of Explanatory and Additional Articles to the Treaty concluded at The Hague, 4th May 1818, between His Majesty and The King of The Netherlands for the prevention of the Traffic in Slaves. I transmit Copies of these Documents for the information and guidance of the Colonial Authorities within your Government.

I have, &c.

BATHURST.

A similar Letter was addressed to Sir Charles Mac Carthy and to Lieutenant Governor Beard.

*No. 16.—Sir R. T. Farquhar to Earl Bathurst.*

(Extract.) *Port Louis, Mauritius, Oct. 23, 1822.*

I HAVE the honour to inform your Lordship, that Captain Moresby of His Majesty's Ship *Menai*, arrived here on the 21st instant, bringing with him the highly gratifying intelligence of the complete success of his Mission to the Imaum of Muscat, who has fully acceded to the Treaty which I proposed to him for Abolishing the Slave Traffic with Foreign Powers, in the Dominions and Dependencies of his Power.

I deem it my duty, on this occasion, to express to your Lordship my great obligations to Captain Moresby, for the prudence, intelligence and zeal with which he has conducted a Negotiation which required much address and decision to bring it to so happy a termination.

*Earl Bathurst, K.G.*

R. T. FARQUHAR.

*No. 17.—Sir R. T. Farquhar to Earl Bathurst.*

(Extract.) *Port Louis, Mauritius, November 6, 1822.*

In reference to my Dispatch to your Lordship, No. 36, October 23d 1822, in which I had the honour to state that a Treaty had been concluded between the Imaum of Muscat and this Government, for Abolishing the Slave Traffick with Foreign Powers in His Highness's Dominions and Dependencies, I beg leave to inform your Lordship that I have lost no time in publishing this intelligence to the neighbouring Governments, and to His Majesty's Subjects in general in these Seas;



and I beg leave to transmit to your Lordship a Copy of the Proclamation I deemed it my duty to issue to this effect.

*Earl Bathurst, K.G.*

R. T. FARQUHAR.

*(Inclosure.)—Proclamation.*

IN the Name of His Majesty George the Fourth, of the United Kingdom of Great Britain and Ireland, King.—His Excellency Sir Robert Townsend Farquhar, Bart. Governor of the Island of Mauritius and Dependencies, Captain General, Vice Admiral, &c. &c. &c.

WHEREAS by a Treaty bearing date the 10th day of September 1822, made and executed by and between His Highness the Imaum of Muscat, at Muscat, of the one part, and Captain Fairfax Moresby, of His Majesty Ship *Menai*, C. B. vested for this purpose with Full Powers by Sir Robert Townsend Farquhar, Bart. Governor and Commander in Chief of the Island of Mauritius and Dependencies, Captain General, Vice Admiral, &c. &c. &c. of the other part; it was agreed, among other things, that all Traffic in Slaves to Foreign Countries should cease and be abolished for ever from the Dominions and Dependencies of His said Highness.

This is to declare, that in conformity to the said Treaty, solemnly made by His said Highness, he has issued orders at Zanzibar, and throughout all the Dominions and Dependencies of the Imaum of Muscat, on the Coasts of Arabia, Africa, &c. &c. to all his Officers, to prohibit the sales of Slaves to all Foreign Nations; and also to seize upon any Arab Vessels laden with Slaves, for the purpose of sale in any Foreign Countries, together with their Owners, Captains, Officers and Crew, or that may be found transporting Slaves to or from Madagascar, or on the Seas adjacent; and it is further declared by the said Treaty, that British Cruizers have authority to seize all Arab Vessels that may be found laden with Slaves to the Eastward of a Line drawn from the Cape Delgado, passing 60 miles to the Eastward of the Island of Socatra, and on to Dirihead, being the Western extremity of the Gulf of Cambay, or that may be found carrying Slaves to or from Madagascar, or in the Seas adjacent; and further, finally, it is by the said Treaty agreed, that all Vessels from the Ports or Harbours of His Highness's Dominions or Dependencies, shall, in future, be furnished with a Certificate from the Local Authorities, stating the Port they belong to, and the object of their voyage; and declaring that all Vessels, unprovided with such Certificates, shall be liable to seizure and confiscation after the 10th of January next, in order the more effectually to extirpate the Slave Traffic, of which all Persons will take due notice.

R. T. FARQUHAR.

*Government House, Port Louis, Mauritius,*

*October 30, 1822.*

By order of His Excellency the Governor,

G. A. BARRY, Chief Secretary to Government.

No. 18.—*Sir R. T. Farquhar to Earl Bathurst.*

(Extract.) *Port Louis, Mauritius, November 27, 1822.*

IN conformity to the tenor of my Letters, Nos. 36 and 37, I have now the honour to forward a Copy of the Treaty with His Highness the Imaum of Muscat, for Abolishing the Slave Traffic with Foreign Powers, through all His Highness's Dominions and Dependencies.

For Inclosure, see State Papers, 1824—1825, page 464.

## CORRESPONDENCE of the ADMIRALTY,

RELATING TO

## THE SLAVE TRADE.

PRESENTED TO PARLIAMENT, JULY 1823.

A.—COMMUNICATIONS FROM NAVAL OFFICERS.

B.—INSTRUCTIONS TO NAVAL OFFICERS.

### SCHEDULE OF PAPERS.—(A.)

*COMMUNICATIONS from Naval Officers, since the 21st March 1822.*

No.		1821. Page
1.	Capt. H. J. Leeke to Commodore Sir R. Mends..... River Bonny ....	12th Sept. 519
2.	Lieut. Mildmay to Commodore Sir R. Mends.....	1822. Sierra Leone ....
3.	Capt. B. M. Kelly to J. W. Croker, Esq.,	2d March. 520
4.	Commodore Sir Robert Mends to J. W. Croker, Esq. ....	8th March. 521
5.	Report on the state of the Slave Trade on the Western Coast of Africa, by Commodore Sir R. Mends .....	Off Bonny..... 17th April. 524
6.	Lieut. Hagan to Commodore Sir Robert Mends .....	Sierra Leone.... 26th June. 527
7.	Capt. T. Wolrige to J. W. Croker, Esq., at Sea .....	Sierra Leone .... 19th July. 541
8.	Commodore Sir Robert Mends to J. W. Croker, Esq. ....	21st Aug. 542
9.	Capt. Grace to Commodore Sir Robert Mends .....	do..... 17th Oct. 542
10.	Capt. Grace to Commodore Sir Robert Mends .....	Off Gallinas River, 25th Oct. 542
11.	Commodore Nourse to J. W. Croker, Esq. At Sea.....	1823. 5th Jan. 546
12.	Commodore Sir Robert Mends to J. W. Croker, Esq.....	Sierra Leone..... 27th Mar. 546

## A.

No. 1.—*Captain Henry John Leeke to Commodore Sir Robert Mends.*

*H. M. S. Myrmidon, off the River Bonny,  
Bight of Biafra, Sept. 12, 1821.*

(Extract.)

AFTER completing my water in the Bay of Fernando Po, I put to Sea with the determination of searching the Bonny River, if the weather would permit. I accordingly anchored off Antony Point on the evening of the 9th of August, and at day-light the next morning I dispatched the Boats under the command of Lieutenant Bingham, for the purpose of intercepting any Slaves he might find there. In going up the Antony River instead of the Bonny, we ascertained that it was a much shorter cut to the anchorage of the Slave Vessels in the latter River, and that it enabled the Boats to surprise them by day-break. They found no less than six French Vessels all trafficking for Slaves; the first they boarded was a Brig, with 150 on board, and the Captain of her informed Mr. Bingham that there was a Spanish Brig and Schooner in the creek full of Slaves, and their Crews on shore in a state of mutiny. We immediately pulled in the Gig (with the Pinnace in company) to search them, and upon approaching he fired a musket or two to make them hoist their Colours, and to prevent their Slaves from jumping overboard, which numbers were in the act of doing; they took no notice of this, but upon coming within pistol-shot they hauled up their ports and commenced a heavy fire of grape and musketry. The contents of the first gun, I am sorry to say, took the stern sheets of the Gig, and severely wounded Lieutenant Bingham, Mr. Deschamps, Midshipman, and John Morgan, Serjeant of Marines, and one seaman. This resistance being so unexpected, and the Commanding Officer apparently dying from the wound he had received in his breast, and the Vessels keeping up so warm a fire upon them, he judged it expedient to withdraw the Boats until a stronger force could be obtained.

Immediately upon receiving this intelligence, I dispatched Mr. Edwin, with a reinforcement of 29 men, to attack them; but he having ascertained that the Vessels had made every possible preparation to defend themselves, by lashing several hundreds of iron bars round them, and laying a platform of the same athwart from the upper part of the bulwark, and then awnings so taut nailed down that no entrance could be effected but by one man at a time; under all these circumstances, I judged it impracticable for our Boats to board without sacrificing many lives, and the weather being extremely bad I was unwilling further to expose my men. I therefore conceived it my duty to do my utmost to take the Ship up the River, in order to punish the renegadoes for their insolent conduct. I was further induced to make

the attempt, in consequence of a representation having been made to me that the King of Bonny had very ill-treated our Merchants trading with him for palm oil, detaining them unnecessarily six or seven months, while the Slave Vessels received their Cargoes in the short space of one, and they felt satisfied that the appearance of a Man of War would be of the greatest importance to their Trade. Having, therefore, taken every possible precaution of sounding repeatedly upon the two bars, laying buoys down and waiting for the advantage of clear weather, the proper time of tide, and a fair wind, which necessarily in the rainy season on this Coast caused much delay, I am happy to say I crossed the bar in safety, carrying three and a half fathoms, and anchored in the road of Bonny a little after sunset, on the 31st August.

The Spaniards, upon seeing the Ship, immediately escaped on shore, and sent me a joint Letter acknowledging that they had done wrong by firing into the Boats, and entreated I would take their Vessels and spare their lives. To this, of course, I made no reply; but finding that all the Slaves had been sent on shore, and that the Natives had taken away all their Cargo and provisions, much time was lost previous to our taking possession, in making the King deliver them up again, which, however, I at length effected by threats and intimidation.

On boarding them we found 154 Slaves in the Brig, and 130 in the Schooner; the former is a remarkably fine Vessel of 254 tons, mounting 12 carriage guns, and at the time she fired upon our Boats had a complement of 75 men, 30 of whom had been taken from the Schooner.

*Commodore Sir Robert Mends.*

HENRY J. LEEKE.

[See the remainder of this Letter, page 538.]

No. 2.—*Lieutenant Mildmay to Commodore Sir Robert Mends.*

*On board the Conde de Villa Flor,*

(Extract.)

*Sicra Leone, March 2, 1822.*

I HAVE the honour to inform you, that owing to the strong southerly current I made but little progress for the first two or three days after I left the Ship, and being afterwards set between two of the Islands in the Channel of the Rio Grande, with which the Pilot was unacquainted, I did not reach Bissão before the 21st February, about half past eleven A.M., when I found lying there a Vessel answering the description of the one of which you had previously received information. I pulled up towards her with the Boats, and when close under her quarter was received by a discharge from one of her stern chasers, as well as several small arms. I immediately boarded, and, after a slight resistance, took possession of her. She proved to be the Portuguese *Hermaphrodite* Schooner *Conde de Villa Flor*, mounting 1 long eighteen-pounder on a sweep amidships, 6 nine-pounder carronades, and 2 long



one-pounder guns on swivels astern, and otherwise well armed with muskets, &c. and manned with 35 Sailors and 5 black Soldiers, of whom there 1 killed and 3 wounded, having on board 172 Slaves, men, women, and children, who were taken on board at Bissão, principally on the day before and on the afternoon of the day of Capture.

It is with particular gratification I announce to you, Sir, the Capture of this Vessel, as the circumstance of the Governor of Bissão, having 8 Slaves on board, with more expected had she remained, and his sending on board 5 black Soldiers instead of as many of her Crew who had died there, will show the intimate connexion existing between him and the Slave Dealers who frequented the Port. I regret at the same time, the Commander of the Schooner, by name Manoel Antonio de Silva Brandao, (a Portuguese, and a man who for several years has been engaged in this disgraceful Traffic), should have been on shore; I thought, at first, of sending a requisition demanding him, but on reflection I did not deem it prudent to do so, as there appeared but little probability of its being attended with success, and I did not know what might be the result to the Officer and Boats Crew sent, from the open and avowed manner in which the Governor was concerned in the loading and protecting this Vessel.

On the morning following the Capture, at day-light, I liberated about 80 Slaves, who were in irons, amongst whom were children of 12 and 14 years of age.

Commodore Sir R. Mends.

GEO. W. ST. JOHN MILD MAY

No. 3.—Captain B. M. Kelly to John Wilson Croker, Esq.

SIR,

Free Town, Sierra Leone, March 8, 1822.

I BEG leave to inclose, for the information of my Lords Commissioners of the Admiralty, the narrative taken on oath before His Majesty's Advocate at Sierra Leone, of Quashie Sam, late one of the Prize Crew of the Portuguese Slaving Brig *Vulcano*, detained by the *Pheasant*; detailing the melancholy events attending the re-capture from, and subsequent murder of, the Prize Master and Crew put on board to navigate her to Sierra Leone. Their Lordships will observe that there is another of the Native Africans (one of the Prize Crew) still alive, and in Slavery in the Brazils.

Quashie Sam has been discharged from the *Pheasant*, and gone down in His Majesty's Ship *Iphigenia* to Cape Coast, his Native Town. I have mentioned to Commodore Sir R. Mends, that it would be advisable to place him under the eye of the Governor of Cape Coast Castle, in order that he may be forthcoming should their Lordships be desirous of obtaining any further information from him.

His Majesty's Advocate at Sierra Leone took Quashie Sam, previous to his departure, to the gaol, for the purpose of identifying the Portuguese Seaman Juan Antonio, alias Juan Antonio Bento, reported in

my Letter of the 28th September last, as having confessed himself one of the murderers of the Prize Crew of the *Vulcano*; and in consequence of his stating, from a perfect recollection of the Persons of the Portuguese on board of her, that he was not one of them, he (the Advocate) has taken upon himself to order his discharge from custody.

I have, &c.

John Wilson Croker, Esq.

B. MARWOOD KELLY.


(Inclosure.)—Evidence of Quashie Sam.

PERSONALLY appeared Quashie Sam, alias Sam Quashie, who being duly sworn on the Holy Evangelists, deposeth and saith, That he is a Native of Cape Coast, lately employed in His Majesty's Ship *Pheasant*; that in the month of October 1819, he the Deponent, four white Seamen, two Kroomen, and another Native Sailor of the same Country as himself, were put on board a Slave Brig, the *Vulcano*, detained by the *Pheasant*; that Mr. Castles, a Midshipman of that Ship, was placed in charge of the said Brig to navigate her to Sierra Leone. Of the original Crew of the *Vulcano* there remained on board, the Captain, Boatswain, one white Sailor, and a black man as Cook; that about six weeks afterwards, on the passage to Sierra Leone, Deponent was in the fore-hatchway feeding the Slaves, that about the hour of two o'clock in the afternoon, when he heard a short fired on deck; that on looking up out of the hold, he observed the Portuguese Captain in the act of cutting down Mr. Castles with a cutlass, and saw Mr. Castles fall bleeding overboard. Mr. Castles was fishing, and in the chains when attacked; the Portuguese Captain then fired at the two white Sailors who were in the fore-top, and they both fell overboard; the Quarter Master was lying dead at the helm, Deponent supposes he had been killed by the first shot, at the moment when the Captain killed Mr. Castles; the Portuguese white Sailor and the black Cook ran forward and killed the white Sailor on the fore-castle, and threw him overboard; the two Kroomen jumped into the Sea and were drowned; Deponent attempted to come up on deck, but was prevented by the Captain, who snapped a musket at him; they (the Portuguese) also fired at Deponent's Countryman who was at the main hatchway, and closed down the hatches: That at twelve o'clock at night the hatches were opened, and Deponent and his Countryman brought on deck; the Captain told them he would save their lives and sell them at Bahia, unless he fell in with an English Vessel, in which case he must kill them to prevent discovery. They then sailed for Bahia, and on arrival off that Port a Boat came off to the Brig from the shore; this Boat the Captain sent back again with a Letter, and some hours afterwards a supply of provisions came off, on receiving which they made sail and got out to Sea; they stood off and on for six days, and then returned off Bahia and came to anchor; That on the same day a

Schooner with three masts came out to them, into which all the Slaves together with the Deponent and his Countryman, were removed from the *Vulcano*; the Portuguese Captain and his people then came on board the Schooner, having first scuttled the Brig, which sunk soon after: That the Schooner was then got under weigh, in which they ran past Bahia and came to anchor in a Bay about 20 miles distant from that place; here the Slaves, with Deponent and his Countryman, were landed, and all placed together in a house, in which they remained about two or three weeks, when a Merchant from Mina purchased Deponent and a number of the other Slaves: That immediately after, they were put in a Boat and taken to a place called Cachway, which is about two days sail from the neighbourhood of Bahia; at that place Deponent met a Cormantyne man, who told him that his (Deponent's) Master lived a great way up the Country at the mines; on hearing this, Deponent told the Cormantyne man to tell his said master, that he, Deponent, would not go with him; that in despair he refused food, and would not move when the other Slaves were about to march; he was then severely flogged, and tied on a horse, but still refusing food his master sold him five days afterwards, at the fair of Saint Ann, to a planter, named Francisco Manoel Secara: That through the interpretation of a Slave, whom Deponent had formerly known in Africa, he acquainted Senior Francisco with the particulars of the murders on board the *Vulcano*: That he lived with that Person for about 16 months, principally employed twisting tobacco: that at the end of this period Deponent heard that his master intended to sell and send him to the mines, upon which he ran away and got to San Thoma, on the water side: That he went from this place in a passage boat to Bahia; on coming into the Harbour he saw a Brig with English Colours, and went on board of her, when he told the Master his case, and remained all night: That in the morning the Master told him he must go on shore, as his was a Merchant Vessel; he then returned to San Thoma, where he remained in the Bush for two weeks: That at the end of that time Deponent heard a morning and evening gun fired in the Harbour of Bahia, and on inquiring heard that an English Man of War had arrived with a Slave Schooner; that he then purchased six fowls, and, under pretence of selling them, went to Bahia, and got on board the English Man of War the *Morgiana*, in which Ship he came to this Colony.

his

Taken and sworn before me, at Free  
Town, in the said Colony of Sierra  
Leone, this 7th March 1822.

Sam  Quashie,  
mark.

J. O. N. WALSH, M. C. and A<sup>s</sup> Secretary.

No. 4.—*Commodore Sir Robert Mends to John Wilson Croker, Esq.*

SIR,

*H. M. Ship Iphigenia, off Bonny, April 17, 1822.*

HAVING sailed from Sierra Leone on the 11th ultimo, after receiving on board Governor Sir Charles Mac Carthy and suite, for the purpose of proceeding along the Coast to inspect the different Forts taken possession of by the Crown from the African Company, I now beg leave to acquaint you, for their Lordships information, that I visited Dix Cove, Cape Coast, Annamaboe, and Accra, in company with the General, and left him at the latter place, having settled to receive him on board at Cape Coast the latter end of the present or beginning of the next month, and proceeded, accompanied by the *Myrmidon*, to examine the different Stations where the Slave Ships principally resort.

At a place called Appam we captured a Portuguese Brig with 12 Slaves on board, and part of her Cargo; a considerable number had been engaged for her on shore, but I did not find it practicable to get them off. At Whydah we took a Portuguese Schooner with three Slaves; her platforms and every thing ready for receiving 250 in a few days. I should have demanded the delivery of these from the King had not the surf been too heavy to land in our own Boats, and no Canoes would come nigh us.

Having put Lieut. Mildmay and a party on board her, I directed him to make sail a-head as far as the River Lagos, where I had reason to apprehend there were some more Vessels engaged in this Traffic; and he was so fortunate as to Capture another Portuguese at that place, with 187 Slaves on board. There were four other Vessels there of the same Nation, but not having any on board they were not molested.

Availing myself of the active zeal and thorough knowledge of this Coast of Captain Leeke of the *Myrmidon*, on the morning of the 15th I dispatched the Boats of both Ships, under the command of Lieutenant Mildmay, up the Rivers Bonny and New Calabar; and I beg leave to inclose for their Lordships information, a Copy of the Lieutenant's Letter to me, detailing the circumstances which took place on that occasion. There were lying there two large armed Spanish Schooners, four French Brigs (and an English Brig taking in palm oil) anchored in line, with springs on their cables. It was not until after eight o'clock in the morning that the Boats, with their Colours flying in them all, got within long range of shot of these Vessels, when the two Schooners first, and the French Brigs immediately afterwards, hoisted their ensigns, and commenced a very brisk fire on them with cannon and musketry, which was continued for nearly 20 minutes before the Boats succeeded in boarding and capturing the whole.

Having heard the firing from this Ship, and seen the attack from our tops, I was a good deal surprised at its vivacity and continuance, and feel much real pleasure in having it once more in my power of



bearing testimony to the gallantry and decision of Lieutenant Mildmay, whose conduct was marked by a firmness and good sense which do him honour. Acting Lieutenant Samuel John Hunt and Mr. Thomas Young, Acting Master of His Majesty's Sloop *Myrmidon*, and Lieutenant Sturgeon of the Marines of this Ship, behaved in a very gallant manner, as did all the rest of the Officers and people; but it is with severe regret I have to report that there were two of our Seamen killed, one belonging to this Ship and one to the *Myrmidon*, and seven wounded.

It is not in my power to mention precisely what number our opponents lost, but I have much satisfaction in saying, from all the reports which have reached me, that the remainder have received such a lesson as they will not soon forget.

Careful, Sir, in wishing to avoid giving the least cause of offence either to the French or American Governments, by a Copy of my order to Lieutenant Mildmay, which is inclosed, you will perceive he was instructed to guard against doing so; or if, unintentionally, he boarded one of their Ships in the night, to make a suitable explanation. These people, on the contrary, hold no terms with us; but making quite sure of being able to defeat the Boats, we are informed that they had determined to put every one of our people to death who fell into their hands, nor do I the least doubt it.

It is, I believe, tolerably well ascertained that one of the French Brigs did not fire, I have therefore directed her not to be meddled with, but have ordered the other three to Sierra Leone to be tried in the Court of Vice Admiralty for this wanton act of hostility and murder, and hope it will appear to their Lordships, under all the circumstances of the Case, to be the most judicious course I could pursue.

I have &c.

J. W. Croker, Esq.

R. MENDS.

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(Inclosure.)—Lieutenant Mildmay to Commadore Sir R. Mends.

*Spanish Schooner Ycanam,*

SIR,

*River Bonny, April 16, 1822.*

IN compliance with your directions, I have the honour to lay before you an account of my proceedings up this River, with the Boats you placed under my command.

Having crossed the bar soon after day-light yesterday, about seven o'clock, I observed seven sail (two Schooners, four Brigs, and one Brigantine) lying at anchor off the Town. When about four miles from them I hoisted the Colours, and when I had advanced within long range, the two Schooners, their broadsides having been previously brought to bear on us by springs on their cables, commenced firing without showing any Colours. They were immediately afterwards joined by two Brigs and the Brigantine under French Colours. When

I was near enough for the shot to take good effect, I returned the fire from the Boats having guns, at the same time advancing under a heavy fire of round grape and musketry from these Vessels, and in about 20 minutes from the commencement succeeded in boarding and taking possession of the whole of them as follows; viz.

Spanish Schooner *Ycanam*, 306 tons, eight long 18-pounders, two long nines, 55 men, and 380 Slaves.

Spanish Schooner *Vecua*, 180 tons, eight long 18-pounders, and one long nine, 45 men, and 300 Slaves.

French Brig *Vigilant*, 240 tons, four 12-pounder carronades, (all of which were brought over on one side for her better defence) 30 men, and 343 Slaves.

French Brig *Petite Betzy*, 184 tons, four 9-pounder carronades, 25 men, and 218 Slaves.

French Brigantine *L' Ursule*, 100 tons, four 9-pound carronades, 27 men, and 247 Slaves.

The Brig housed over was the *William Rathbone*, from Liverpool, for palm-oil. The remaining one, *Le Théodore*, a French Brig, I found without Slaves actually on board, but ready provisioned, and with her hold fitted for them, and as I have since understood, her cargo on shore waiting to be embarked. I am not decided that this Vessel took any share in the attack on us, but have no doubt her Crew were gone to the assistance of the others. I have, in consequence of these circumstances, indorsed her Papers, stating the object of her visit to the *Bonny*.

Though we may consider ourselves fortunate in not having suffered more from the heavy fire kept up on us as we advanced, I regret having to inform you we had two men killed (J. McCoy of the *Iphigenia*, and J. Randall of the *Myrmidon*,) and five wounded. I have not been able to learn accurately the loss on their part, but from what I can understand, there were 16 killed, besides several badly wounded, on board this Schooner. The Slaves, I am sorry to say, suffered also from these dastardly Spaniards, when they themselves were afraid to stand having put muskets into their hands, with which they fired up the hatchway, and were killed by our people in returning it.

The small Schooner, when I took possession of her, had a lighted match hanging over the open magazine hatch, left by the Crew when they deserted her; and who, when no hope remained of their preventing her falling into our hands, merely to gratify a diabolical feeling of revenge for their defeat, would have blown up 300 poor fellows ironed in the hold. This fact, Sir, will show you of what these villains are capable; and makes me credit the brag of some of them, that had they got the better of us, it was their determination, if possible, to put us all to death.

I am greatly indebted to Acting-Lieutenant Samuel J: Hunt, of

the *Myrmidon*, for the assistance he afforded me, and the zeal and activity he showed on this occasion; as also to Mr. Young, Master of that Ship, Mr. P. Sturgeon, Lieutenant of Marines, and Mr. Whitelaw, Surgeon of the *Iphigenia*, and the several Midshipmen employed; and beg to assure you, Sir, the gallantry and good conduct of every Officer, Seaman, and Marine is deserving the greatest commendation.

The draught of water of this Schooner (17 feet) will prevent her crossing the bar before the spring tides; the others I shall get down as soon as possible.

I trust, Sir, my conduct in this affair, as well as the subsequent arrangement I have made, will meet your approbation; and have the honour, &c.

Commodore Sir R. Mends.

GEO. W. ST. JOHN MILD MAY.

*No. 5.—Report on the state of the Slave Trade on the Western Coast of Africa.*

SIR,

*H. M. S. Iphigenia, Sierra Leone, June 26, 1822.*

IN obedience to Their Lordship's Commands, conveyed to me in their Order of the 31st October, 1821,—“To take every opportunity of reporting to their Secretary, for their information, reports of my proceedings and those of the Vessels under my orders, together with such observations as I may deem it advantageous for Their Lordships to be made acquainted with, in regard to the Station intrusted to my charge, and particularly as to the progress made towards the entire suppression of the Slave Trade:”—

I have now, Sir, the honour of transmitting to you such observations and reports as my own knowledge, and the experience of other Officers and Gentlemen on the Coast of Africa, have supplied.

From the various duties to which my attention has been directed, combined with the late period of my arrival on my Station, owing to the long continuance of bad weather, which so much retarded my getting out of the Channel last winter, the opportunities I have had of becoming minutely acquainted with the extent to which the Slave Trade is carried on, the principal seasons of the year for conducting it, and the Nations whose Subjects are most engaged in it, have necessarily been much limited; yet some stubborn facts have come to my knowledge on these points, which I shall submit in the most brief and plain manner I am able, to Their Lordships' consideration. In my opinion they go far to establish the fact, that the Slave Trade will never be suppressed till the Right of Search be freely admitted, and every Ship found with Slaves on board, or evidently engaged in Slaving, be liable to condemnation to such Ship of War of any Nation as may seize her.

Having in my Letter of the 4th of April last detailed my proceedings along the Coast, in company with Sir Charles Mac Carthy, for the

purpose of taking possession of the Forts on the part of the Crown, it will be unnecessary for me to enter again on that part of the subject. By that Report, and two others I shall have the honour, Sir, of transmitting to you, Their Lordships will be put in possession of all the information in my power at present to afford respecting these Forts, their final arrangements not being as yet completed. This will necessarily limit such observations as I have to make in this Report specifically to the course of the Slave Trade, abstracted from considerations with which it may not be immediately connected.

To affirm as a matter of fact that this Traffick exists, and is carried on by the French from Senegal to the Gambia (the Cape Verd Islands being frequently the Depôt whence the Slaves are transhipped for the Brazils, under the Flags of France and Portugal,) without having substantive proof of it, might be considered as unfair, and not warranted by what I am able to prove. It may be so; and I dare not positively assert what has not come within my own knowledge, but reports from all Quarters go to declare the fact; and, judging of their credibility from what I have met with in other places, it is not being too credulous, or too prejudiced, to yield my belief to the general opinion. The activity with which the Subjects of these Nations pursue the Trade elsewhere, leaves little room to doubt of their readily engaging in it, under circumstances so favourable to their purposes, as the Negroes are conveyed in a small Vessel to one of these Islands not immediately under the Governor's observation, and there kept on shore until a Ship arrives to take them away; this is done with an impunity which leaves no risk, whilst the trade in other parts is subject to many casualties.

In the Rivers Cassamança, Bissagõs, and Rio Grande, I am informed there is rather a considerable activity in the Traffic for Slaves.

At Bissao the Boats of this Ship captured a Portuguese Brigantine with 172 Negroes on board. The Governor having a strong interest in her put five soldiers on board to assist in defending her; and since that time we have heard of other Vessels having arrived there, and at Cacheo, for similar objects. We were afterwards informed that at the time our Boats captured this Vessel, there was a Spanish Schooner lying in one of the Creeks, not far off with 200 Slaves on board.

These are incontrovertible facts. The Vessels lie under the protection of the Forts till they think the Coast is clear, and then they take on board the Slaves and sail. Whilst the Governors not only protect, but in such an avowed manner participate in the Traffic of the Slave dealer, there can be no effectual prevention unless a Ship of War were anchored at each of these places, which is impracticable.

In the Nunez and Pongas, it appears to be on the decline for the present, but there is no knowing how soon it may be revived by the Portuguese.

The Trade is still carried on with spirit between the Sherbro' and



Cape Palmas, on the same principle as elsewhere, *i. e.* of having the Cargo of Slaves collected ready on shore, and embarking them as it might appear convenient, and could be done with safety. My last information from these Parts was, that a French and Spanish Vessel had arrived at the Gallinas, under the hackneyed pretence of trading for palm oil, ivory, and gold dust, which, with these People, always means Slaves. The *Snapper*, Lieutenant Rothery, has been ordered to watch them.

A lingering disposition to favour this commerce exists among the Natives along the whole line of Coast, with the exception of Sierra Leone; and wherever the British Flag is flying at other Places, its most decided influence will be required to check it effectually. I am thoroughly convinced that this influence will be exerted in the most efficacious manner whenever it can act; but it will sometimes happen, that under the very walls of the Fort an unfortunate individual will be sold and carried away without its being known to the Governor and his Officers. Instances of this kind are rare; but some have come within my knowledge: and whilst the Trade be at all sanctioned by any European Power, the continuance of such practices must be calculated on as an unavoidable consequence resulting from that protection.

When a man for instance is indebted, and finds in the person of another a more convenient article for sale, which he can readily convert into cash with much less trouble than he could raise the hundredth part of the value by labour, the means of doing so are seldom wanting where mutual interests conjoin, and here those of the Slave Seller and Slave Buyer unite. It consequently gives rise to every sort of dissipation and licentiousness, leading the mind of the more active of the Natives away from the less productive and slower pursuits of agriculture and commerce.

The system of "*panyarring*," or stealing of People is very general in some parts. Whilst we were at Cape Coast, a Woman belonging to that Town was stolen by a Man of a village about five miles off, as she was returning from the rice plantation. Sir Charles Mac Carthy had the man who carried her away caught and brought before him. He acknowledged the fact; said he was in debt, and had no other means of paying. The Woman, it seems, would have been kept until she were redeemed by her friends; or if that were not done within a short period she would have been sold to a Slave dealer. I was present at the examination of the man, and therefore vouch for the fact. It was with some difficulty Sir Charles was enabled to get the Woman restored, as the Village, with its surrounding Territory, by our late Treaty has been ceded to the King of Ashantee. Wherever the Traffic in Slaves has been checked, the Natives appear to have shewn a fair and reason-

able desire of cultivating the natural productions of their Country. Our resident Officers and Merchants agree in asserting, that these would be raised to any extent for which a market could be found. I presume this is as much as could be expected from any People in a state of nature.

Our merchants had complained that it had been a practice in the River Bonny with King Peppel, to pay him a proportion of the Cargo of each Ship, by way of duty, before he would allow them to trade; but that these exactions, not being defined in their amount, had risen to £300 sterling on each Ship. In addition to this intolerable burden, a delay of six or seven months occasionally arose from the preference given to the Slaving Vessels, which was as ruinous to the interests of the Owners of these valuable Ships, as it was productive of a great mortality among the Crews.

In order to put a stop to these arbitrary proceedings an Agreement has been entered into with this King, in the presence of the Masters of several Merchant Ships, obliging him to complete their Cargoes in three months, which is only half the time they have hitherto remained out, and likewise a stated sum fixed to be received by him as duty. This he signed with some hesitation, and at length promised most faithfully to comply with it; but as much dependence is not to be placed upon the faith of African Monarchs, he has been given to understand that a Man of War will be frequently ordered to visit his River, and enforce a strict performance of his promise.

Being strongly urged to abolish the Slave Trade, he replied that it was his chief support; but if the King of England would send him annually a 74-gun Ship laden with goods, he would give it up. His *modest request*, at all events, shews the value he puts upon this Traffic.

I am informed it is almost impossible to credit the extent to which the Slave Trade has been carried on in the Bonny; there having actually sailed from that River, between the months of July and November last year, 126 Slave Vessels: 86 of which were French and the other Spaniards. Six of them were heavy Vessels. One a Frigate-built Ship, mounting 28 24-pounders, long guns and carronades, 200 men, English, American, and Spaniards. A Corvette of 26 guns, 24-pounders, long guns, 150 Men. A Corvette of 20 guns, 32-pounders, 120 Men. A Corvette of 16 guns, 24-pounders, carronades, 96 Men. A Brig of 18 32-pounders, 100 Men; and a Brig of 16 guns, 60 Men, all Portuguese and Spaniards. This information was given by the Captain of one of our Merchant Vessels, who had been actually on board each of them. An immense number have already sailed this year, and I find many more are expected; and have ascertained from good authority, that they will generally be under the French Flag; that is, they sail with their slaving Cargoes on board from The Havannah to a Port in France, and there clear out,

come to this Coast under the pretence of purchasing palm oil and ivory, ship their Slaves, and return to the Coasts of Cuba thus inhumanly laden.

The following is an Extract of a Letter from Captain Leeke of His Majesty's Sloop *Myrmidon*, dated the 7th November, 1821. "According to my intention, mentioned in the Report I had the honour to send you, dated the 12th September, I have visited the Old Calabar, Rio del Rey, Bimbia River, and the Cameroons, I am sorry to say without success. Information travels so rapidly from River to River by the Creeks of this Country, that the news of my having taken the Vessels from the Bonny had reached a week before I could appear off. The Slavers became alarmed and shipped what Slaves they could, put to sea, and thus have escaped me. A Spanish Felucca, bound to The Havannah, with 200, sailed a few days prior to my Boats searching the Old Calabar, and a Portuguese Brig with the same number for Bahia, sailed three days previous to my anchoring off the Cameroons.

"From the former River there had sailed within the last 18 months, 177 Vessels with full Cargoes. More than the half of them were under the French Flag, the others Spaniards and Portuguese. These accounts have been given me, (not only from the Kings and Chiefs of the Rivers), but from those who were actual eye-witnesses of the shipment and sailing of the unfortunate Negroes.

"Thus you will perceive that this horrid Traffic has been carried on to an extent that almost staggers belief. The Vessels reported in my last to have left the River Bonny between the months of July and November, 1820, with 86 that have already sailed this year added to these, and 35 from the Bimbia and Cameroons, will make their number 424, many of them carrying from 500 to 1,000 Slaves; and by allowing only the very moderate average of 250 to each Vessel, will make 106,000 Slaves exported from four of the northernmost Rivers, in the Bight of Biafra, in the short space of 18 months, and by far the largest half in Vessels bearing the French Flag." I beg leave to subjoin the Letters of this respectable and zealous Officer on this subject.

By the annexed Boarding List, it will appear to their Lordships that, within a very short period, the Ships of War on this Coast, have boarded 45 Vessels engaged in the Slave Trade; viz.

French .....	19	} Total 45.
Portuguese .....	19	
Spanish .....	6	
Swedish .....	1	

Of which 16 were captured, having on board 2,481 Slaves. These are facts substantiated by unquestionable proofs; and shew, beyond the possibility of doubt or contradiction, the preponderance of France and Portugal in this Traffic. It now ceases to be questionable assertion, or charges brought forward admitting of hesitation before they are

entitled to belief. They are, Sir, corroborative of the Reports which have been repeatedly laid before you, and obtain our full credence for those made by Captain Leeke, to which I have already adverted.

Vast as this is, it still falls infinitely short of the reality, as many Ships must have sailed with full Cargoes from other Places to the Northward of the Line, of which we have no account. Great numbers are also transported from the Main to the Islands of St. Thomas and Princes, and thence to The Brazils. Equal in extent to all these prodigious shipments are those made to the *Southward* of the Line, of which we have no correct knowledge, but where no interruption whatever is given to them. These French, Spanish, and Portuguese Slave-dealers exult in their full strength, and carry on their guilty commerce with a sweeping hand. But I am not without hopes of being able next year to furnish some interesting details on this part of the subject, as it will, during the interval, occupy a considerable part of my attention.

I have not heard of either American or Dutch Ships being on the Coast engaged in the Traffick of Slaves; if they be at all it is not frequently, and they are well covered; but I am given to understand from good authority, that in The Brazils, especially at Bahia, Ships' Papers are manufactured with great facility, and that every Vessel which puts to sea from that Port has generally French, Spanish, and Portuguese Papers, Colours, and Captains.

Agreeably to the declaration made by the Count de Palmella to the Congress at Vienna, in 1815, on the part of His Royal Highness the Prince Regent of Portugal, to abolish definitively the Slave Trade in *eight years*, we are led to believe that it will cease every where and for ever, to be protected by that Crown, the beginning of the year 1823, and this belief is very general among the Portuguese at St. Thomas and Princes Islands. Their Lordships will, I hope, permit me to call their attention to this particular point, and instruct me whether it be so, which necessarily extends the right of detaining Portuguese Ships with Slaves on board to the *Southward* of the Line. By the same Convention, the Crown of Portugal retains the right of trading in Slaves to its Subjects to Places actually belonging to it to the Southward, *i. e.* from the 5th to the 18th degree of South latitude, and no where else; but in the 4th Article of Instructions for British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves, it is said, "No Portuguese Merchantman or Slave Ship shall, on any pretence whatever, be detained, which shall be found near the Land, or on the High Seas near the Equator, unless after a chase which shall have commenced North of the Equator." If this Article be taken in its literal construction, it gives to the Crown of Portugal no less a sovereignty than five degrees of latitude, or 300 miles of Sea Coast more than it claimed, comprising several Slave Ports of great celebrity. The British Government in acceding to that Article could not possibly have over-



looked consequences so directly opposite to the spirit of the Convention, as it would have been conferring on the Portuguese a boon unthought of, by enabling them to extend the Traffic in Slaves in perfect security to an enormous degree. It is probable that its true meaning is,—That Ships at Sea actually making their passage, though found near the Land, &c. shall not be detained on suspicion, as they may have been set out of their course in light winds and calms by the currents; but that this protection does not extend to Ships at anchor, engaged in Slaving, at Places over which the Crown of Portugal claims no right, *i. e.* betwixt Molembo and the Equator. I am more inclined to consider this as the true interpretation, because the term, “Lawful trading in Slaves,” is repeatedly mentioned elsewhere, and expressly confined, on the Western Coast of Africa, to Places over which the Crown of Portugal claims sovereignty, mentioning by name from the 5th to the 18th degree of South latitude. Surely no Negociator would insist upon giving away five degrees of Coast more than was asked. It would, however, be most desirable that a competent opinion were taken on the subject, for the guidance of myself and Officers under my command, provided the Portuguese are still to trade in Slaves to the Southward of the Line.

Their Lordships being already acquainted with the desperate attack made by the French and Spanish Slave Ships in the River Bonny, in last April, on the Boats of this Ship and the *Myrmidon*, which ended in the Capture of the whole of these Ships; I feel it incumbent on me here to mention a combination, said to be entered into by the Officers and Crews of the whole of these Vessels, by which they bound themselves to put to death every English Officer or Man belonging to the Navy, who might fall into their hands on the Coast of Africa. This was in perfect unison with all and every thing which the Slave dealing has engendered. Of a similar nature was the agreement between the Spanish Captains and their Seamen, the latter binding themselves *blindly to obey every order of whatever nature it might be*; and in case of the Vessel being taken, not to receive any wages. Such is the depravity to which the Slave Trade debases the mind, and the character of the desperate banditti engaged in it. These outlaws and robbers assume any Flag as best suits their purpose at the time, and would equally trample on the lily that protects them, as on the crucifix which they impiously carry in their bosoms.

It is needless, Sir, to swell this Report with repeated instances of the cruelty and savage feeling to which this bad Trade gives rise. In every shape,—of cool premeditated murder, and shameless atrocity, which avarice and a total disregard for the victims of it, but as it suits interested purposes,—has it been laid before the world by writers perfectly competent to the subject. Nor let it be supposed that any

description of it has been too animated : it is impossible it could be so. It is necessary to visit a Slave Ship to know what the Trade is.

Wherever this baneful Trade exists the civil arts of life recede, commerce disappears, and man becomes doubly ferocious. It is scarcely to be believed that an attempt was made to blow up a Vessel with upwards of 300 Slaves on board, almost all of them in irons, by her Crew hanging a lighted match over the magazine when they abandoned her in their Boats, and the *Iphigenia* took possession of her. Were this a solitary instance of the feeling which it elicits, it ought of itself to induce every European Government to take effectual measures for its suppression ; but while succeeding years only bring forward a repetition of similar deeds, varied alone in form and guilt, hypocrisy itself scarcely dares to couple the name of Christian with that of its Protectors.

In bringing this Report to a close, it would afford me much real satisfaction were I enabled, from what I have seen and heard on the Coast of Africa, to hold out to their Lordships any idea of the Slave Trade appearing to diminish ; the reverse is, I believe, the fact : for it is seen with fearless impudence establishing itself throughout immense Territories in open defiance of every restraint, particularly by the Subjects of France, Spain, and Portugal, whose Ships engaged in it are numerous beyond belief ; and many of the former, if not the greater part, commanded by Officers of the Navy, who delight in appearing in their naval uniforms when visited by the English.

To the testimony, therefore, of those Officers who have preceded me in this command, I am compelled to add my own : that the Traffic in Slaves has not decreased, nor do I see how it can whilst it is supported by European protection in the most open and avowed manner, and defended by force of arms. Were the British Ships, employed on this Coast for its suppression, allowed to act with freedom, it would in a short time be so cut up and harrassed, as not to make it worth the risk, trouble, and disappointment which would inevitably follow. But, till then, we must submit to the mortification of seeing the anxious hopes of our Country on this subject disappointed, and the efforts of the Navy rendered ineffectual.

I have, &c.

J. W. Coker, Esq.

R. MENDS.

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Name of H. M. Ship capturing.	Time.	Place.	Name of the			No. of	How rigged.	Where			No. of Days out.	No. of Slaves on board when captured.	Under what Colours.	Remarks.
			Vessel.	Master.	Owner.	Men.		From.	Bound.	Belonging.				
Iphigenia	1822. 21st Feb.	Bissão -	Conde de Villa Flor.	M. A. de Silva Brandão.	-	45	150	9 Brigantine	Bissão -	Cape Verd Is-lands and Ba- hia.	-	172	-	Taken by the Boats after a slight resistance
	1st April	Appam, on the Gold Coast.	Des de Fevereiro	Juan V. de Silva	Donna Maria Victoria de Siuz.	23	150	2 Brig	Bahia -	Molambo and Cabinda.	-	10	Portu- guese.	Taken by the Iphigenia & Myrmidon in company.
Iphigenia and Myrmidon	6th	Whydah -	Nympha del Mar	José Fran. Del- joz.	Antonio de Paulo Barbozo.	24	104	3 Schooner	Princes -	Bahia -	-	3	-	-
	7th	Lagos -	Esperança Felix	Joaquim de Bri- ta Lima.	Manuel José Frei- ro.	24	142	4 Polacre	Lagos -	do. -	-	112	-	-
	15th	River Bonny	Ycanam -	Don Antonio	-	46	226	10 Schooner	Bonny -	Havannah -	-	140	-	-
	-	do. -	Vecua -	Don Vincento Gomez.	-	40	179	10 do.	do. -	do. -	-	140	-	-
Captured by Lt. Clark- son, of the Iphigenia, while co-operating with the Americans.	-	Bight of Biafra	Le Vigilant	Antoine César Beuffier.	Francis Michaud	31	232	4 Brig	Nantes -	clear out for St. Thomas.	-	84	Spanish	Taken by the Boats after a sharp action.
	-	do. -	La Petite Betzy	Jean Poireau	Jolin Dubois	25	139	2 do.	do. -	clear out for Sumatra.	-	42	French -	-
	-	do. -	L'Ursule -	Bernard Douil- lez.	Jean Delluo	25	99	4 Brigantine	Martinique	clear out for St. Pierre's, Martinique.	-	112	-	-
	26th Feb.	off the River Gallinas.	Josef -	Juan de la Cruz	-	11	85	Schooner	Matanzas, Cuba.	Coast of Africa	-	none	Swedish	Platform laid, water com- plete, & every thing ready for the recep- tion of the Slaves.
Myrmidon	29th April	Old Calabar -	Defensora -	Manuel Marks	Caitena Raimun- do de Novaes.	13	35	2 Sloop	Princes -	Brazils -	-	100	Portu- guese.	These Vessels were aban- doned by their Crews when cap- tured.
	1821 4th Sept.	River Ronny	La Caridad -	-	-	45	245	12 Brig	Havannah	Bonny -	-	154	Spanish	-
Morgiana	1822 17th Mar.	off Trade Town	Dichosa Estrella	Domingo Laros	Santiago Ruffin	20	100	1 do.	do. -	do. -	-	130	do. -	-
	15th April	Lagos -	Esperança -	Placido José de Maria.	Antonio José de Souza.	29	189	2 Brig	Porto Rico	Coast of Africa	-	34	do. -	-
Thistle	13th Jan.	Rio Pongas -	Rosalia -	-	-	-	-	Schooner	Bahia -	Porto Rico	-	149	Portu- guese.	-
	-	-	-	-	-	-	-	-	-	-	-	60	Spanish	-
Total number of Vessels captured											Total number of Slaves captured			
											2,481			

[CONTINUED.]

*List of Vessels engaged in the illicit Traffick of Slaves, boarded by the Squadron*

Name of H. M. Ship capturing.	Time.	Place.	Name of the			No. of			How rigged.
			Vessel.	Master.	Owner.	Men.	Tons.	Guns.	
Iphigenia	1822. 6th April	Whydah -	Star - -	José Rodriguez	Vincent de Palma	21	150	2	Schooner
	—	do. - -	Vigilante	Januario Feliciano Lobo.	Joaquim José Duarte Silva.	38	215	8	Ship
	—	Porto Novo	Juliana -	Juan Tachiaba -	Juan Marsh -	28	140	6	Schooner
	7th April	Badagary -	Lusitania	Manuel Joaquim D'Auguere.	José Antonio Cano, de St. Guimarus.	27	118	—	Brig
	—	do. - -	Sacramento	José Joaquim Velozo.	Luis Peraia Thaves.	22	105	2	Polacre Brig.
	8th —	Lagos -	MariaGloria	Joá José de Fonseca.	Joaquim José D'Olivar.	21	180	4	Brigantine
Iphigenia and Myrmidon.	—	do. - -	Esperança Fortuna.	Claudio José Demarez.	Antonio José de Souza.	22	160	2	Brig
	15th —	Bonny -	Le Théodore	Clamard - -	Collin - -	22	166	6	do.
	from the 1st to the 12th Sept. 1821.	River Bonny, Bight of Biafra.	L'Active -	Benôit - -	Houssay - -	22	143	—	do.
			L'Alcide -	Hardie - -	Jaques François	27	191	4	do.
			Le Prince	Turks - -	Piccarara - -	20	129	2	Brigantine
			L'Isis -	Savanon - -	Luis Bureau -	21	130	3	Brig
Myrmidon	1822. 29th April	Old Calabar	La Tamise	Jean Bonnie -	Rougement -	15	230	4	Brig
	13th —	Whydah -	Desengano	Boao - -	Ventura - -	20	60	2	Polacre
	—	do. - -	Zéfiro -	Ferrada - -	- - - -	22	190	2	Schooner
	—	do. - -	Amélia -	- - - -	- - - -	15	120	4	do.
	—	Porto Novo	faminha	Amarro José de Silva.	Amarro Jose de Silva	20	137	6	do.
	23d March	Piccaniny Bassa.	L'Adolpe	René Decaen -	Robert Surcouss	24	169	8	do.
Thistle	17th April	Cape Coast	Estrella -	Manuel de Sants	Manuel Francisco Moreira.	28	163	—	Brig
Boarded by Lieutenant Clarkson, of the Iphigenia, in charge of the Party co-operating with the Americans, on board the United States Schooner, Augusta.	19th —	do. - -	San Juan	Juan Sabino -	do. - -	22	76	—	Brigantine
	Between 26th Feb. and 18th May, 1822.	off the River Sugury.	L'Espoir -	L'Empereur -	- - - -	23	—	2	Brig
		do. - -	Le Phœnix	Depie - -	- - - -	22	220	4	Ship
		do. - -	Le Furet	- - - J. Herrewyn	- - - -	9	62	4	Ketch
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\* This Vessel is also entered above, having been boarded by the Thistle on the 23d March.



the Western Coast of Africa, between 1st September, 1821, and 26th June, 1822.

Where			No. of Days out.	Lading.	Under what Colours.	Remarks.
From.	Bound.	Belonging.				
Bahia	Coast of Africa	Bahia	70	Cargo of tobacco, rum, beads, &c.	Portuguese	Fitted with platforms, slave-irons, and every preparation made for the reception of a Cargo of Slaves.
do.	St. Thomas's, Princes Island, and Molembo.	do.	168	do.	do.	
do.	Coast of Africa	do.	140	do.	do.	A boy of 10 years of age was picked up, hanging on to the rudder-chains of this Vessel. He stated that the Master had forced him to jump overboard on the appearance of the Boats of the Iphigenia.
do.	Molembo, St. Thomas, and Princes.	do.	168	- - -	do.	
do.	do.	do.	196	tobacco, aguardente, beads, &c.	do.	These Vessels were all furnished with Royal Passports for Molembo and Cabinda, and were in every respect fitted for slaving, and even prepared for the reception of the Slaves.
do.	Princes Island	do.	81	- - -	do.	
do.	Molembo	do.	160	- - -	do.	
Honfleur	cleared out for St. Thomas & the Gaboon.	Honfleur	84	Cargo landed	French	Slaves collected on shore for embarkation, and every preparation made for receiving them.
Nantes	West Indies	Nantes	-	120 Slaves	do.	Fitted for Slaves. Yams, wood and water on board for their use.
do.	do.	do.	-	Trade goods	do.	
do.	do.	do.	-	200 Slaves	do.	
do.	Martinique	do.	-	84 do.	do.	
do.	Bonny	do.	-	General Cargo	do.	
Guadaloupe	do.	Martinique	-	of goods used in the African Trade.	do.	Fitted for the reception of Slaves.
Havre de Grace.	do.	Havre de Grace.	-	-	do.	
Marseilles	Coast of Africa	Marseilles	-	Trade goods	do.	Waiting for Slaves
Bahia	Bahia	Bahia	60	do.	Portuguese	do.
do.	do.	do.	112	do.	do.	do.
do.	do.	do.	110	do.	do.	do.
do.	do.	do.	84	do.	do.	do.
Maloes	Coast of Africa	St. Maloes	40	do.	French	Fitted for the Slave Trade.
Bahia	St. Thomas and Princes Islands.	Bahia	90	do.	Portuguese	do.
do.	Coast of Africa	do.	61	do.	do.	do.
Nantes	do.	Nantes	-	Cargo landed	French	Platforms laid and water complete for the reception of Slaves.
Havre	Sugary River	Havre	-	do.	do.	
do.	do.	do.	-	do.	do.	Discovered a Slave-boy in the hold, who confessed the Furet was there for Slaves, and that L'Espoir had landed three Boats with Slaves at our approach.
Nantes	Gallinas	Nantes	84	Trading Cargo	do.	
Maloes	do.	St. Maloes	-	do.	do.	The Master of this Vessel a Post Captain in the French Marine, who told the boarding Officer he commanded the Iphigenia at the Isle of France.
Martinique	do.	Martinique	112	do.	do.	
Guadaloupe	do.	Guadaloupe	46	do.	do.	

(Inclosure 2.)—*Capt. Henry John Leeke to Commodore Sir R. Mends.*

*H. M. S. Myrmidon, off the River Benue,*

SIR,

*Bight of Biafra, Sept. 12, 1821.*

IN continuation of the Report I made to Commodore Sir George Collier, I have the honour to transmit for your information, a Statement of the Proceedings of His Majesty's Sloop under my command, from the 8th August to the present date.

[Here follows the information contained in the Extract, No. 1, Page 519.]

Previous to leaving the River with my Prizes I had many interviews with King Peppel upon the subject of our palm-oil Trade. The Captains of the Merchant Ships complained that it had been a practice for some time to pay him a proportion of the Cargo of each Ship that arrived by way of duty, but that this had been carried to such a length that he had at last extorted goods to the amount of £300 sterling before he would allow them to open trade, and sometimes detained them in this way for a month, which in addition to the further delay of nearly six months, occasioned by the preference being given to the Slaving Vessels, caused a considerable loss to the Owners of these valuable Ships as well as a great mortality among their Crews.

In order to put a stop to these arbitrary proceedings, I drew up an agreement with King Peppel, in the presence of the Masters of the Merchant Ships, obliging him to complete their Cargoes in three months, which is only half the time they have hitherto remained out; and likewise fixed a stated sum to be received by him as a duty; this he signed in some hesitation, and at length promised most faithfully to comply with it, but as I do not place much dependence upon the faith of African Monarchs, I gave him to understand that a Man of War would be ordered frequently to visit his River and enforce a strict performance of his promise.

I at the same time strongly urged him to abolish the Slave Trade: he replied that it was his chief support; but if the King of England would send him annually a 74 gun Ship laden with goods, he would give it up. I laughed at his *modest* request, but at the same time promised to communicate it to you.

Indeed it is almost impossible to credit the extent to which the Slave Trade is carried on. There actually sailed from this River, between the months of July and November last year, 126 Slave Vessels! 86 of which were French, and the others Spaniards. Six of them were heavy Vessels; one a Frigate-built Ship, mounting 28 twenty-four pounders, long guns, and carronades, 200 men, English, American, and Spaniards; a Corvette of 26 guns, twenty-four pounders, long guns, 150 men; a Corvette of 16 guns, twenty-four pounders, carronades, 96 men; a Brig of 18 thirty-two pounders, 100 men; and a Brig of 16 guns, 60 men, all Portuguese and Spaniards. This informa-

tion was given to me by the Captain of one of our Merchant Vessels, who had been actually on board each of them. An immense number have already sailed this year, and I find many more are expected; and I have ascertained from good authority, that they will generally be under the French Flag, that is they sail with their Slaving Cargoes on board from The Havannah to a Port in France, and there clear out, come to this Coast under the pretence of purchasing palm oil and ivory, ship their Slaves, and return to The Havannah thus inhumanly laden.

I am aware that I have already trespassed much upon your time; but I should not be doing justice to my own feelings, or to the merit of Mr. Bingham, were I not to mention in very strong terms my approbation of his very active and gallant conduct upon this occasion, as well as all those employed under him. His wound has been a severe one, and was at first thought dangerous, a grape shot having entered his left breast and lodged in the elbow, but has since been extracted; and although, I am happy to say, it has taken a favourable turn, it brought on a violent fever, which will oblige him to return to England much against his wish. I therefore beg strongly to recommend him through you to the Right Honourable the Lords Commissioners of the Admiralty, and I sincerely hope he will obtain a confirmation of the order given him, to act as Lieutenant of this Ship.

Mr. Bingham speaks in high terms of the steady and correct conduct of Mr. Deschamps, (Midshipman,) who, although wounded by a shot in the upper part of his head, took charge of the Boat and steered her through the heavy fire out of the creek.

I cannot close my Report without acknowledging the very great attention and kindness shown by Captain Prince, of the Merchant Brig *Neptune*, and Captain Elliott, of the Ship *Molly*, (Liverpool Traders) to the wounded Officers and Men of this Ship. They were on board the *Neptune* ten days, unable to be moved; and I feel the greatest pleasure in thus expressing my obligations and thanks to them, as well as for the assistance they rendered me during my stay in the River, as in remaining on board my ship to assist me in piloting her over the bar of the Portuguese Channel in coming out.

I am happy to say that I have succeeded in recovering the Officer, Crew, and Jolly Boat of His Majesty's Ship *Pheasant*, that were supposed to be lost off the bar of the Bonny on the 26th of July. They were unable to return to their Ships the next day in consequence of the breakers running so heavy, and on the day after, when the weather was fine and permitted them to come out, the Ship had gone off the Coast.

I shall proceed immediately in the further execution of my orders; and if the weather will permit, I intend to examine the Rivers South of this.

I inclose a List of Vessels boarded by me, in and off, in the River Bonny. I have, &c.

*Commodore Sir R. Mends.*

HENRY J. LEEKE.

(*Inclsure 3.*)—*Captain Leeke to Commodore Sir R. Mends.*

SIR, *H. M. S. Myrmidon, Sierra Leone, Nov. 7, 1821.*

ACCORDING to my intention, mentioned in the Report I had the honour to send you dated 12th September, I have visited the Old Calabar, Rio del Rey, Bimbia River, and the Cameroons, I am sorry to say without success. Information travels so rapidly from River to River by the creeks of this Country, that the news of my having taken the Vessels from the Bonny had reached a week before I could appear off; the Slavers became alarmed and shipped what Slaves they could, put to sea, and thus have escaped me. A Spanish Felucca, bound to The Havannah, sailed with 200 a few days prior to my Boats searching the Old Calabar; and a Portuguese Brig with the same number for Bahia, sailed three days previous to my anchoring off the Cameroons.

From the former River there had sailed, within the last 18 months, 177 Vessels with full Cargoes; more than the half of them were under the French Flag, the others Spaniards and Portuguese. These accounts have been given me (not only from the Kings and Chiefs of the Rivers,) but from those who were actual eye-witnesses of the shipments and sailing of the unfortunate Negroes.

Thus you will perceive that this horrid Traffick has been carried on to an extent that almost staggers belief. The Vessels reported in my last to have left the River Bonny between the months of July and November 1820, with 86 that have already sailed this year added to these, and 35 from the Bimbia and Cameroons, will make their number 424, many of them carrying from 500 to 1,000 Slaves, and by allowing only the very moderate average of 250 to each Vessel, will make 106,000 Slaves exported from four of the northernmost Rivers in the Bight of Biafra, in the short space of 18 months, and by far the largest half in Vessels bearing the French Flag.

I had purposed next to visit the Rivers Danger and Gaboon, but my Ship having been exposed to the incessant rains of a very long and severe season, and my Officers and Men evidently suffering much from that circumstance; and having, I regret to say, a great deal of actual sickness and fever on board; and finding, on making those Rivers, that I had not a sufficient number of men left to man the boats, I was compelled at length to quit the Coast for this place, in order to procure refreshments, and a supply of provisions, which were absolutely necessary, having been without bread for some weeks; and owing to the very light and baffling winds, and strong northerly currents I met with,



I was so detained in the Bight of Biafra as to oblige me to go on short allowance of flour and sugar, and to take beef, pork, and rum from the Prizes. I could not allow them to part company, owing to the sickly state of the Slaves, and not having any person to put on board to navigate them, my Officers, Midshipmen, and Gunner being at one time all on the sick list, and only the Boatswain, Carpenter, and myself to keep watch.

After passing St. Thomas's, I met with very strong and favourable breezes, which enabled me to arrive at this anchorage on the 4th of November.

Nothing by way of stores having as yet arrived, and my Ship being in a very bad state for want of sails, rope, &c. and being many Seamen short of complement, I do not feel authorized in proceeding to the Bight of Biafra again, until I receive a supply, which I am in hourly expectation of.

I have, &c.

Commodore Sir Robert Mends.

HENRY J. LEEKE.

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No. 6.—*Lieutenant Hagan to Commodore Sir Robert Mends.*

SIR,

H. M. B. Thistle, *Sierra Leone*, July 19, 1822.

I HAVE the honour to report, that in pursuance to your orders I proceeded in His Majesty's Brig *Thistle* under my command from Cape Coast to the Bight of Benin, where I examined the usual places of rendezvous for Slave Traders; and although I met with ten Vessels bearing the Flag of His Most Faithful Majesty completely fitted for Slaves, yet I regret to state none of these had any on board. From the Bight I visited the River Bonny, where I ascertained there had been no fresh arrivals since your recent visit. On leaving that River I received information from an English trading Sloop of a small Schooner having Slaves on board in Old Calabar: I proceeded there immediately, and seized on the 23d ultimo the Portuguese Schooner Boat *José de Xalapa*, belonging to Princes Island, the property of Donna Maria da Cruz, said to be the daughter of the well-known Gomez of that Island. This Vessel, it appeared, had originally 30 Slaves on board, but returned to Calabar after a fruitless attempt of six or eight weeks to reach Princes Island, with the loss of ten Slaves starved to death. It is with extreme pain I mention the wretchedness of the survivors, all of whom bore strong marks of the privations to which they had been subjected. Her burthen being less than seven tons, the height from the water casks to the beams only 17 inches, the only place of shelter for her unfortunate Cargo, and her whole appearance being so wretched as to render it, in my opinion, extremely dangerous to take her out of the River, I ordered the Officers to survey her, and on finding their opinion to coincide with my own, I removed the Slaves, with the few yams she had on board, into this Brig, when she was destroyed. I learned, by communication with the English palm-oil Ships in that River, two Vessels

had lately arrived in Benin River, and had part of their Slaves on board. On my passage to that River, being in latitude 6 deg. 1 min. North, longitude 5 deg. 30 min. East, I seized after a smart chase, on the 29th ultimo, the Portuguese Brig *Estrella*, belonging to Bahia, having 298 Slaves on board, shipped at Lagos nine days previously. This Vessel was provided with the usual Royal Passport for Molembó. The small-pox having made its appearance among the Slaves, our own Crew much reduced by manning this Vessel, and being eight men short of complement, together with the Brig's total want of anchors and cables, I was obliged, although reluctantly, to abandon as impracticable the measures I contemplated for seizing the two Vessels already named, and returned to this anchorage, where I arrived this day.

I have, &c.

Commodore Sir R. Mends.

R. HAGAN.

No. 7.—Captain Thomas Wolrige to John Wilson Croker, Esq.

*H. M. S. Driver, at Sea, in lat. 1 deg. 21 min. North,*

SIR,

*long. 8 deg. 50 min. ; Aug. 21, 1822.*

I HAVE the honour to acquaint you (in the absence of Commodore Sir Robert Mends) for the information of my Lords Commissioners of the Admiralty, that His Majesty's Sloop under my command, on the 19th instant, after an interesting chase on all points for twenty hours, came up with and captured the Spanish Schooner *Josefa Maracayera*, mounting a long 24-pounder amidships, and manned with 28 men, having on board 216 male Slaves: when taken she was only out of the River Bonny 24 hours, and bound to The Havannah.

I have, &c.

John Wilson Croker, Esq.

THOMAS WOLRIGE.

No. 8.—Commodore Sir Robert Mends to John Wilson Croker, Esq.

(Extract.)

*H. M. S. Iphigenia, October 17, 1822.*

I HAVE to represent for their Lordships' information, that I have just received from Lieutenant Hagan of the *Thistle*, a Letter dated the 19th of last July, at Sierra Leone, acquainting me that he had captured two Portuguese Vessels in the Bight of Benin, whither I had ordered him, having, on board both of them, 328 Negroes.

J. W. Croker, Esq.

R. MENDES.

No. 9.—Captain Grace to Commodore Sir Robert Mends.

(Extract.) *H. M. S. Cyrene, off Gallinas River, Oct. 25, 1822.*

I HAVE the honour to acquaint you, that on my departure for Sierra Leone to cruize to the Southward, agreeably to your orders, I received information that the Trade in Slaves was carried on to a most serious extent in the Gallinas River.

I therefore considered it my duty, and in obedience to the spirit of

your Instructions, to commence my operations for the suppression of that Traffic as far to the Northward as I possibly could, after rounding the shoals of St. Ann; and accordingly on the morning of the 23d, when at a short distance to the Northward of that River, saw two Schooners in shore standing for this Ship; but on making her out they tacked and stood to the Southward; all sail was immediately made in chase, and after a run of seven hours with the wind from the Westward, we succeeded in preventing them from weathering Cape Mount, and took possession of the weathermost as it became dark; the leewardmost having tacked two hours previous in the hope of getting out to Sea. No time was therefore lost in taking the men out of the captured Vessel, and putting a party from the Ship on board, when we again made sail after her Consort, and I am happy to say, also succeeded in capturing her at 12 P. M. She proved to be *L'Hypolite* French Schooner of 95 tons, two guns and 19 men, and that which we had previously taken possession of to be the *Aurora* Dutch Schooner of 144 tons, four guns and 26 men, both well armed with muskets, pistols, cutlasses, &c. fitted out for Slaving in the most complete manner; had been upwards of two months on this Coast, and perfectly ready for receiving their Cargoes of Slaves on board, who I found were assembled at their Factories in the River, where were also the Masters and part of the Crews of both Vessels, with the irons, boilers and other appurtenances of Slaves, quite prepared for embarkation. This, with other information which I received, determined me to send to King Siaca, and request the liberation of those Slaves, who were purchased with part of the Cargoes of the captured Vessels. I accordingly anchored late last night off the mouth of this River, and at day-break this morning the Boats of this Ship, under the command of Lieutenant Courtenay, and fully prepared for any event, passed the bar through a tremendous surf, where they were immediately received with a heavy, but badly directed fire of musketry from the jungle on both sides, not a hundred yards distant, which was kept up as they passed up the River, till they opened the lower Factory Island, when they were met with a severe raking fire from two long eighteen-pounders, and one eight-inch howitzer, and some hundred men with small arms. Nothing, however, could check the ardour and spirit of the Officers and Crews, who gallantly pushed on up a narrow River against a strong ebb tide and a most intricate navigation, having grounded seven times while under a heavy fire of grape and musketry, till they landed on the island, took possession of the guns, turned them against the covers on both sides of the River, and for a short time cleared them of their troublesome neighbours. Their attention was now turned to the houses on this and a neighbouring Island, where there was also a spacious Slave Factory, from all of which an annoying and incessant fire was directed. These were soon entered, and such of their opponents as were found in

them were put to death, and the factories and houses burnt to the ground, excepting those occupied by Kroomen, which were spared in consequence of their staying by them and not joining in this wanton attack.

As the Boats landed on the Islands, they had the mortification to see those unfortunate beings whom they hoped to liberate, through the influence of the King, hurried from the Factories, thrown into War Canoes, and carried out of sight higher up the River. This in addition to the attack that was made upon them, which precluded all hope of negotiating with the King at that moment, and the Natives coming down with musketry in increased numbers, our ammunition getting short, and the islands not affording even shelter from the fire of the small arms, that was poured in on them from all sides, induced Mr. Courtenay, most judiciously, to determine on returning, and passing the bar while the water was high, which, after spiking the guns, and destroying them and the factories as far as it was practicable, he effected with as much coolness, judgment and skill as he displayed on entering; and am happy to say, that although the Natives assembled to the number of many additional hundreds with their muskets, lining the bushes on both banks of the River down to the very bar, and keeping up to the last a sharp fire, yet all was effected with the loss of one man mortally, and three slightly wounded.

Inclosed is a list of the wounded; and while I deeply lament the loss of any individual from among my small Ship's company, I must at the same time express equal astonishment and satisfaction at its not being greater, considering the numbers that were opposed to us and the fire which was kept up, and can only attribute it to the bad direction of the latter, and the activity and good conduct which was displayed by all on this occasion.

The loss on the part of our opponents was severe. Four Europeans and several Natives were killed on the islands and banks of the River, besides many who were wounded.

I fear, Sir, that my account of this small affair may appear prolix and unnecessary; but I feel that I could not in fewer words do justice to the conduct of the Officers and men employed on this occasion, and otherwise justify the measures they were forced to pursue in self-defence, towards the Natives of a Country whose King has always professed friendship for the British Government, than by stating every circumstance which took place, arising out of this wanton act of aggression on their part. At the same time I must state for your further information and that of the British Government, that those acts originated through the influence which is exercised here over the Natives by several Europeans, to the number of eight or ten, the dregs of France, Spain and America, who have hitherto carried on the Slave Trade perfectly unmolested, and to an extent hardly credible,



and who, I have since been informed, erected the battery with a determination of resisting to the utmost any force that might be sent to put a stop to their inhuman Traffic. On this occasion, however, they were ably assisted by Mr. Benjamin Liebray, Master of the *Aurora*, but formerly commanding a French National Corvette, and M. Louis Gallon, Master of the *Hypolite*, who with that part of their Crews who were on shore made so considerable an addition to the European Force, as to countenance and encourage the Natives.

Although all that has taken place was unforeseen on our part, and brought on by the attack of those Europeans and the Natives, yet I trust that the measures which were afterwards pursued are such as will meet your approbation; as we have succeeded for a time in disturbing a nest of wretches who have lived by this most detestable Traffic, and who have for a long time been existing within little more than 100 miles from a Government formed solely for the purpose of its extermination.

I have now only to add, that four days before my arrival a Spanish Schooner sailed from this place with 300 Slaves on board, and within the last month three other Vessels had departed with full Cargoes.

*Commodore Sir R. Mends.*

PERCY GRACE:

No. 10.—*Captain Grace to Commodore Sir Robert Mends.*

SIR, *H. M. S. Cyrene, off Gallinas River, Nov. 2, 1822.*

I HAVE the honour to acquaint you, that since my Letter of the 25th ult. I have succeeded in opening a direct Communication with King Siaca, who, it appears, was some distance in the interior on that morning. He denies all previous knowledge of the attack which was made on our Boats, and accuses the Masters of the Captured Schooners of having served out rum, powder, shot, and arms, to the neighbouring Natives for the purpose of the attack, and as he states, exhorted them not to spare a single Englishman: which exactly agrees with the information I had previously received.

He also appears so highly incensed against the French for being the cause of the destruction of the Factories and adjoining houses, that those Europeans who took a part in the transactions of that morning have been forced to fly for refuge into the Territories of some neighbouring Chief.

King Siaca has very readily entered into my wishes for giving up those Slaves who were purchased with part of the Cargoes of the Captured Schooners, as well as such other things as were landed from them; and I am happy to say, that this morning we received on board the *Aurora*, 43 men, 21 women, and 116 boys and girls, the latter from

the age of eight to thirteen, all of whom were purchased by the Master of that Schooner since her arrival on this Coast. They all appear healthy, are sensible of their change of condition, and quite happy at their release.

I shall immediately dispatch her to Sierra Leone, for adjudication, and proceed in His Majesty's Sloop under my command to carry into execution the remaining part of your orders.

I have, &c.

*Commodore Sir Robert Mends.*

PERCY GRACE.

No. 11.—*Commodore Nourse to John Wilson Croker, Esq.*

(Extract.) *H. M. S. Andromache, at Sea, Jan. 5, 1823.*

ON my arrival at Zanzibar, I found the Imaum of Muscat had issued the most positive Orders, forbidding the Traffic in Slaves with any Christians whatsoever; and from all the intelligence I could obtain, these orders had been most strictly attended to by the Governor of Zanzibar.

*J. W. Croker, Esq.*

JOSEPH NOURSE.

No. 12.—*Commodore Sir Robert Mends to J. W. Croker, Esq.*

(Extract.) *Sierra Leone, March 27, 1823.*

It is with much satisfaction that I am enabled to acquaint you, Sir, that during my absence, the activity and success of the different Ships of the Squadron suffered no abatement, there having been 13 Vessels and 1,911 Slaves captured, as per list. It is but doing justice to Captain Phillips of the *Bann*, to mention him to their Lordships in a more particular manner, he having taken six Vessels and 811 Slaves, the greatest number ever yet captured by any Commander on this Station.

*J. W. Croker, Esq.*

R. MENDS.



# SCHEDULE OF PAPERS.—(B.)

## *Instructions to Naval Officers since the 21st March, 1822.*

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*No. 1.—Instructions issued by the Lords Commissioners of the Admiralty to Commodore Nourse, as Commanding Officer of His Majesty's Ships and Vessels on the Cape of Good Hope Station.*

(Extract.)

*Admiralty Office, March 22, 1822.*

You are to appropriate, at least, one of the Squadron under your orders for the duties of the Isle of France; and you will particularly direct the attention of the Officer commanding the Ship or Ships stationed at the said Island, to the affording to the Governor all the assistance in his power towards the prevention of a Traffic in Slaves.

For the more effectual performance of this service, you are to observe, that in addition to the Papers and Documents which that Officer will have received, in common with the other Ships on the Station, respecting Spanish and Portuguese Ships trading in Slaves, he is also to be furnished with the Treaty, Act of Parliament, and Signed Instruction, relative to Vessels engaged in such Trade under the Dutch Flag, which, under the limitation of the number of His Majesty's Ships, which may be furnished with such Instructions, has been issued to the Squadron on the Cape Station; and that upon any change of the Ship assigned to the service of the Isle of France, this Instruction, with the Dutch Treaty, and Act of Parliament, are to be successively transferred to the Commander of the Ship arriving to replace the former, with an alteration of the Address of the Instruction.

You will observe, and signify the same to the Captains and Commanders under your orders, that Vessels of the three Nations above-mentioned, captured for illicit Trafficking in Slaves, are to be sent for adjudication to the following Places, at which Courts have respectively been established for the trial of offences of that description; viz.

Ships of *any of the three Nations* to Sierra Leone; or, *Portuguese* Ships to Rio de Janeiro; *Spanish* Ships to The Havannah, and *Dutch* Ships to Surinam.

*No. 2.—J.W. Croker; Esq. to Captain Wolrige of H. M. Sloop Driver\*.*

SIR,

*Admiralty Office, April 6, 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 Traffic in Slaves, with Copies of three 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

\* A similar Letter was sent on the 29th May, 1822, to Captain Grace of H. M. Sl. *Cyrene*.

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 Traffic in Slaves by His Majesty's Subjects.

I am, &c.

*Captain Wolrige.*

J. W. CROKER.

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No. 3.—*Order issued by the Lords Commissioners of the Admiralty to Captain Sir Robert Mends, of H. M. S. Owen Glendower.*

By the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

You are hereby required and directed to put to Sea in the Ship you command, so soon as she shall be in every respect ready, and to return with all convenient expedition to the Coast of Africa, to carry into further execution so much of our Instructions to you of the 31st of October 1821, as relates to the suppression of the Slave Trade, to the protection of British Commerce on the African Coast within the limits of your command, and to the general arrangement and government of the Force we have placed under your orders on the said Station.

We do not, under the existing circumstances, apprehend that it will be necessary or advantageous to the service for you to return to England, as has been customary on former occasions, at the fall of the year; and you will therefore understand that you are to remain on your Station until relieved, or you receive other orders from us; unless from a greater state of sickness in the Squadron, or a greater consumption of stores, or from other causes which we cannot anticipate, you should, when the period arrives, consider it to be essentially advantageous for the good of the service, and the more efficient future execution of the duties of the Station, that you should return to England as heretofore; in which case you will be guided in so doing by our aforesaid former Instructions of the 31st October 1821, with the exception, that instead of touching at Trinidad and Jamaica in the way Home, you will, when you return, understand that are to do so by way of Barbadoes and Jamaica.

Given under our hands the 18th of January 1823.

G. COCKBURN.

*Sir Robert Mends, Knight,*

G. CLERK.

*Capt. of H. M. S. Owen Glendower, at Spithead.*

By command of their Lordships, J. W. CROKER.

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No. 4.—*J. W. Croker Esq. to Captain Sir Robert Mends, of His Majesty's Ship Owen Glendower.*

SIR, *Admiralty Office, January 18, 1823.*

MY Lords Commissioners of the Admiralty judging it proper, in consequence of the substitution of the *Owen Glendower*, for the *Iphigenia*, that you should be furnished with new Instructions, authorizing you, in conformity with the Treaties respecting the Slave Trade, to search Vessels bearing the Flags of Spain, Portugal and The Netherlands; I am commanded by their Lordships to transmit to you such new Instructions accordingly. I am, &c.

*Captain Sir R. Mends.*

J. W. CROKER.

No. 5.—*J. Barrow, Esq. to Rear Admiral Sir C. Rowley, at Jamaica.*

SIR, *Admiralty Office, February 15, 1823.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, Copies of a Letter and its several Inclosures from Mr. Hesketh, His Majesty's Consul at Maranham, relative to an illicit Traffic in Slaves between that Place and Surinam.

I am, &c.

*Rear Admiral Sir C. Rowley.*

JOHN BARROW.

(*Inclosure 1.*)—*Mr. Consul Hesketh to Mr. Secretary Canning.*

SIR, *Maranhão, December 24, 1822.*

HAVING been requested by the Consul General at Rio de Janeiro, to state to His Majesty's Government all the facts I could learn relating to the two Portuguese Slave Vessels; viz. the Brig *Apollo*, and the Schooner *Maria*, represented in my Return for the year 1821 to have arrived at this Port; the first from Cachow, on the 6th of Oct. with 239 Slaves on board, eight having died; and the second from the Island of St. Jago, on the 27th November, with 87 Slaves on board, three having died during the passage; I have the honour to make known that both these Vessels were admitted to entry at this Custom-House in virtue of Licences.

Both of these Licences being lodged at the Government House, I have made an Official Application for Copies of them, intending to transmit them for your information as soon as they are received; having in the mean time to regret this delay in obtaining them.

I inclose Copies of Communications I have made to Barbadoes and Surinam, respecting a Dutch Schooner called the *Aurora*, C. H. Andres, Master, the object of whose voyage to this Port I suspect to have been an illicit Traffic in Slaves, against which there are no effectual Regulations in this Port. I am, &c.

*The Right Hon. George Canning.*

ROBERT HESKETH.

[For the Inclosures in this Letter, see Foreign Office Papers, Inclosures in No. 39, Class B. page 159.]

No. 6.—*J. W. Croker, Esq. to Commodore Sir Robert Mends.*

SIR,

*Admiralty Office, April 19, 1823.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, eight Copies of some Explanatory and Additional Articles to the Treaty concluded on the 4th May 1818, with The King of The Netherlands, for the prevention of the Traffic in Slaves; and I am to signify their Lordships' direction to you to observe and to carry into effect, so far as depends upon you, the Stipulations contained in the said Articles, and to give corresponding Instructions to the Commanders of the Vessels under your orders.

I am, &c.

*Commodore Sir R. Mends.*

J. W. CROKER.

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No. 7.—*J. W. Croker, Esq. to Rear Admiral Sir Charles Rowley, or the Commanding Officer of His Majesty's Ships on the West Indian Station.*

SIR,

*Admiralty Office, April 19, 1823.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of some Explanatory and Additional Articles to the Treaty concluded on the 4th May 1818, with The King of The Netherlands, for the prevention of the Traffic in Slaves, and also four other Copies of the said Articles, with which you are to furnish the Commanders of such of the Vessels under your orders, as have received the Instructions and other Documents relative to Vessels engaged in a Traffic in Slaves under the *Dutch* Flag, directing them to observe and to carry into effect such of the Stipulations contained in those Articles as may concern them.

I am, &c.

*Rear Admiral Sir C. Rowley.*

J. W. CROKER.

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No. 8.—*J. W. Croker, Esq. to Commodore Nourse, at the Cape of Good Hope.*

SIR,

*Admiralty Office, April 19, 1823.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of some Explanatory and Additional Articles to the Treaty concluded on the 4th of May 1818, with The King of The Netherlands, for the prevention of the Traffic in Slaves; and also one other Copy of the said Articles, with which you are to furnish the Commander of the Vessel under your orders, which has received the Instructions and other Documents relative to Vessels engaged in a Traffic in Slaves under the *Dutch* Flag, directing him to observe and to carry into effect such of the Stipulations contained in those Articles as may concern him.

I am, &c.

*Commodore Nourse.*

J. W. CROKER.



No. 9.—*J. W. Croker Esq. to the Commanding Officers of His Majesty's Ships and Vessels on the following Stations; viz. Coast of Africa, West Indies, South America, Cape of Good Hope, and East Indies.*

SIR,

*Admiralty Office, May 17, 1823.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of Two Explanatory and Additional Articles to the Treaty concluded on the 23d September 1817, with The King of The Spains, for the prevention of the Traffic in Slaves; and also other Copies of the said Articles, with which you are to furnish the Commanders of His Majesty's Ships and Vessels under your orders, directing them to observe and to carry into effect such of the Stipulations contained in those Articles as may concern them.

I am, &c.

J. W. CROKER.

No. 10.—*Letter issued to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the 21st of March 1822 to the 23d of June 1823, to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies.*

SIR,

*Admiralty Office,*

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IN reference to the order of my Lords Commissioners of the Admiralty, directing you to proceed to the Station, I am commanded by their Lordships to transmit to you Copies of the Treaties which have been entered into, with Spain and Portugal, for the prevention of an illicit Traffic in Slaves; with Copies of Two Acts of Parliament relating to them, and Instructions signed by their Lordships, 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 several Acts of Parliament prohibiting the Traffic in Slaves by His Majesty's Subjects.

THE foregoing Letter, with the Documents therein referred to, have been issued between the 21st of March 1822 and the 23d of June 1823, to the Commanders of the following Ships and Vessels of His Majesty:

Andromache,	Active,	Bellette,
Liffey,	Ariadne,	Forte,
Delight,	Thracian,	Tartar,
Espiegle,	Helicon,	Fly,
Seringapatam,	Gloucester,	Ringdove,
Redwing,	Phæton,	Brazen,
Grecian,	Eden,	Briton,
Alligator,	Valorous,	Eclair.

***EXPLANATORY and ADDITIONAL ARTICLES to the Treaty of the 4th of May, 1818, between Great Britain and The Netherlands, for the Prevention of the Traffick in Slaves.—Signed at Brussels, December 31, 1822, and January 25, 1823.***

HIS MAJESTY The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of The Netherlands, having thought fit to agree upon the following arrangements, Additional to and Explanatory of the Treaty concluded between Their aforesaid Majesties, at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, have have therefore named as Plenipotentiaries, *ad hoc* :—

His Majesty The King of The United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty The King of The Netherlands, Grand Duke of Luxembourg :

SA MAJESTÉ Le Roi des Pays-Bas, et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, ayant trouvé à propos de convenir ensemble sur les dispositions suivantes, Additionnelles ou Explicatives du Traité conclû entre Leurs dites Majestés à La Haye, le 4 Mai, 1818, pour la répression du Trafic des Esclaves, ont nommé à cette fin leurs Plénipotentiaires, *ad hoc*, savoir :

Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, le Très Honorable Richard Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de La Grande Bretagne et de L'Irlande, Conseiller en Son Conseil Privé de La Grande Bretagne et de L'Irlande, Membre du Comité du Premier pour les Affaires du Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Vice Amiral de la Province de Connaught, Chevalier Grand Croix du Très Honorable Ordre du Bain, Grand Croix de l'Ordre des Guelphes, Son Ambassadeur Extraordinaire et Plénipotentiaire auprès de Sa Majesté Le Roi des Pays Bas, Grand Duc de Luxembourg :

And His Majesty The King of The Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State, holding the Department of Foreign Affairs :

Who, having exchanged their Full Powers, found in good and due form, have agreed on the following Explanatory and Additional Articles :

## ARTICLE I.

Whereas it is stated in Article I. of Instructions intended for the British and Dutch Ships of War, employed to prevent the illicit Traffick in Slaves, " that Ships on board of which no Slaves shall be found intended for purposes of Traffick, shall not be detained on any account or pretence whatever ;" And whereas it has been found by experience, that Vessels employed in the illegal Traffick, have unshipped their Slaves immediately prior to their being visited by the Ships of War, and that such Vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above-mentioned :—

The High Contracting Parties therefore feel it necessary to de-

Et Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand Croix des Ordres du Lion Belgique, de Charles Troisième, de la Légion d'Honneur et des Guelphes, Son Chambellan et Ministre d'Etat, ayant le Département des Affaires Etrangères :

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

## ARTICLE I.

Comme il a été statué par l'Article I. des Instructions pour les Vaisseaux des Marines Royales de La Grande Bretagne et des Pays-Bas, employés à prévenir le Trafic d'Esclaves, " que les Navires à bord desquels on ne trouvera point d'Esclaves destinés à des objets de Commerce, ne seront détenus sous aucune raison ou prétexte quelconques ;" et que l'expérience a démontré que les Navires employés à ce Trafic illégitime ont débarqué leurs Esclaves immédiatement avant d'avoir été visités par des Vaisseaux de Guerre, et que ces Navires ont ainsi trouvé moyen d'esquiver leur confiscation, et ont pu poursuivre leur procédé illicite avec impunité, en opposition au bût et à l'esprit du Traité prémentionné :—

Les Hautes Parties Contractantes ont, à ces causes, jugé né-

clare, and it is hereby declared, by Them, that if there shall be clear and undeniable proof, that a Slave or Slaves has or have been put on board a Vessel for the purpose of illegal Traffick, in the particular voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

II. The High Contracting Parties hereby agree, that in the event of the absence on account of illness, or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators under the above-mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article IX. of the Regulations for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

The Explanatory and Additional Articles above-mentioned, shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted Word for Word in the Treaty of the 4th of May, 1818 above-mentioned, and shall be held to form part of the same.

cessaire de déclarer par les présentes, que s'il existe des preuves claires et indubitables, que quelques Esclave ou Esclaves ait ou ayant été placés à bord d'un Navire dans l'intention d'un Trafic illégal, pendant le voyage durant lequel le Navire sera capturé, pour lors et de ce chef, conformément à la véritable intention et au sens des Stipulations du Traité, un tel Navire sera détenu par les Croiseurs, et finalement condamné par les Commissaires.

II. Les Hautes Parties Contractantes sont convenues, que dans le cas d'absence pour cause de maladie ou quelque autre cause inevitable, d'un ou de plusieurs des Commissaires, Juges et Arbitres du chef du present Traité, ou en cas d'absence de leur part, en conséquence d'un congé de leur Gouvernement, dûment notifié au Conseil de Commission séant en vertu du dit Traité, leurs Places seront remplies de la manière dont, par l'Article IX. du Règlement pour les Commissions Mixtes, les vacances par cas de mort d'un ou de plusieurs des Commissaires susdits, doivent être remplies dans les dites Commissions.

Les Articles Explicatifs et Additionnels précités, seront soumis à la Ratification des Souverains respectifs, et auront la même force et effet que s'ils se trouvaient insérés Mot-à-Mot dans le Traité du 4 Mai, 1818, ci-dessus indiqué, et seront tenus comme en faisant partie.



The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In Witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at Brussels, this 31st day of December, in the Year of Our Lord 1822.

(L. S.) CLANCARTY.

(L. S.) A. W. C. DE NAGELL.

Les Actes de Ratification seront échangés dans l'espace d'un mois, ou plutôt, si faire se peut.

En Foi de quoi, les Plénipotentiaires respectifs ont signé le present Acte, et y ont apposé le Cachet de leurs Armes.

Fait à Bruxelles, le 31 Décembre de l'An de Grace 1822.

(L. S.) A. W. C. DE NAGELL.

(L. S.) CLANCARTY.

*Further Additional Article to the before-mentioned Treaty.—Signed at Brussels, January 25, 1823.*

HIS MAJESTY The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of The Netherlands, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between Their aforesaid Majesties, at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, and also in addition to the Two Explanatory and Additional Articles, executed by the Plenipotentiaries of Their said Majesties, on the 31st of December, 1822, have named, authorized, and directed the same Plenipotentiaries to sign, in Their Names, an Agreement, *ad hoc* :—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in The United Kingdom of Great Britain

SA MAJESTÉ Le Roi des Pays-Bas, et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, ayant trouvé à propos de convenir de l'arrangement ultérieure suivant, additionnel au Traité conclû entre Leurs dites Majestés, à La Haye, le 4 Mai, 1818, pour la répression du Trafic des Esclaves, et ainsi en addition des Articles Explicatifs et Additionnels conclus par les Plénipotentiaires de Leurs Majestés le 31 Decembre 1822, ont nommé, autorisé et commis les dits Plénipotentiaires à signer en Leurs Noms un Accord, *ad hoc*, savoir :

Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et de L'Irlande, Le Très Honorable Richard Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de La Grande Bre-

and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain, and also in Ireland, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty The King of The Netherlands, Grand Duke of Luxembourg :

And His Majesty The King of The Netherlands, Anne William Charles Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain and Minister of State holding the Department of Foreign Affairs :

Who having exchanged their Full Powers, found in good and due form, have agreed upon the following Additional Article.

#### ADDITIONAL ARTICLE.

And it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any Ship or Vessel, subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hover-

tage et de L'Irlande, Conseiller en Son Conseil Privé de La Grande Bretagne et de L'Irlande, Membre du Comité du Premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Vice Amiral de la Province de Connaught, Chevalier Grand Croix du Très Honorable Ordre du Bain, Grand Croix de l'Ordre des Guelphes, Son Ambassadeur Extraordinaire et Plenipotentiaire auprès de Sa Majesté Le Roi des Pays-Bas, Grand Duc de Luxembourg :

Et Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand Croix des Ordres du Lion Belgique, de Charles Troisième, de la Légion d'Honneur et des Guelphes, Son Chambellan et Ministre d'Etat ayant le Département des Affaires Etrangères :

Lesquels, après avoir échangé leurs Pleins-Pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant :

#### ARTICLE ADDITIONNEL.

Il est également convenu par les présentes que lorsque d'après des preuves, dûment fournies pardevant la Cour Mixte, il apparoitra qu'un Vaisseau ou Navire, sujet à l'examen, aux termes du Traité, ou aux termes des Articles Explicatifs et Additionnels, et dé-

ing or sailing upon the Coast of Africa, within one geographic degree to the westward thereof, and between the 20th degree of latitude north of the Equinoctial Line, and the 20th degree of latitude to the southward thereof, or at anchor within any of the Rivers, Bays, or Creeks of the said Coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which Ship or Vessel, in her outfit and equipment, shall fall within one or more of the following designations, namely :

1.—Having her hatches fitted with open gratings, instead of being close hatches as usual in Merchant Vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for Trading Vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or handcuffs.

5.—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her Crew as a Merchant Vessel.

6.—Having on board an unreasonable number of water casks or other vessels for holding water, unless the Master shall produce a

tenu rodant ou naviguant sur, ou proche de la Côte d'Afrique, dans l'espace d'un degré géographique à l'ouest d'icelle, et entre le 20 degré de latitude nord de la Ligne Equinoctiale et le 20 degré de latitude sud de la dite Ligne, ou à l'ancre dans une des Rivières, Bayes, ou Criques, de la dite Côte, dans la circonscription des limites spécialement désignées ci-dessus; ou à l'ancre en quelque endroit que ce soit, dans la circonscription des dites limites, et lequel Vaisseau ou Navire offrira dans son appropriation et équipement une ou quelques unes des désignations suivantes :

1.—D'avoir ses écoutilles en caillebottis ou treillis, ouverts au lieu de les avoir fermées, comme le sont d'ordinaire celles des Navires Marchands.

2.—D'avoir plus de séparations, ou cloisons à fond de cale ou sur le pont, qu'il n'en faut à des Navires Marchands.

3.—D'avoir à bord des ais en reserve déjà appropriés ou de nature à l'être, pour poser aisément un second pont mobile ou pont Négrier.

4.—D'avoir à bord des chaines, des entraves, ou des menottes.

5.—D'avoir à bord une quantité exorbitante d'eau en barriques ou en cuves, et plus qu'il n'en faudrait pour la consommation de l'Equipage d'un Navire Marchand.

6.—D'avoir à bord un nombre exorbitant de barriques à eau ou autres Vaisseaux à eau, à moins que le Patron ne produisit un Cer-

Certificate from the Custom-house from the place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such Vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm-oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a Merchant Vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her Crew as a Merchant Vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of Cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her Crew, and such rice, flour, maize, or Indian corn, not being entered on the Manifest as part of the Cargo for Trade.

The proof of these, or of any one or more of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the Master or Owners, that such Ship or Vessel was otherwise legally employed at the time of detention or capture, the Ship or Vessel shall

tificat de la Douane de l'endroit de son départ, constatant l'établissement d'une caution suffisante par les Propriétaires du Navire, que cette quantité surabondante de barriques ou autres vaisseaux ne servirait qu'à recevoir de l'huile de palmier.

7.—D'avoir à bord une plus grande quantité de baquets à portion que de réquis pour le service de l'équipage d'un Navire Marchand.

8.—D'avoir à bord deux chaudières de cuivre davantage, ou même une seule d'un dimension exorbitante, et plus grande que ne l'exigeraient les besoins de l'Equipage d'un Navire Marchand.

9.—D'avoir à bord une quantité extraordinaire de ris ou de farinha (fleur de manhioc du Brésil ou de Cassade,) ou de maïs, ou de blé des Indes, excédant la provision raisonnablement réquise pour la consommation de l'équipage, et lorsque ce ris, fleur, maïs, ou blé des Indes, ne se trouverait pas annoncé sur le Manifeste, comme faisant partie de la Cargaison Mercantile.

La preuve de l'une ou de quelques unes de ces indications sera considérée comme *evidence, primâ facie*, de son emploi actuel au Trafic des Esclaves, et à moins d'être réfutée par des preuves satisfaisantes, à fournir par le Patron ou les Propriétaires, que le Vaisseau ou Navire avait été légalement employé à une autre usage, au tems de sa détention ou



thereupon be condemned and declared Lawful Prize.

The aforesaid Additional Article shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted Word for Word in the Treaty of the 4th of May, 1818 above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at Brussels, the 25th day of January, in the Year of our Lord 1823.

(L. S.) CLANCARTY.

(L. S.) A. W. C. DE NAGELL.

capture, le Vaisseau ou Navire sera condamné la-dessus et déclaré de Bonne Prize.

Le présent Article Additionnel sera soumis à la Ratification des Souverains respectifs, et aura la même force et effet que s'il se trouvait inséré Mot-à-Mot dans le Traité du 4 Mai 1818, ci-dessus mentionné, et sera tenu comme en faisant partie.

Les Actes de Ratification seront échangés dans l'espace d'un mois où plutôt si faire se peut.

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

Fait à Bruxelles le 25 Janvier, de l'An de Grace 1823.

(L. S.) A. W. C. DE NAGELL.

(L. S.) CLANCARTY.

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*ACT of the British Parliament, to authorize His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels; and to exempt certain Foreign Vessels from Pilotage.*

[4 Geo. 4. Cap. 77.]

[July 18, 1823.]

WHEREAS it is the practice in many cases, as well in Foreign Countries as in The United Kingdom, to charge higher duties, and to grant smaller drawbacks, bounties, and allowances, upon goods, wares, or merchandize, when imported or exported in Ships or Vessels not belonging to the Country in which such duties are charged, or drawbacks, bounties, or allowances are granted, than are charged or granted when imported or exported in Ships or Vessels belonging to such Country: And whereas it is expedient that His Majesty should be empowered to allow the importation or exportation of any goods, wares, and merchandize, in Foreign Vessels, upon payment of the like duties, and with the like drawbacks, bounties, and

allowances, as are now by Law paid or granted upon similar goods, wares and merchandize, when imported or exported in British Vessels from or to those Countries in which no other duties are charged, or other drawbacks, bounties, or allowances granted, upon the importation or exportation of any goods, wares, or merchandize into or from such Country in British Vessels, than are charged or granted upon such goods when imported into or exported from such Countries in Foreign Vessels: Be it therefore enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the *London Gazette*, to authorize the Importation into or Exportation from The United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandize which may be legally imported or exported in Foreign Vessels, upon payment of such and the like duties only, and with the like drawbacks, bounties, and allowances, as are charged or granted upon similar goods, wares, or merchandize, when imported or exported in British Vessels; provided always, that before any such Order or Orders shall be issued, satisfactory proof shall have been laid before His Majesty and His Privy Council, that goods, wares, and merchandize, imported into or exported from the Foreign Country in whose favour such remission of duties, or such drawbacks, bounties, or allowances shall be granted, are charged with the same duties, and are allowed the same drawbacks, bounties or allowances, when imported into or exported from such Foreign Country in British Vessels, as are levied or allowed on similar goods, wares, and merchandize, when imported or exported in Vessels of such Country.

II. And be it further enacted, That it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council as aforesaid, whenever it shall be deemed expedient, to levy and charge any additional duty or duties of customs, or to withhold the payment of any drawbacks, bounties, or allowances, upon any goods, wares, or merchandize, imported into or exported from The United Kingdom, or imported into or exported from any of His Majesty's Dominions, in Vessels belonging to any Foreign Country, in which higher duties shall have been levied, or smaller drawbacks, bounties, or allowances granted, upon goods, wares, or merchandize, when imported into or exported from such Foreign Country in British Vessels, than are levied or granted upon similar goods, wares, and Merchandize, when imported or exported in Vessels of such Country; provided always, that such additional or countervailing duties so to be imposed, and

drawbacks, bounties, or allowances so to be withheld as aforesaid, shall not be of greater amount than may be deemed fairly to countervail the difference of duty, drawback, bounty, or allowance paid or granted on goods, wares, or merchandize imported into or exported from such Foreign Country in British Vessels, more or less than the duties, drawbacks, bounties, or allowances there charged or granted upon similar goods, wares, or merchandize imported into or exported from such Foreign Country in Vessels of such Country.

III. And be it further enacted, That such additional or countervailing duties of customs shall be levied, recovered, and applied, in such and the like manner as any other duties of customs are now by Law levied, recovered, or applied.

IV. And be it further enacted, That His Majesty, by and with the advice of His Privy Council, or by any Order or Orders in Council as aforesaid, is hereby empowered to remove, or again to impose, any such additional or countervailing duty of customs, or to renew or withhold such drawbacks, bounties, or allowances, whenever it shall be deemed expedient so to do.

V. And whereas it might tend to the advantage of British Vessels arriving in Foreign Ports, if power was given to His Majesty to exempt Foreign Vessels of less burthen than 60 tons from the obligation of taking on board Pilots to conduct them into or from the Ports of The United Kingdom, in all cases in which British Vessels of less burthen than 60 tons are not required by Law to take Pilots; be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for His Majesty, by and with the advice of His Privy Council, or by any Order or Orders in Council, in all such cases as aforesaid, to exempt Foreign Vessels, being of less burthen than 60 tons, from taking on board a Pilot to conduct them into or from any of the Ports of The United Kingdom; any law, custom, or usage to the contrary notwithstanding.

VI. And be it further enacted, That a Copy of every Order in Council which may be issued under the Authority of this Act shall be laid before Parliament as soon after the issuing thereof as may be practicable, if Parliament shall be sitting, and if it shall not then be sitting, within 30 days after the Meeting thereof.

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*ACT of the British Parliament, to declare valid certain Marriages that have been solemnized at St. Petersburg, since the Abolition of the British Factory there.*

[4 Geo. 4. Cap. 67.]

[July 10, 1823.]

WHEREAS the British Factory at St. Petersburg was, by the Manifesto of the Emperor of Russia, declared to be abolished from and after the 20th day of June in the year 1807. And whereas divers Marriages of Subjects of this Realm resident at St. Petersburg have,

since the said 20th day of June 1807, been solemnized there by the Chaplain of the Russia Company in the Chapel of the said Company, and in private houses, before Witnesses, according to the religious ceremonies of the Church of England : And whereas it is expedient to declare the validity of such Marriages, in order that no doubts or disquietude may hereafter arise thereupon : May it therefore please Your Majesty that it may be declared and enacted ; and be it declared and enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages (both or one of the Parties thereto being Subjects or a Subject of this Realm) that have, since the said 20th day of June 1807, been solemnized, or that shall hereafter be solemnized at St. Petersburg by the Chaplain to the said Russia Company, or by a Minister of the Church of England officiating instead of such Chaplain, in the Chapel of the said Russia Company, or in any other Place, before Witnesses, shall be as good and valid in Law, and so deemed in The United Kingdom of Great Britain and Ireland, and in the Dominions thereunto belonging, as if the same had been solemnized before the Abolition of the said Factory.

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*ACT of the British Parliament, to relieve His Majesty's Subjects from all Doubt concerning the Validity of certain Marriages solemnized Abroad.*

[4 Geo. 4. Cap. 91.]

[July 18, 1823.]

WHEREAS it is expedient to relieve the minds of all His Majesty's Subjects from any doubt concerning the validity of Marriages solemnized by a Minister of the Church of England in the Chapel or House of any British Ambassador or Minister residing within the Country to the Court of which he is accredited, or in the Chapel belonging to any British Factory abroad, or in the House of any British Subject residing at such Factory, as well as from any possibility of doubt concerning the validity of Marriages solemnized within the British Lines by any Chaplain or Officer, or other Person officiating under the orders of the Commanding Officer of a British Army serving abroad ; be it declared and enacted, and it is hereby declared and enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Marriages as aforesaid shall be deemed and held to be as valid in Law as if the same had been solemnized within His Majesty's Dominions, with a due observance of all Forms required by Law.

II. Provided always, and be it further enacted, That nothing in this Act contained shall confirm or impair or anywise affect, or be construed to confirm or to impair or anywise to affect, the validity in Law



of any Marriages solemnized beyond the Seas, save and except such as have been or shall be solemnized in the Places, form, and manner herein specified and recited.

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*ACT of the British Parliament, to amend an Act, passed in the Fiftieth Year of His late Majesty, for directing that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, shall be Annually laid before Parliament, and for regulating and controlling the granting and paying such Salaries, Pensions, and Allowances.*

[3 Geo. 4. Cap. 113.]

[August 5, 1822.]

WHEREAS an Act passed in the 50th Year of the Reign of His late Majesty King George the Third, intituled *An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, should be Annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances* \*. And whereas it is expedient that the Superannuations

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\* ACT 50 Geo. 3. Cap. 117.—*An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances shall be annually laid before Parliament; and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances.*

[June 21, 1810.]

WHEREAS it is expedient that an Account of the Increase and Diminution of all Public Salaries, and of all Pensions and Allowances in the nature of Superannuation or Rewards for Public Services, should be annually laid before Parliament; and that Provision should be made for regulating and controlling the granting and paying of such Salaries, Pensions, and Allowances; be it therefore enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That between the 1st day of February and 25th day of March in every year, if Parliament shall be sitting during any part of such period, or if Parliament shall not be sitting during any part of such period, then within 40 days after the commencement of the Session of Parliament in such year, there shall be laid before both Houses of Parliament an Account of every Increase and Diminution which shall have taken place within the preceding year, ending on the 1st day of January, in the number of Persons employed in all Public Offices or Departments, or in the Salaries, Emoluments, Allowances, and Expences which may have taken place or been paid, granted, received, or incurred, for and in respect of all Officers and Persons belonging to or employed in or by or in the Service of all Public Offices or Departments, specifying the amount and nature thereof, and distinguishing in such Account every Increase and Diminution in the Amount of all Allowances or Compensations granted or allowed as retired Allowances or Superannuations to any Person or Persons having held any Office, Place, or Employment in any such Public Office or Department, or having been employed in any manner in any Public Services under any such Office or Department, and specifying in every such Account the time and length of Service of every such Person, and the Amount of the Salary or Allowances received by such Person immediately preceding such Superannuation, and the nature of his Services, and

allowed to be granted by the said recited Act should in certain cases be reduced, and that further Regulations should be made in relation

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also specifying in every such Account the grounds upon which every such Increase or Diminution in the Establishment of any such Public Office or Department, or of any such Salary, Emolument, Allowance, or Compensation, or Superannuation as aforesaid, shall have been made, granted, or allowed.

II. And be it further enacted, That no Compensation for any Office abolished, or Special Allowance or remuneration to any Person holding any Civil Employment in any Public Office for any good Services, shall be charged upon the Incidents or any other Fund of any Public Office or Department, and no Allowance or Compensation in the nature of any Superannuation or retired Allowance or Reward, to any such Person as aforesaid, in respect of his having held any Public Office or Employment, or been engaged in any Public Service, (except such as may be granted by any Order of His Majesty in Council), shall be granted, paid, or allowed, without the concurrence of three or more of the Commissioners of His Majesty's Treasury, to be signified by Warrant under their hands, or by a Letter from one of the Secretaries to the said Commissioners, to the Officer or Officers at the Head of such Department, or by the signature of such three of the Lords Commissioners of the Treasury to the Instrument by which such Compensation, Allowance, or Superannuation shall be granted.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Half-pay, or Allowance in lieu of Half-pay, or to any such Military or Naval Allowances or Pensions as are granted under the regulations of any Order of His Majesty in Council now in force, in any of the respective Offices of the Secretary at War, the Master General of the Ordnance, or the Lords Commissioners of the Admiralty; except as herein-after is provided with respect to the same.

IV. Provided also, and be it further enacted, That all Half-pay, and Allowances in lieu of Half-pay, in the Army, Ordnance, Navy, or Marines respectively, and all Military and Naval Allowances and Pensions granted or which shall hereafter be granted in the respective Offices of the Secretary at War, the Master General of the Ordnance, or Commissioners of the Admiralty respectively, under the Authority of any Order in Council, shall be laid before the Commons House of Parliament, in separate Estimates, with the ordinary Estimates of the Army, Ordnance, and Navy respectively, and shall be kept distinct from all Pensions, Allowances, Emoluments, or Compensations in the nature of Superannuations or retired Allowances, in any of the Civil Offices or Departments belonging to or connected with or under the superintendence and control of the Secretary at War, or the Master General of the Ordnance, or Lords Commissioners of the Admiralty.

V. Provided also, and be it further enacted, That all Allowances, Compensations, and Emoluments in the nature of any Superannuation or retired Allowances, to any Persons, in respect of having held any Public Offices or Employments, or having been engaged in the Service of the Secretary at War, Master General of the Ordnance, or Lords Commissioners of the Admiralty respectively, in any of the Civil Departments of such respective Offices, shall annually be laid before the Commons House of Parliament in separate Estimates with the ordinary Estimates of the Army, Ordnance, and Navy respectively, distinct from the respective Estimates of such Departments, and voted by Parliament.

VI. And be it further enacted, That from and after the passing of this Act it shall not be lawful to charge the Fund arising from the sale of old Naval Stores with any Pension, Payment, or Allowance, to any Person or Persons whatever;

thereto, and that a Fund should be raised towards the payment of such Superannuation Allowances, by deduction from the Salaries and

and an Account of the total annual produce arising from the sale of old Stores shall be annually laid before Parliament, and credit shall be given for the total produce of such sales of old Naval Stores in the Estimates of the Navy laid before Parliament in each year.

VII. Provided always, and be it further enacted, That all such Pensions, Payments, and Allowances, which are now charged upon the Fund arising from the said sale of old Naval Stores, shall remain charged and shall be paid out of the said Fund, until the same shall be included in the Estimates of the Navy; and all such Pensions, Payments, and Allowances shall be included in the Estimates of the Navy for the year 1811, and shall be in like manner provided for in future years, and shall be no longer deemed to be charged upon or payable out of the said Fund.

VIII. And be it further enacted, That in every Office and Public Department in which the Establishment of the Office is paid by any Fund created by the Fees received in such Office, all Allowances and Compensations paid or granted, or which shall be hereafter granted in the nature of Superannuations or Allowances or Rewards to any Persons in respect of any Public Services, shall be charged, in the first instance, upon and paid out of such Fund as aforesaid; and where such Fund shall be found deficient in any Office for the payment of such Establishment and other payments as aforesaid, an Estimate of such Deficiency shall be submitted annually to the Commons House of Parliament, and such Deficiency shall be supplied by a vote of Parliament.

IX. Provided always, and be it further enacted, That where any such Deficiency of the Fee Fund shall be found in the Offices of the Principal Secretary of State, of the Privy Council, and of the Treasury, the same shall be made good out of the Civil List; and that all Allowances and Compensations in the nature of Superannuations or Allowances and Rewards to any Person in respect of any Public Services in any Departments, the Establishment of which is wholly charged upon the Civil List, shall also be charged upon that Fund.

X. Provided always, and be it further enacted, That in every Public Office and Department in which there shall be no such Fee Fund as aforesaid for the payment of the establishment of such Office or Department, not being an Office in Receipt of Revenue, or an Office the establishment of which is wholly charged upon the Civil List, the whole of such Allowances and Compensations in the nature of Superannuations or Allowances or Rewards to any Person in respect of any Public Services shall annually be laid before the Commons House of Parliament by Estimate, and be voted and charged upon such Funds as Parliament shall direct.

XI. And be it further enacted, That all Allowances or Compensations hereafter to be granted or allowed as Allowances or Pensions or Superannuations, shall be paid to the Persons entitled to receive the same, without any abatement or deduction on account of any rates or duties imposed by any Act of Parliament, except the duty granted by an Act passed in the 46th Year of His present Majesty, intituled *An Act for granting to His Majesty during the present War, and until the 6th day of April next after the Ratification of a Definitive Treaty of Peace, further Additional Duties in Great Britain on the Rates and Duties on Profits arising from Property, Professions, Trades and Offices; and for repealing an Act passed in the 45th Year of His present Majesty, for repealing certain parts of an Act made in the 43d Year of His present Majesty, for granting a Contribution on the Profits arising from Property, Professions, Trades, and*



Emoluments of the Persons holding Situations entitling them to have such Allowances granted to them ; and it is expedient and necessary for

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*Offices, and to consolidate and render more effectual the Provisions for collecting the said Duties.*

**XII.** And be it further enacted, That the condition and proportion of such Allowances, Compensations, Remunerations, or Superannuations, be as follows :

Where any Officer shall be under 60 years of age, it shall not be lawful to grant any such Allowance, Compensation, Remuneration, or Superannuation, unless upon Certificate from the Heads of the Department to which such Officer belongs, that such Officer is incapable, from infirmity of mind or body, to discharge the duties of his Office ; in which case, if he shall have served with diligence and fidelity in the Public Service for 10 years, it shall and may be lawful to grant to him, by way of Superannuation, any Annual Sum not exceeding one-third of the Salary and Emoluments of his Office :

If above 10 years, and less than 20, any such Sum not exceeding one half of such Salary and Emoluments :

If above 20 years, any such Sum not exceeding two-thirds of such Salary and Emoluments :

If such Officer shall be above 60 years of age, and he shall have served 15 years or upwards, it shall and may be lawful, although there shall be no such Certificate of incapacity from infirmity of body or mind, to grant to him, by way of Superannuation, any annual Sum not exceeding two-thirds of the Salary and Emoluments of his Office :

If 65 years of age or upwards, and he shall have served 40 years or upwards, any such Sum not exceeding three-fourths of such Salary and Emoluments :

If 65 Years of age or upwards, and he shall have served 50 years or upwards any such Sum not exceeding the whole of such Salary and Emoluments.

**XIII.** And whereas an Act was passed in the 22d Year of the Reign of His present Majesty, [Cap. 82.] intituled *An Act for enabling His Majesty to discharge the Debt contracted upon His Civil List Revenues, and for preventing the same from being in arrear for the future, by regulating the mode of Payments out of the said Revenues, and by suppressing or regulating certain Offices therein mentioned, which are now paid out of the Revenues of the Civil List* : And whereas it is expedient that the said Act should be amended so far as respects Pensions to Persons who shall have served the Crown in Foreign Courts, after the expiration of their Services ; \* be it therefore enacted, That no Pension or Allowance shall be granted to any Person, for or on account of having served the Crown in Foreign Courts, within less than 10 years from the date of his first Appointment in such Service, during which time he shall have served not less than 3 years ; and no such Allowance shall exceed £2,000 per annum ; and every such Allowance shall abate if such Person shall be appointed to any Civil Office or Employment under the Crown of equal or greater amount, and shall also be subject to a proportionate abatement if the value of any such Office or Employment should be less than the amount of such Allowance as aforesaid.

**XIV.** Provided always, and be it further enacted, That before any such Pension or Allowance shall be granted, the Person in whose favour the same shall be granted shall not be less than 35 years of age ; and His Majesty's Secretary of State for Foreign Affairs shall transmit to the Treasury a Certificate under his hand, that such Person has not within such 10 years declined serving as a Foreign Minister, except for sufficient cause, in any rank or station equal or superior to

\* See Act 51 Geo. 3. cap. 21. page 569.



carrying into execution the purposes aforesaid that the said recited Act, passed in the 50th Year of the Reign of His late Majesty, should

that in which he had last served, which Certificate shall be recited in the Grant of such Pension or Allowance.

*ACT 51 Geo. 3. Cap. 21 — An Act to explain and amend an Act, passed in the Fiftieth Year of His Majesty's Reign, intituled, "An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, shall be annually laid before Parliament; and to regulate and controul the granting and Pay of such Salaries, Pensions, and Allowances;" so far as respects the Grant of Pensions or Allowances by His Majesty to Persons who previously to the passing of the said Act had served the Crown in Foreign Courts.*

[May 6, 1811.]

WHEREAS an Act was passed in the last Session of the present Parliament, intituled, *An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, shall be annually laid before Parliament; and to regulate and controul the granting and paying of such Salaries, Pensions, and Allowances*: And whereas in and by the 13th Section of the said Act, after reciting that an Act was passed in the 22d Year of the Reign of His present Majesty, intituled, *An Act for enabling His Majesty to discharge the Debt contracted upon His Civil List Revenues, and for preventing the same from being in Arrear for the future, by regulating the Mode of Payments out of the said Revenues, and by suppressing or regulating certain Offices therein mentioned, which are now paid out of the Revenues of the Civil List*; and further reciting, that it was expedient that the said Act should be amended, so far as respects Pensions to Persons who should have served the Crown in Foreign Courts, after the expiration of their Services, it was enacted, That no Pension or Allowance should be granted to any Person, for or on account of having served the Crown in Foreign Courts, within less than 10 years from the date of his first Appointment in such Service, during which time he shall have served not less than 3 years, and no such Allowance should exceed £2,000 per annum, and every such Allowance should abate, if such Person should be appointed to any Civil Office or Employment under the Crown, of equal or greater amount, and should also be subject to a proportionate abatement if the value of any such Office or Employment should be less than the amount of such Allowance as aforesaid: And whereas by the 14th Section of the said Act hereby amended, it was provided and further enacted, That before any such Pension or Allowance should be granted, the Person in whose favour the same should be granted should not be less than 35 years of age; and His Majesty's Secretary of State for Foreign Affairs should transmit to the Treasury a Certificate under his hand, that such Person has not within such 10 years declined serving as a Foreign Minister, except for sufficient cause, in any Rank or Station equal or superior to that in which he had last served, which Certificate should be recited in the Grant of such Pension or Allowance: And whereas the said Provisions of the said Act, hereby amended, do, in terms, extend as well to Persons who previously to the passing of the said Act, had served the Crown in Foreign Courts, as to those who might serve after the passing of the said Act: And whereas such Persons who, previously to the passing of the said Act, had served the Crown in Foreign Courts, may have engaged in such Employment upon the faith of the usage with respect to the grant of Allowances by His Majesty after the expiration of their Services, which is recited and confirmed in the said Act of the 22d Year of His present Majesty; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

be amended, as far as respects such Superannuation Allowances: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the 5th day of July 1822, in lieu and instead of the several proportions of Salaries and Emoluments, which under the Provisions of the said recited Act are authorized to be granted as Superannuation Allowances, after the respective periods of Service therein specified, the Proportions of such Salaries and Emoluments, and the respective periods of Service after which the same may be granted as Superannuation Allowances shall, after the said 5th day of July 1822, with such exception only as herein-after is authorized and directed, be as follows; that is to say,

To any Officer or Person, who shall have served for 10 years and upwards, and not exceeding 15 years,				Any annual Allowance, not exceeding in amount 4-12ths of the annual Salary and Emoluments of his Office or Employment;	
Ditto	15	and not exceeding	20	.....	5-12ths of ditto.
Ditto	20	ditto	25	.....	6-12ths of ditto.
Ditto	25	ditto	30	.....	7-12ths of ditto.
Ditto	30	ditto	35	.....	8-12ths of ditto.
Ditto	35	ditto	40	.....	9-12ths of ditto.
Ditto	40	ditto	45	.....	10-12ths of ditto.
Ditto	45	ditto	50	.....	11-12ths of ditto.
Ditto 50 and upwards				Any Annual Allowance not exceeding the Net Amount of the Salary and Emoluments of his Office or Employment, after making a deduction therefrom equal in amount to the deduction or contribution to which such last mentioned Salary and Emoluments is or are made liable, for the purpose of creating a Superannuation Fund under the Provisions of this Act;	

and all such Salaries and Emoluments shall for the purpose of estimating the amounts of Superannuation Allowances to be granted in respect thereof, be calculated upon the amount of the pecuniary Emoluments made chargeable with the respective deductions and

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Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said Act, hereby amended, shall have no application to Persons who previously to the passing of the said Act had served the Crown in Foreign Courts; and that nothing in the said amended Act contained shall be construed in any wise to alter or affect the said Act of the 22d Year of His present Majesty, so far as respects the grant of Allowances by His Majesty to Persons who, previously to the passing of the said Act, had served the Crown in Foreign Courts.

payments which are by this Act required to be made for the creating the Superannuation Fund to be formed under the Provisions thereof.

II. Provided always, and be it enacted, That no Person to be hereafter superannuated under the Provisions of this Act shall claim or be allowed the benefit of any period of Service after the 5th day of July 1822, except for the period during which such Person may have contributed to the Fund created and established by this Act, unless the Salary received by such Person, during the period for which he did not contribute, was not of an amount which would, under the terms of this Act, have subjected it to any contribution.

III. And be it further enacted, That from and after the 5th day of July 1822, no Superannuation Allowance shall be granted by any Public Department whatever, other than under the Authority of an Order of His Majesty in Council, or by the Commissioners of His Majesty's Treasury of The United Kingdom of Great Britain and Ireland, or any three or more of them; any thing in the said recited Act of the 50th Year aforesaid to the contrary notwithstanding.

IV. Provided always, and be it further enacted, That it shall not be lawful to grant any such Superannuation Allowance to any Officer who shall be under 65 years of age, unless upon certificates from the Heads of the Department to which any such Officer shall belong, and from two Medical Practitioners, that he is incapable, from infirmity of mind or body, to discharge the duties of his Situation, nor unless he shall have discharged the duties of his Situation with diligence and fidelity, to the satisfaction of the Head Officers or Head Officer of the Office or Department to which he shall belong, to be certified by any two of such Head Officers (if there shall be more than one) or by such Head Officer (if only one), and in case the Person claiming any such Superannuation Allowance shall himself be one of the Head Officers, or the Head Officer, then such Superannuation Allowance shall not be granted, unless he shall have discharged the duties of his Situation with diligence and fidelity, to the satisfaction of the Commissioners of the Admiralty (if such Head Officer or Person shall hold any Office or Situation under the controul of that Department), and in all other cases to the satisfaction of the Commissioners of the Treasury; and the said Commissioners of the Admiralty and Treasury respectively shall express such satisfaction in their Minute recommending or directing the grant of any such Superannuation Allowance.

V. And be it further enacted, That in any case in which it shall appear to the Commissioners of His Majesty's Treasury, that any special circumstances give to any Officer a just claim to any amount of Superannuation Allowance not authorized by this Act, or exceeding the Allowance specified therein, within reference to the actual length of Service of such Officer, it shall be lawful for the Commissioners of His Majesty's Treasury, and they or any three or more of them are

hereby empowered and authorized, to grant or to give authority for the granting of any Special Superannuation: Provided always, that the grounds upon which any such Special Superannuation shall be granted or authorized, shall be stated in the Grant thereof, or the authority for granting the same, and also entered in the Minutes of the Treasury, and shall also be laid before Parliament, within one month after the 5th day of January in each year, if Parliament shall be then sitting, or if Parliament shall not then be sitting, then within one month after the then next Meeting of Parliament.

VI. And be it further enacted, That an Account shall be made up to the 5th day of January in each year, specifying the total amount of Superannuation Allowances payable under the Provisions of this Act in each Department, on the 5th day of January in the preceding year, the name of every Person receiving such Allowance who may have died in the course of the year, together with the annual amount of the Allowance which was payable to such Person, and also the name of every Person to whom a Superannuation Allowance may have been granted in the course of the year, and the annual amount of such Allowance; and such Account shall be laid before Parliament on or before the 25th day of March in each year, if Parliament shall be then sitting, or if Parliament shall not be then sitting, then within one month after the then next sitting of Parliament.

VII. And be it further enacted, That this Act shall extend to all such Civil Offices and Departments in The United Kingdom as are set forth and enumerated in the Schedule to this Act annexed, with such exceptions as are specified in the said Schedule: Provided always, that it shall be lawful for the said Commissioners of His Majesty's Treasury, by any Order or Warrant signed by the said Commissioners or any three or more of them, to add to the List of Offices and Departments enumerated in the Schedule to this Act, any other Offices or Departments which now exist or which may hereafter be created or established, and to place the same, and the Officers and Persons belonging thereto or employed therein, under the Provisions of this Act; provided that in every such case the reasons for adding any such Office or Department shall be stated in such Order or Warrant, and a Copy of every such Order or Warrant shall be laid before Parliament within one month after the signing thereof, if Parliament shall be then sitting, or if Parliament shall not then be sitting, then within one month after the then next sitting of Parliament; and all the Provisions of this Act, and all the powers, authorities, regulations, restrictions, and clauses therein contained, shall in every such case apply and be put in force as to every Office and Department so added as aforesaid to the List contained in the Schedule to this Act annexed, as fully and effectually, to all intents and purposes, as if the said Offices or Departments had been specified and enumerated in the said List.



VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to, or authorize the adding to such List any Offices held under Military or Naval Commissions, entitling the Officers or Persons holding the same to Half-pay; or any Military or Naval Allowances in lieu of or in addition to Half-pay, allowed, granted, or paid, or which may hereafter be granted or paid, under the regulations of any Order of His Majesty in Council, to any Persons who may have served in His Majesty's Army, Navy, or Ordnance; or to any Officers in any of His Majesty's Courts at Westminster or Dublin, or any other of His Majesty's Courts of Justice elsewhere; or to any of the principal Officers of His Majesty's Receipt of the Exchequer, whose Offices are or may hereafter be directed to be abolished or regulated upon the termination of the existing interests therein; or to any Offices in relation to which the granting of any Allowances for past Service has been specially regulated by any Act of Parliament made for the special regulation of any such Allowance; or to any Offices held as Sinecures, or executed principally by Deputy.

IX. Provided always, and be it further enacted, That in case any Person who shall at the time of the passing of this Act hold any Office in respect of which any Allowance is authorized to be granted under an Act passed in the 57th Year of the Reign of His said late Majesty, [Cap. 65.] intituled *An Act to enable His Majesty to recompense the Services of Persons holding, or who have held, certain high and efficient Civil Offices*, and who shall, at any time previously to his appointment to such Office, have held any other Office or Offices, or Situation or Situations, in respect of which any Superannuation Allowance might have been granted for service therein, under the Provisions of the said recited Act of the 50th Year of His late Majesty; and in case such Person shall, within six months after the passing of this Act, signify his desire to the Head or Heads of the Department to which he shall belong, to contribute to the Superannuation Fund to be created under the Provisions of this Act, and who shall thereupon contribute to such Fund, from the 5th day of July, 1822, in manner in this Act directed, then and in every such case the Person so contributing shall be entitled to reckon the period of his former services, together with that of his service in the Office held at the time of the passing of this Act, and may, in pursuance thereof, be entitled to receive such amount of Superannuation Allowance as is authorized by the Provisions of this Act; provided always, that in every case in which any such Officer or Person shall retire from or quit any such Office, under any circumstances which will not authorize the grant of any Superannuation Allowance under the Provisions of this Act, such Officer or Person shall be entitled to a return of all Money deducted from and contributed by him under the Provisions of this Act, but without any Interest thereon.

X. And be it further enacted, That all Salaries and Emoluments of Officers and Persons to whom Superannuation Allowances may be granted under the Provisions of this Act shall be and are hereby charged with such Deductions and Payments as are herein-after specified, in proportion to the annual amount of the Salary and Emoluments of each Office or Employment; (that is to say), Upon and in respect of any Office or Employment, the Salary and Emoluments of which shall in the whole amount to £100 and be less than £200 per annum, a Deduction at and after the rate of £2 : 10s. per centum per annum upon the amount of such Salary and Emoluments; and upon and in respect of every Office or Employment, the Salary and Emoluments of which shall amount to £200 per annum and upwards, a Deduction at and after the rate of £5 per centum per annum upon so much of the Salary and Emoluments of the Person holding any such Office or Employment as may have been or may hereafter be fixed or authorized as the future and permanent Salary and Emoluments of any such Office or Employment, according to any Regulations heretofore, or which may hereafter be sanctioned by Parliament, or which may be made by His Majesty in Council, or by the Commissioners of His Majesty's Treasury, or any three or more of them, for the Department in or to which any such Office or Employment may belong; and a Deduction at and after the rate of £10 per centum per annum upon any excess of Salary and Emoluments which any such Officer or Person, now holding and executing the duties of such Office or Employment, may be allowed to continue to receive, and be in the receipt of, in respect of any such Office or Employment, beyond the amount of Salary and Emolument which may have been or may be so fixed and regulated as aforesaid, as the future and permanent Salary of such Office or Employment; and all such Charges, Deductions, and Payments shall be made upon the amount of Salary and Emoluments received in the proportions herein-before mentioned, and shall go to and be applied in the creating, raising, and maintaining a Superannuation Fund, under the Provisions of this Act; and all such Deductions and Payments respectively shall commence and take effect from and after the 5th day of July, 1822.

XI. And be it further enacted, That if any Person shall hold Two or more Offices giving a claim to a Superannuation Allowance, the amount of Contribution to be paid by such Person shall be estimated upon the total amount of the Salaries and Emoluments received by such Person in respect of both or all of such Offices.

XII. And be it further enacted, That all such charges upon and in respect of the Salaries and Emoluments of any Office or Employment, or upon any Officer or Person required by this Act to contribute to the creating, raising, and maintaining the Superannuation Fund to be created and raised under the Provisions of this Act, shall

be deducted by the respective Officers in each Department who shall pay such Salaries, and shall be accounted for and paid over in such manner, and at such times, and upon such orders and vouchers for the Deduction and Payment thereof, as shall be from time to time established in any such Department, with the sanction of the Commissioners of His Majesty's Treasury, or any three or more of them, in relation thereto; and all such charges as may arise upon any Emoluments of any Office or Employment, not being in the nature of Salary, but derived from Fees, Perquisites, or any other sources of Emolument, shall be accounted for and paid in each Quarter to some Officer or Person in such Department; and all such Payments shall be made, and such Vouchers given in respect thereof, and shall be accounted for and paid over by the Person receiving the same, in such manner, and under such Rules and Regulations as shall be established in that behalf in the Department in which the same shall be received, with the approbation of the Commissioners of the Treasury, or any three or more of them.

XIII. Provided always, and be it further enacted, That it shall be lawful for the Person or Persons at the Head of any Department in which any Fees, Perquisites, or other sources of Profit, may form part of the Emolument of any Office in such Department, to take, with the approbation of the Commissioners of His Majesty's Treasury, or any three or more of them, a Sum not exceeding the average amount of such Emoluments for three preceding years, and fix the amount to be paid towards the Superannuation Fund in respect thereof, upon a sum not exceeding such average; and in every such case the amount of payment so fixed shall be deducted from any Salary received by the Person holding such Office or Employment, and accounted for and paid over to the Superannuation Fund, in manner directed by this Act as to Deductions from Salaries.

XIV. Provided always, and be it further enacted, That in every case in which any Person who shall have contributed, by Deductions or Payment towards the Superannuation Fund established by this Act, shall die while holding any Office or Employment, or Offices or Employments, in respect of which any such Deduction or Payment shall have been made, the aggregate and full amount of the principal Sum of all Deductions and Payments which shall have been made from or by any such Person, in respect of any Office or Employment, or Offices or Employments which may have been held by any such Person as aforesaid, but without any Interest thereupon, shall be deemed part of the personal estate or property of the Person so dying, and shall be devisable as such, or distributed, in case no devise shall be made thereof, as personal estate; and the amount thereof shall be ascertained and certified by the Head Officers or Head Officer of the Department or Departments in which such Deductions or Payments shall have been made, within six months after the death of the Person so

dying, and paid to the Executors or Administrators of such Person out of the Superannuation Fund established under the Provisions of this Act, in such manner as shall be established by any Regulation which may be made from time to time by the Commissioners of His Majesty's Treasury, or any three or more of them, in that behalf: Provided also, that in case any Person who may have contributed to the same Superannuation Fund shall die after his resignation or removal from any Office, in respect of which he may have contributed to the said Fund, and without having received any allowance therefrom, it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit under the circumstances of the Case, to direct the aggregate amount of the Deductions and Payments which may have been made from or by such Person to be repaid as aforesaid to his Executors or Administrators.

XV. And be it further enacted, That in every case in which any Allowance hath been heretofore granted, or shall hereafter be granted to any Person upon retirement from any Office or Employment, in any case in which the Office or Employment shall have been or shall be upon such retirement abolished, or in which any arrangement shall have been or shall be made upon any such Retirement, producing a saving upon the Establishment of the Department in which such Office or Employment shall belong, equal to or exceeding the Allowance granted upon such Retirement, such Allowance shall be considered as a Compensation Allowance upon abolition of Office, and shall be paid wholly out of the Funds of the Department to which the Person so retiring shall have belonged, and no part thereof shall be charged upon or paid out of the Superannuation Fund established under the Provisions of this Act.

XVI. And be it further enacted, That one moiety of all Superannuation Allowances which shall or may be granted from and after the 5th day of July, 1822, shall be paid in the respective Offices and Departments in like manner, and out of such and the like Funds as heretofore, and the remaining moiety of all such Superannuation Allowances shall be paid out of the sums deducted and contributed under the regulations of this Act, for the payment of Superannuations, and for forming the Superannuation Fund to be created and established in pursuance thereof; and the surplus of the money so deducted and contributed (if any shall remain after payment of such last-mentioned moiety) shall be paid by the Officers or Persons respectively, who shall receive such Contributions in Great Britain, into the Bank of England, and by such Officers or Persons respectively as shall receive such Contributions in Ireland, into the Bank of Ireland; and the Cashier or Cashiers of the said Banks of England and Ireland respectively are hereby required to receive all such sums of money, and to place them in new and separate Accounts, to be raised in the Books of the



Governor and Company of the Bank of England, in the names of the Commissioners for the Reduction of the National Debt, and in the Books of the Governor and Company of the Bank of Ireland, in the name of the Vice-Treasurer of Ireland for the time being, under the title or denomination of "The General Superannuation Fund," of the Public Civil Departments of Government, established pursuant to an Act passed in the Third Year of the Reign of His Majesty King George the Fourth.

XVII. And be it further enacted, That the Head Officers or Head Officer (in case there shall be only one) of every Office or Department wherein any Superannuation Allowance shall be payable under the Provisions of this Act, shall, within thirty days after the expiration of every Quarter of a year, transmit or cause to be transmitted, in Duplicate, to the Commissioners of His Majesty's Treasury, a Statement, containing the aggregate amount of all Salaries, Allowances, Fees, or other Emoluments, payable in respect of the preceding Quarter, to the several Persons employed in such Department, and subject to Deduction or Contribution for the purposes of this Act, and also containing the aggregate amount of the Sums deducted or contributed therefrom, in respect of such Quarter, and also containing the aggregate amount of the Superannuation Allowances payable in respect of the same Quarter in such Department, distinguishing such Superannuation Allowances as shall have been granted subsequently to the 5th day of July, 1822; and every such Statement shall be according to such form or forms, and under such Regulations as shall from time to time be directed or approved by the Commissioners of His Majesty's Treasury, or any three or more of them, for the time being; one of which Duplicate Statements shall, as soon as conveniently may be, after the same shall be received by the Commissioners of His Majesty's Treasury, be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in England, and to the Vice-Treasurer in Ireland.

XVIII. And be it further enacted, That in case and whenever the aggregate amount of Superannuation Allowances payable in any Quarter of the year, in any Office or Department, and which shall have been granted subsequently to the 5th day of July, 1822, shall exceed the aggregate amounts of the Sum payable by virtue of this Act out of the public Funds of the said Office or Department, and also of the sums to be deducted or contributed from the Salaries and Emoluments of the respective Officers or Persons employed therein, taken together, then and in every such case the Commissioners of His Majesty's Treasury, shall by Warrant under the hands of any three or more of them, authorize and empower the Head Officers if more than one, or in cases where there shall be only one, then the Head Officer of every such Office or Department wherein any such Excess shall occur, to draw

upon the Commissioners for the Reduction of the National Debt in England, or upon the Vice-Treasurer in Ireland, as the case may require, for the amount thereof, and shall also by another Warrant under the hands of any three or more of them, authorize the said last-mentioned Commissioners and Vice-Treasurer respectively, to issue or pay to the proper Officer of such Office or Department, out of the General Superannuation Fund under their management, the amount of such Excess ; and in every such case it shall be lawful for such Head Officers or Head Officer, by any Draft or Writing under the hands of not less than two of such Head Officers (if more than one) or under the hand of such Head Officer (where there shall be only one) attested by two or more credible Witnesses, to draw upon the Commissioners for the Reduction of the National Debt in England, or upon the Vice-Treasurer in Ireland, as the Case may require, for such a sum of money as shall be necessary to provide for the said Excess in the aggregate amount of such Superannuation Allowances payable in respect of such Quarter in the said Office or Department, over and above the aggregate amounts of the said respective sums by this Act made applicable in such Quarter to the payment thereof ; and every such Draft shall be drawn in such form as the Commissioners of His Majesty's Treasury, or any three or more of them for the time being, shall from time to time direct or approve, and shall be made payable to such Person or Persons as shall be specially appointed for the purpose in such Office or Department, in the manner hereinafter directed ; and the Comptroller General or other Chief Officer of the said Office of the Commissioners for the Reduction of the National Debt or his Assistant in England, and such Officer as shall be specially appointed for that purpose in the Office of the Vice-Treasurer in Ireland, shall, within seven days after the receipt of any such Draft respectively, indorse thereupon an Order under his hand, and in such form as shall or may from time to time be directed by the Commissioners for the Reduction of the National Debt in England, and the Vice-Treasurer in Ireland respectively, with the approbation of the Commissioners of His Majesty's Treasury, or any three or more of them, for the payment of the sum mentioned in the said Draft ; and every Order for the payment of any such Draft, if in England, shall be countersigned by the Principal Accountant of the Cheque Department in the Office of the said Commissioners for the Reduction of the National Debt or his Chief Clerk, and in Ireland by such Officer or Officers as shall be appointed by the Commissioners of His Majesty's Treasury, or any three or more of them, for that purpose, who is and are hereby respectively required to make an entry of every such Draft, and of the Order thereupon, in Books to be kept in the said respective Offices of the Commissioners for the Reduction of the National Debt in England, and of the Vice-Treasurer in Ireland for that purpose ; and such Orders respectively

shall be addressed to the Cashiers of the Governor and Company of the Bank of England, or of the Bank of Ireland, as the Case may require; and such Cashiers or one of them shall, upon the production of such Drafts and Orders, pay the Sums specified and directed therein respectively to the Person or Persons named therein, whose Receipt or Receipts shall be a sufficient discharge to the respective Governors and Companies of the Banks of England and Ireland, and also to the Commissioners for the Reduction of the National Debt and the Vice-Treasurer of Ireland respectively; and all and every sum and sums of money which shall be received in pursuance of any such Drafts and Orders as aforesaid, shall be paid and applied in discharge of the Superannuation Allowances, in the Office or Department in respect whereof such Drafts and Orders shall be drawn.

XIX. And be it further enacted, That before any such Draft as aforesaid shall be drawn by the Head Officers or Head Officer (as the case may be) of any Office or Department, upon the Commissioners for the Reduction of the National Debt in England, or upon the Vice-Treasurer in Ireland, for any sum or sums of money required for the payment of any Superannuation Allowances under the Provisions of this Act, such Head Officers or Head Officer (where there shall be only one) of every such Department, shall by some Deed or Instrument, under the hands and seals of two or more of them (if more than one) or under the hand and seal of such Head Officer (where there shall be only one) and attested by two credible Witnesses, nominate and appoint some Person or Persons, who shall be then serving or employed in such Department, to receive such sum or sums of money as shall or may from time to time be payable at the Banks of England or Ireland respectively, under any Orders of the Comptroller General, or other Chief Officer in the Office of the Commissioners for the Reduction of the National Debt in England or his Assistant, or of the Person appointed for that purpose in the Office of the Vice-Treasurer in Ireland; and every such Deed or Instrument shall in England be produced and deposited in the Office of the said last-mentioned Commissioners, and in Ireland at and in the Office of the Vice-Treasurer there, seven days at least before any Order shall be issued from the said Offices respectively for the payment to the Person or Persons therein named, of any sum or sums of money on account of such Department: Provided always, that it shall be lawful for the Head Officers or Head Officer for the time being of any Office or Department wherein any such Appointment shall have been made, from time to time as often as they or he shall think fit and circumstances may require, by any Deed or Instrument to be executed and attested as herein-before is directed, to revoke any such Nomination or Appointment as aforesaid, which shall have been made either by themselves or himself, or by any of their or his Predecessors or Predecessor in the Office, and by the



same Deed or Instrument to make any new Appointment for the purposes and in the manner herein-before directed; and every such new Appointment shall, from the time to be specified therein, supersede the Appointment then in force, and shall from time to time, as the Case may require, be produced at and deposited in the respective Offices of the Commissioners for the Reduction of the National Debt in England, or of the Vice-Treasurer in Ireland, in the manner herein-before directed.

XX. And be it further enacted, That after satisfying the Claims to which the said General Superannuation Fund shall or may, under the Provisions of this Act, be subject at the end of every Quarter of a year, the Surplus (if any) which shall be remaining of the said Fund at the Bank of England or Bank of Ireland, shall be invested by or under the directions of the said Commissioners for the Reduction of the National Debt in England, and by or under the directions of the Vice-Treasurer in Ireland, in some of the Public Annuities payable at the Bank of England or Ireland respectively, or in Exchequer Bills, as the said Commissioners or Vice-Treasurer respectively shall deem most expedient; and the Dividends or Interest arising therefrom shall be carried to and form part of the said General Superannuation Fund, standing in the Names of the Commissioners for the Reduction of the National Debt at the Bank of England, or in the Name of the Vice-Treasurer of Ireland at the Bank of Ireland; and so much of the said Dividends or Interest as shall not be required to be issued in discharge of any such Drafts as aforesaid, under the Provisions of this Act, shall from time to time be laid out and invested, by or under the direction of the said Commissioners and Vice-Treasurer respectively, in like Public Annuities or Exchequer Bills, for the accumulation and increase of the said General Fund, in the same manner as such Surplus Monies are herein directed to be laid out and invested; and in case there shall at any time be a deficiency of uninvested monies remaining in the names or name, and to the credit of the Accounts of the said Commissioners or Vice-Treasurer, in the Books of the Governors and Companies of the Banks of England or Ireland respectively, to answer the Drafts drawn upon the said Commissioners or Vice-Treasurer respectively, under the Provisions of this Act, then and in every such case it shall be lawful for the said Commissioners and Vice-Treasurer respectively, to cause so much of the respective Public Annuities or Exchequer Bills standing in their names on account of the General Superannuation Fund as may be necessary, to be sold out and disposed of, and to apply the monies to arise and be produced by such sale or sales for the purpose of making good such deficiency.

XXI. And be it further enacted, That the Vice-Treasurer of Ireland shall from time to time, whenever required so to do by the Commissioners of His Majesty's Treasury, or any three or more of them,



transmit Accounts of the execution of this Act, and of all matters and things relating thereto, in his execution of the powers thereof, in such manner and form, and containing such particulars, as shall from time to time be specified in that behalf by the Commissioners of His Majesty's Treasury, or any three or more of them.

XXII. And be it further enacted, That no Appointment, Certificate, Order, or Receipt, made or given under the Provisions of this Act, shall be liable to any Stamp Duty whatever; any thing in any Act or Acts of Parliament in force in Great Britain or Ireland to the contrary in anywise notwithstanding.

XXIII. And be it further enacted, That if any Person or Persons shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in forging, counterfeiting, or altering, any Certificate or Certificates, or any Order or Orders for any payment to be made under this Act, or any Appointment or Appointments to be made under this Act, or any of them, or any Receipt or Receipts to be given by the Cashier or Cashiers of the Bank of England or Bank of Ireland in pursuance of this Act, or shall wilfully utter or deliver any such forged, counterfeited, or altered Certificate, Order, Appointment, or Receipt, to any Person or Persons in the execution of the powers of this Act, or shall utter any such forged, counterfeited, or altered Certificate, Order, Appointment, or Receipt, knowing the same to be forged, counterfeited, or altered, with intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, then and in every such Case all and every Person or Persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a Felon without benefit of clergy.

XXIV. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

*Schedule referred to in the foregoing Act.*

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Treasury.....	Lords of the Treasury and Two Joint Secretaries.
Office of Vice-Treasurer in Ireland..	The Vice Treasurer.
Office of Privy-Council, Great Bri- } tain and Ireland..... }	President of the Council.
Office of Committee for Trade .....	Vice-President of the Board of Trade.
Offices of Secretaries of State.....	Principal and Under Secretaries of State, subject to the Provisions of the Act with respect to Persons already appointed Under Secretaries.

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Office of Secretary for Ireland.....	The Chief Secretary.
Alien Office.	
State Paper Office.	
Office of Registrar of Slaves.	
Police Offices in London and Middlesex and Borough of Southwark.	
Commander in Chief's Office.....	Commander-in-Chief and his Secy.
Quarter Master General's Office ...	Officers acting under Military Commissions.
Adjutant General's Office .....	....Do.
War Office.....	Secretary at War.
Army Medical Board.	
Board of General Officers.....	Officers Acting under Military Commissions.
Officers and Servants of the Royal Military College .....	Officers or others holding Military Commissions and entitled to Half-Pay.
Officers and Servants of the Royal Military Asylum .....	
Judge Advocate General's Office...	
Army Pay Office.....	Judge Advocate General.
	Paymaster General.
	Master General.
	Lieutenant General.
	Surveyor General.
	Clerk of the Ordnance.
Ordnance Office.....	Clerk of the Cheque, and Principal Storekeeper.
	Secretary to Master General, and all Persons holding their Situations by Military Commissions.
	Treasurer of the Ordnance.
Barrack Office .....	Persons who being Military Officers may be entitled to Full or Half-Pay as such.
Chelsea and Kilmainham Hospitals	
Royal Military College.....	
Royal Military Asylum.....	
Admiralty.....	Lords of the Admiralty.
	Secretary.
	Second Secretary.
Navy Office.	
Navy Pay Office.....	The Treasurer.
Royal Marine Pay Office.	
Victualling Office.	
Tax Office.	
Customs, England,	
Ireland, and	
Scotland.	
Excise.....Do.	
Stamp Office, Great Britain and Ireland,	

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Post Office, Great Britain and Ireland.	The Postmasters General.
Royal Mint .....	The Master of the Mint.
Audit Office.	
Officers of the Commissioners for examining West India Accounts.	
Colonial Audit Office.	
Comptrollers of Army Accounts.	
National Debt Office.	
Lottery Office.	
Hackney Coach, and Hawkers' and Pedlars' Office.	
Offices of Auditors of Exchequer, } Great Britain and Ireland..... }	The Auditors.
Office of Pells, Great Britain and } Ireland .....	Clerk of the Pells.
Offices of Tellers of the Exchequer, } Great Britain and Ireland .... }	The Tellers.
Tally Office.	
Exchequer Bill Office.	
Stationery Office.	
Office of Woods and Forests.	
Office of Auditors of Land Revenue.	Offices held under Patent.
Office of Commissioners of Military Accounts in Ireland.	
Office of Commissioners of Civil Accounts in Ireland.	
Commissariat in Ireland .....	Persons holding Commissions entitling them to Half-Pay.
Board of Works in Ireland .....	The Commissioners.
British and Irish Fishery.	
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<i>Added by Treasury Warrants under the 7th Section of the above Act.</i>	
His Majesty's Consuls Abroad.	
Officers of the Naval College and School for Architecture.	
Clerks of the Audit Office, Court of Exchequer, Scotland.	
Army Medical Office, Ireland.	
Department of the Commander of the Forces, Ireland.	
Department of the Board of General Officers, Ireland.	

*ACT of the British Parliament, to amend an Act of the Third Year of His present Majesty, respecting Superannuation Allowances.*

[Cap. 104.]

[June 24, 1824.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled, "*An Act to amend an Act passed in the 50th Year of His late Majesty, for directing that Accounts of Increase and Diminution of Public Salaries, Pensions and Allowances, shall be annually laid before Parliament, and for regulating and controlling the granting and paying such Salaries, Pensions and Allowances :*"

And whereas it is expedient that certain of the Provisions in the said Act passed in the Third Year of His present Majesty, relative to a Fund towards the payment of Superannuation Allowances, and also relative to the charging one moiety only of such Superannuation Allowances on the Funds of Departments, should be repealed; May it therefore please Your Majesty, That it may be enacted; and be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, all such parts of the said Act of the Third Year of His present Majesty, as charge the Salaries and Emoluments of Persons to whom Superannuation Allowances may be granted under the Provisions of that Act, with any deductions or payment by way of Contribution, for the purpose of creating, raising, and maintaining a Superannuation Fund, towards the payment of such Superannuation Allowances; and all regulations and provisions whatever, relative to such deductions or payments, or to the management thereof, and also all such parts of the said Act, as charge the Funds of Public Departments or Offices with one moiety only of such Superannuation Allowances, as may be granted to any Officers or Persons serving therein, or belonging thereto respectively, shall be and the same are hereby repealed, and made void.

II. And be it further enacted, That from and after the passing of this Act the whole of every such Superannuation Allowance, as may have been or may be granted under the Provisions of the said recited Act, shall be charged upon, and made payable out of the Funds of the respective Departments or Offices in which the Persons receiving such Allowances shall have served, in such and the same manner as the moieties of such Superannuation Allowances are, by the same Act, charged and made payable.

III. And be it further enacted, That all and every sum and sums of money which, under the Provisions of the said recited Act, shall have been contributed and paid by, or which shall have been deducted from the Salaries or Emoluments of any such Officers or Persons, shall be



repaid to all such Officers and Persons respectively, or to the Executors or Administrators of such of them as may be deceased, in such manner and form as the Commissioners of His Majesty's Treasury, or any three or more of them, shall from time to time direct; and the Commissioners for the reduction of the National Debt, and the Heads of all Offices and Departments respectively, shall duly observe and perform all such orders, rules and regulations, as the Commissioners of His Majesty's Treasury, or any three or more of them, may from time to time prescribe for their guidance, in repaying to the several Officers or Persons aforesaid, or the Executors or Administrators of such of them as may be deceased, all such sum and sums of money as they may be respectively entitled to receive under the Provisions of this Act.

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*SPEECH of the Lords Commissioners on the Closing of the  
British Parliament, on Saturday, July 19, 1823.*

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MY LORDS, AND GENTLEMEN,

WE are commanded by His Majesty, in releasing you from your attendance in Parliament, to express to you His Majesty's acknowledgments for the zeal and assiduity, wherewith you have applied yourselves to the several objects, which His Majesty recommended to your attention at the Opening of the Session.

His Majesty entertains a confident expectation, that the provisions of internal regulation which you have adopted with respect to Ireland, will, when carried into effect, tend to remove some of the evils which have so long afflicted that part of the United Kingdom.

We are commanded to assure you, that you may depend upon the firm and temperate exercise of those powers which you have intrusted, to His Majesty, for the suppression of violence and outrage in that Country, and for the protection of the lives and properties of His Majesty's loyal Subjects.

It is with the greatest satisfaction that His Majesty is enabled to contemplate the flourishing condition of all Branches of our Commerce and Manufactures, and the gradual abatement of those difficulties under which the Agricultural Interest has so long and so severely suffered.

GENTLEMEN OF THE HOUSE OF COMMONS,

WE have it in command from His Majesty to thank you for the Supplies which you have granted for the service of the year, and to assure you that He has derived the sincerest pleasure from the relief which you have been enabled to afford to His People by a large Reduction of Taxes.

MY LORDS, AND GENTLEMEN,

His Majesty has commanded us to inform you, that He continues to receive from all Foreign Powers the strongest assurances of their friendly disposition towards this Country.

Deeply as His Majesty still regrets the failure of His earnest endeavours to prevent the interruption of the Peace of Europe, it affords Him the greatest consolation that the principles upon which He has acted, and the policy which He has determined to pursue, have been marked with your warm and cordial concurrence, as consonant with the interests, and satisfactory to the feelings of His People.

*CONVENTION of Navigation and Commerce between The United States and France.—Signed at Washington, the 24th of June, 1822.*

WHEREAS a Convention of Navigation and Commerce between The United States of America and His Majesty The King of France and Navarre, together with Two Separate Articles annexed to the same, was concluded and signed at Washington on the 24th day of June last past, by the respective Plenipotentiaries of the Two Powers; and whereas the said Convention and the First Separate Article annexed to the same, have been duly and respectively ratified by me, and by His Majesty The King of France and Navarre, and the Ratifications of the same have this day been exchanged at the City of Washington, by John Quincy Adams, Secretary of State, and the Count Julius de Menou, Chargé d'Affaires of France, which Convention, and the First Separate Article annexed to the same, are in the words following, to wit:

*Convention de Navigation et de Commerce entre Sa Majesté Le Roi de France et de Navarre, et Les Etats Unis d'Amérique.*

Sa Majesté Le Roi de France et de Navarre et Les Etats Unis d'Amérique, désirant régler les relations de Navigation et de Commerce entre leur Nations respectives par une Convention Temporaire réciproquement avantageuse et satisfaisante, et arriver ainsi à un arrangement plus étendu et

*Convention of Navigation and Commerce between The United States of America and His Majesty The King of France and Navarre.*

The United States of America and His Majesty The King of France and Navarre, being desirous of settling the relations of Navigation and Commerce between their respective Nations, by a Temporary Convention reciprocally beneficial and satisfactory, and thereby of leading to a more

durable, ont respectivement donné leurs Pleins-Pouvoirs, savoir : Sa Majesté Très Chrétienne au Baron Hyde de Neuville, Chevalier de l'Ordre Royal et Militaire de St. Louis, Commandeur de la Légion d'Honneur, Grand Croix de l'Ordre Royal Américain d'Isabelle la Catholique, Son Envoyé Extraordinaire et Ministre Plenipotentiaire près Les Etats Unis ; et Le Président des Etats Unis, à John Quincy Adams, leur Secrétaire d'Etat, lesquels, après avoir échangé leur Pleins-Pouvoirs, sont convenus des Articles suivants :

**ARTICLE I.**—Les produits naturels ou manufacturés des Etats Unis, importés en France sur Bâtiments des Etats Unis, payeront un droit additionnel qui n'excédera point 20 francs par tonneau de marchandise, en sus des droits payés sur les mêmes produits naturels ou manufacturés des Etats Unis quand ils sont importés par Navires Français.

**II.**—Les produits naturels ou manufacturés de La France importés aux Etats Unis sur Bâtiments Français payeront un droit additionnel qui n'excédera point 3 dollars, 75 cents, par tonneau de marchandise, en sus des droits payés sur les mêmes produits naturels ou manufacturés de France, quand ils sont importés par Navires des Etats Unis.

**III.**—Aucun droit différentiel

permanent and comprehensive arrangement, have respectively furnished their Full Powers in manner following, that is to say : The President of The United States to John Quincy Adams, their Secretary of State : and His Most Christian Majesty, to The Baron Hyde de Neuville, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honour, Grand Cross of the Royal American Order of Isabella the Catholic, His Envoy Extraordinary and Minister Plenipotentiary near The United States ; who, after exchanging their Full Powers, have agreed on the following Articles :

**ARTICLE I.**—Articles of the growth, produce, or manufacture of The United States imported into France in Vessels of The United States, shall pay an additional duty, not exceeding 20 francs per ton of merchandize, over and above the duties paid on the like articles, also of the growth, produce, or manufacture of The United States, when imported in French Vessels.

**II.**—Articles of the growth, produce, or manufacture of France, imported into The United States in French Vessels, shall pay an additional duty, not exceeding 3 dollars, and 75 cents, per ton of merchandize, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture of France, when imported in Vessels of The United States.

**III.**—No discriminating duty

ne sera levé sur les produits du sol et de l'industrie de France, qui seront importés par Navires Français dans les Ports des Etats Unis pour transit ou ré-exportation : il en sera de même dans les Ports de France pour les produits du sol et de l'industrie de l'Union qui seront importés pour transit ou ré-exportation par Navires des Etats Unis.

IV.—Les quantités suivantes seront considérées comme formant le tonneau de marchandise pour chacun des articles ci-après spécifiés :

Vins—Quatre barriques de 61 gallons chaque, ou 244 gallons de 231 pouces cubes, mesure Américaine.

Eaux de vie, et tous autres liquides, 244 gallons.

Soieries et toutes autres marchandises sèches, ainsi que tous autres articles généralement soumis au mésurage, 42 pieds cubes, mesure Française, en France ; et 50 pieds cubes, mesure Américaine, aux Etats Unis.

Cotons—804lb. avoir du poids, ou 365 kilogrammes.

Tabacs—1600lb. avoir du poids, ou 725 kilogrammes.

Potasse et Perlasse 2240lb. avoir du poids, ou 1016 kilogrammes.

Riz—1600lb. avoir du poids ou 725 kilogrammes : Et pour tous les articles non spécifiés et qui se présentent, 2240lb. avoir du poids, ou 1016 kilogrammes.

V.—Les droits de tonnage, de phare, de pilotage, droits de port,

shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the Ports of The United States for transit or re-exportation : nor shall any such duties be levied upon the productions of the soil or industry of The United States, imported in Vessels of The United States into the Ports of France for transit or re-exportation.

IV.—The following quantities shall be considered as forming the ton of merchandize for each of the articles hereinafter specified :

Wines—Four 61 gallon hogsheds, or 244 gallons of 231 cubic inches, American measure.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, 42 cubic feet, French, in France ; and 50 cubic feet, American measure, in The United States.

Cotton 804lb. avoirdupois, or 365 kilogrammes.

Tobacco, 1600lbs. avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240lbs. avoirdupois, or 1,016 kilogrammes.

Rice, 1600lbs. avoirdupois, or 725 kilogrammes ; and for all weighable articles, not specified, 2,240lb. avoirdupois, or 1016 kilogrammes.

V.—The duties of tonnage, light money, pilotage, port charges,



courtage, et tous autres droits sur la Navigation Etrangère, en sus de ceux payés respectivement par la Navigation Nationale dans les Deux Pays, autre que ceux spécifiés dans les Articles I. et II. de la présente Convention, n'excéderont pas, en France, pour les Batimens des Etats Unis, 5 francs par tonneau, d'après le registre Américain du Batiment, ni pour les Batimens Français aux Etats Unis, 94 cents par tonneau, d'après le passeport François du Batiment.

VI.—Les Parties Contractantes désirant favoriser mutuellement leur Commerce, en donnant dans leurs Ports toute assistance nécessaire à leurs Batimens respectifs, sont convenues que les Consuls et Vice-Consuls pourront faire arrêter les Matelôts, faisant partie des Equipages des Batimens de leurs Nations respectifs, qui auraient déserté des dits Batimens, pour les renvoyer et faire transporter hors du Pays. Auquel effet les dits Consuls et Vice-Consuls s'adresseront aux Tribunaux, Juges et Officiers compétens, et leurs feront par écrit, la demande des dits Déserteurs, en justifiant par l'exhibition des registres du Batiment ou rôle d'Equipage ou autres Documents Officiels que ces Hommes faisaient partie des dites Equipages; et sur cette demande ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits Consuls et Vice-Consuls pour la recherche, saisie et arrestation des susdits Déserteurs, lesquels seront même dé-

brokerage, and all other duties upon Foreign Shipping, over and above those paid by the National Shipping in the two Countries respectively, other than those specified in Articles I and II. of the present Convention, shall not exceed in France, for Vessels of The United States, 5 francs per ton of the Vessels American register; nor for Vessels of France in The United States, 94 cents per ton of the Vessels French passport.

VI.—The Contracting Parties, wishing to favour their mutual Commerce, by affording in their Ports every necessary assistance to their respective Vessels, have agreed that the Consuls and Vice Consuls, may cause to be arrested the Sailors, being part of the Crews of the Vessels of their respective Nations, who shall have deserted from the said Vessels, in order to send them back and transport them out of the Country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges, and Officers competent, and shall demand the said Deserters in writing, proving, by an exhibition of the Registers of the Vessel, or Ship's roll, or other Official Documents, that those Men were part of said Crews; and on this demand, so proved, (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of said Deserters, who shall even be de-

tenus et gardés dans les Prisons du Pays à leur réquisition, et à leurs frais, jusqu'à ce qu'ils aient trouvé une occasion de les renvoyer; mais s'il n'étaient renvoyé dans le délai de 3 mois, à compter du jour de leur arrestation, ils seront élargis et ne pourront plus être arrêtés pour la même cause.

VII.—La présente Convention Temporaire aura son plein effet pendant deux ans à partir du 1er Octobre prochain, et même après l'expiration de ce terme, elle sera maintenue jusqu'à la conclusion d'un Traité Définitif, ou jusqu'à ce que l'une des Parties ait déclaré à l'autre son intention d'y renoncer, laquelle déclaration devra être faite au moins six mois d'avance.

Et dans le cas où la présente Convention viendrait à continuer, sans cette déclaration par l'une ou l'autre Partie, les droits extraordinaires spécifiés dans les I. et II. Articles, seront, à l'expiration des dites deux années, diminués de part et d'autre d'un quart de leur montant, et successivement d'un quart du dit montant d'année en année, aussi longtems qu'aucune des Parties n'aura déclaré son intention d'y renoncer, ainsi qu'il est dit ci-dessus.

VIII.—La présente Convention sera ratifiée de part et d'autre, et les Ratifications en seront échangées dans l'espace d'une année à compter de ce jour, ou plutôt si faire se peut. Mais l'exécution de la dite Convention commencera dans les Deux Pays le 1er Octobre prochain, et aura son effet,

tained and kept in the Prisons of the Country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within 3 months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

VII.—The present Temporary Convention shall be in force for two years from the 1st day of October next, and even after the expiration of that term, until the conclusion of a Definitive Treaty, or until one of the Parties shall have declared its intention to renounce it; which declaration shall be made at least six months beforehand.

And in case the present Arrangement should remain without such declaration of its discontinuance by either Party, the extra duties specified in the 1st and 2d Articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and afterwards by one-fourth of the said amount from year to year, so long as neither Party shall have declared the intention of renouncing it as above stated.

VIII.—The present Convention shall be ratified on both sides, and the Ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said Convention shall commence in both Countries on the 1st of October next, and shall be effective, even-

dans le cas même de non-ratification, pour tous les Batimens partis *bonâ fide* pour les Ports de l'une ou l'autre Nation, dans la confiance qu'elle était en vigueur.

En Foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé leur Sceaux, en la Ville de Washington, ce 24me jour de Juin, de l'An de Notre Seigneur, 1822.

G. HYDE DE NEUVILLE.

(L. S.)

JOHN QUINCY ADAMS.

(L. S.)

#### ARTICLE SÉPARÉ.

Les droits extraordinaires levés de part et d'autre jusqu'à ce jour, en vertu de l'Acte du Congrès du 15 Mai, 1820, et de l'Ordonnance du 26 Juillet de la même année et autres la confirmant, qui n'ont point été déjà remboursés, seront restitués.

Signé et scellé comme ci-dessus ce 24me jour de Juin, 1822.

G. HYDE DE NEUVILLE.

(L. S.)

JOHN QUINCY ADAMS.

(L. S.)

Now therefore, be it known, that I, JAMES MONROE, President of The United States, have caused the said Convention and First Separate Article to be made public; to the end that the same, and every Clause and Article thereof, may be observed and fulfilled with good faith by The United States and the Citizens thereof.

In Witness whereof, I have hereunto set my hand, and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 12th day of February, in the Year of Our Lord 1823, and of the Independence of The United States the 47th.

By the President,

JOHN QUINCY ADAMS,  
*Secretary of State.*

in case of non-ratification, for all such Vessels as may have sailed *bonâ fide* for the Ports of either Nation, in the confidence of its being in force.

In Faith whereof, the respective Plenipotentiaries have signed the present Convention, and have thereto affixed their Seals, at the City of Washington, this 24th day of June, A.D. 1822.

JOHN QUINCY ADAMS.

(L. S.)

G. HYDE DE NEUVILLE.

(L. S.)

#### SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the Act of Congress of 15th May, 1820, and of the Ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS.

(L. S.)

G. HYDE DE NEUVILLE.

(L. S.)

JAMES MONROE.

***TREATY between The United States and the Osage Tribes  
of Indians.—Signed the 31st August, 1822.***

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WHEREAS a Treaty between The United States of America, and the Great and Little Osage Tribes of Indians, was made and concluded on the 31st day of August, in the Year of Our Lord 1822, at The United States' Factory on the M. De Cigue Augt. 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 words following, to wit :

Articles of a Treaty entered into, and concluded, at The United States' Factory on the M. De Cigue Augt. by and between Richard Graham, Agent of Indian Affairs, authorized on the part of The United States for that purpose, and the Chiefs, Warriors, and Head Men, of the Tribes of Great and Little Osage Indians, for themselves and their respective Tribes, of the other Part.

Whereas, by the Second Article of the Treaty made and entered into between The United States and the Great and Little Osage Nation of Indians, concluded and signed at Fort Clark, on the Missouri, on the 10th day of November, 1808, it is stipulated that The United States shall establish at that Place, and permanently continue, at all seasons of the year, a well assorted store of goods, for the purpose of bartering with them on moderate terms for their peltries and furs. Now, we, the said Chiefs, Warriors, and Head Men, in behalf of our said Tribes, for and in consideration of 2329 dollars and 40 cents, to us now paid in merchandize, out of The United States' Factory, by said Richard Graham, on behalf of The United States, the receipt whereof is hereby acknowledged, do exonerate, release, and for ever discharge, The United States from the obligation contained in the said Second Article above-mentioned ; and the aforesaid Second Article is, from the date hereof, abrogated, and of no effect.

In Witness whereof, the said Richard Graham, and the Chiefs, Warriors, and Head Men of the Great and Little Osage Tribes, have hereunto set their hands and affixed their seals, this 31st day of August, in the Year of Our Lord 1822.

Signed by R. GRAHAM,  
and by 22 Indians.

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 the 7th 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 m hand.

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Done at the City of Washington, this 13th day of February, in the Year of Our Lord 1823, and of the Independence of The United States the 47th.

By the President,

JAMES MONROE.

JOHN QUINCY ADAMS,

*Secretary of State.*

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***TREATY between The United States and the Sac and Fox Tribes of Indians.—Signed at Fort Armstrong, the 3d day of September, 1822.***

WHEREAS a Treaty between The United States of America, and the United Sac and Fox Tribes of Indians, was made and concluded on the 3d day of September, in the year of our Lord 1822, at Fort Armstrong, 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 entered into and concluded at Fort Armstrong, by, and between Thomas Forsyth, Agent of Indian Affairs, authorized on the part of The United States, for that purpose, of the one part, and the Chiefs, Warriors, and Head Men of The United Sac and Fox Tribes, for themselves, and their Tribes, of the other part.

Whereas by the 9th Article of the Treaty made and entered into between The United States, and the Sac and Fox Tribes of Indians, concluded and signed at Saint Louis, in the District of Louisiana, on the 3d day of November, 1804, it is stipulated, in order to put a stop to the abuses and impositions which are practised upon the said Tribes by the private Traders, The United States will, at a convenient time, establish a Trading-house or Factory, where the Individuals of the said Tribes can be supplied with goods at a more reasonable rate than they have been accustomed to procure them. Now, we, the said Chiefs and Warriors, and Head Men of the said Tribes, for, and in consideration of the sum of 1,000 dollars, to us now paid, in merchandise out of The United States' Factory, by said Thomas Forsyth, on behalf of The United States, the receipt whereof is hereby acknowledged, do exonerate, release, and forever discharge The United States, from the obligation contained in the said 9th Article above recited, and the aforesaid 9th Article is, from the date hereof, abrogated and of no effect.

In witness whereof, the said Thomas Forsyth, and the Chiefs, Warriors, and Head Men of the Sac and Fox Tribes, have hereunto set their hands, and affixed their Seals, this 3d day of September, in the Year of Our Lord 1822.

Signed by THOMAS FORSYTH, U. S. Indian Agent,  
and by 8 Indians.

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 the 7th 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 13th day of February, in the Year of Our Lord 1823, and of the Independence of The United States the 47th.

By the President,

JAMES MONROE.

JOHN QUINCY ADAMS,

*Secretary of State.*

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***TREATY between The United States and the Ricara Indians.***

***Signed August 11, 1823.***

*Camp, 6th Regiment U. S. Infantry,*

*Near the Ricara Towns, Aug. 11, 1823.*

WHEREAS the Ricara Nation have made War upon The United States, by attacking a Party of Americans, under the direction of Gen. W. H. Ashley; and Hostilities, in consequence thereof, have been carried on between the same Nation of Indians and The United States: Now, therefore, for the purpose of putting an end to the said Hostilities and making a firm and inviolable Peace between the said Nation of Indians and The United States; the Chiefs, Head Men, and Warriors, of the Ricara Nation, for themselves and said Nation, and Colonel Henry Leavenworth, of The United States' Army, for and in behalf of The United States, have made, concluded, and agreed upon, the following Articles, viz;

ARTICLE I. The Ricara Nation agree to restore the Armstaken from Gen. Ashley's Party, and such other articles of property as may remain in their hands, which were obtained of Gen. Ashley in exchange for Horses.

II. The Ricara Nation agree that the Navigation of the Missouri shall not be obstructed by them; that all American Citizens duly authorized by The United States to come in their Country, shall be treated by them with kindness and civility; and in case any of the Nation commits acts of violence upon any American Citizen, such individual shall be punished for the offence.

III. In consequence of the performance of the foregoing Articles, it is agreed that the Ricaras shall be held and treated as friends of The United States.

IV. There shall hereafter be a firm and inviolable Peace between the Ricara Nation and The United States.

In witness whereof, the Parties to these presents have hereunto set their hands and seals the day and year above mentioned.

Signed by

H. LEAVENWORTH,

Col. Commanding 6th Regiment,  
and by 11 Indians.

In presence of

A. WOOLLEY, Major 6th Infantry.

JOHN GALE, Surgeon United States' Army.

M. MORRIS, Lieutenant 6th Infantry.

W. H. ASHLEY.

THOS. NOEL, Acting Adjt. 6th Infantry.

N. J. CRUGER, Lieutenant 6th Infantry.

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***BRITISH ORDER in COUNCIL exempting certain Netherlands Vessels from taking Pilots in British Ports.***

*At the Court at Windsor, the 21st of July, 1823.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 4th Year of His present Majesty's Reign, [Cap. 77.] intituled "An Act to authorise His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage," His Majesty is authorized, by and with the advice of His Privy Council, or by any Order or Orders in Council, in all cases in which British Vessels, of less burthen than 60 tons, are not required by Law to take Pilots, to exempt Foreign Vessels, being of less burthen than 60 tons, from taking on board a Pilot to conduct them into or from any of the Ports of The United Kingdom, any Law, custom, or usage to the contrary notwithstanding; His Majesty, by virtue of the power vested in Him by the said Act, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that from and after the date of this Order, all Vessels belonging to the Subjects of His Majesty The King of The Netherlands, and being of less burthen than 60 tons, which shall enter or clear out from any of the Ports of The United Kingdom, shall be, and they are hereby exempted from taking on board a Pilot to conduct them into or from any such Port, in all cases where British Vessels, being of less burthen than 60 tons, are not required by Law to take Pilots, any Law, custom, or usage to the contrary notwithstanding. And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAMES BULLER.

## An Account of the Ordinary Revenues and Extraordinary Resources, constituting the

H E A D S of R E V E N U E.	1. BALANCES and BILLS outstanding on 5th Jan. 1822.	2. GROSS RECEIPT.	3. Repayments, al- lowances, dis- counts, drawbacks & bounties of the nature of draw- backs; allowances to the two Univer- sities on account of almanacks, and for paper & parch- ment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENTS, &c.	TOTAL INCOME including BALANCE
<b>ORDINARY REVENUES.</b>	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£.
CUSTOMS - - - -	375,021 3 8	14,384,710 16 10½	1,461,290 8 -½	12,923,420 8 10½	13,298,4
EXCISE - - - -	1,782,600 5 9	31,190,948 6 3½	2,214,603 6 11	28,976,344 19 4½	30,765,0
STAMPS - - - -	435,457 17 8	7,106,745 - 1½	226,250 9 9	6,880,494 10 4½	7,353,3
TAXES, under the Manage- ment of the Commissioners of Taxes - - - -	415,456 7 7	7,538,826 3 2½	21,183 - 8½	7,517,643 2 5½	7,538,8
POST OFFICE - - - -	240,627 14 8½	2,128,926 10 8	79,598 6 -	2,049,328 4 8	2,298,3
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions - -	4,264 3 8½	68,730 5 2½	- - -	68,730 5 2½	71,3
HACKNEY COACHES, and Hawkers and Pedlars - -	912 16 2	62,612 12 9	- - -	62,612 12 9	63,3
CROWN LANDS - - - -	45,806 13 1½	250,059 11 3½	- - -	250,059 11 3½	250,0
SMALL Branches of the King's Hereditary Revenue LOTTERY; Surplus Produce after payment of Prizes - -	2,736 1 4½	13,195 - -½	- - -	13,195 - -½	13,1
SURPLUS FEES of Regulated Public Offices - - - -	- - -	234,000 - -	- - -	234,000 - -	234,0
POUNDAGE FEES, Pells Fees, Casualties, Treasury Fees, and Hospital Fees - - -	- - -	53,872 4 8	- - -	53,872 4 8	53,8
- - - -	- - -	7,870 2 8½	- - -	7,870 2 8½	7,8
<b>TOTAL OF ORDINARY REVENUES.</b>	£ 3,302,883 3 8½	63,040,496 13 9½	4,002,925 11 5	59,037,571 2 4½	62,340,0
<b>OTHER RESOURCES.</b>					
PROCEEDS of Old Naval Stores, per Act 3 Geo. 4. c. 127. s. 4. - - - -	- - -	151,000 - -	- - -	151,000 - -	151,0
UNCLAIMED DIVIDENDS, An- nuities, Lottery Prizes, &c. per Act 56 Geo. 3. c. 97. - -	- - -	1,666 5 1	- - -	1,666 5 1	1,6
AMOUNT of Savings on Third Class of Civil List, in the Year ended 5th January, 1821. - - - -	- - -	1,119 2 3½	- - -	1,119 2 3½	1,1
FROM the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor - -	- - -	197,500 - -	- - -	197,500 - -	197,5
FROM several County Treasurers, and others in Ire- land, on account of Ad- vances made by the Treas- ury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c. - - - -	3,547 16 8½	81,516 8 3½	- - -	81,516 8 3½	81,5
IMPREST Monies, repaid by sundry Public Accountants, and other Monies paid to the Public - - - -	- - -	328,195 13 11½	- - -	328,195 13 11½	328,1
<b>TOTALS, exclusive of Loans,</b>	£ 3,306,431 - 5	63,801,494 3 5½	4,002,925 11 5	59,798,568 12 -½	62,800,0
<b>LOANS - - - -</b>	- - -	11,872,155 9 2½	- - -	11,872,155 9 2½	11,8
<b>TOTALS of the PUBLIC INCOME of the UNITED KINGDOM, including LOANS - - - -</b>	£ 3,306,431 - 5	75,673,649 12 8½	4,002,925 11 5	71,670,724 1 3½	74,680,0



of the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1823.

Payments out of the Income in its Progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1823.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
REGES of ACTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the In- come, in its Progress to the Exchequer.				
s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
86 16 1½	780,080 18 7½	2,327,567 14 9	10,663,616 18 -¾	307,256 19 8½	13,298,441 12 6¼	10 15 2
89 - 1½	432,109 13 8½	1,792,978 13 10½	27,283,408 11 5½	1,682,557 19 9½	30,758,945 5 1¼	4 7 3
92 9 6½	- - -	206,082 9 6½	6,632,546 13 3½	477,323 5 2¾	7,315,952 8 -½	2 18 -
99 15 10½	53,385 4 10	437,646 - 8½	7,218,844 2 -	276,609 7 4¼	7,933,099 10 -¾	5 1 11
32 3 1½	46,787 1 10½	640,869 4 11½	1,428,230 15 4½	220,855 19 -¼	2,289,955 19 4¼	23 4 2
14 19 2	- - -	1,834 19 2	67,924 12 3½	3,234 17 5¼	72,994 8 10½	2 13 5
14 1 1	- - -	8,844 1 1	54,580 - -	101 7 10	63,525 8 11	14 2 6
15 2 10½	213,458 1 1	265,973 3 11½	973 6 8	28,919 13 9¼	295,866 4 4¾	21 - -
16 9 -	2,000 - -	3,295 9 -	9,606 10 2	3,029 2 3¼	15,931 1 5¼	9 16 3
0 - -	- - -	3,000 - -	231,000 - -	- - -	234,000 - -	1 5 8
- - -	- - -	- - -	53,872 4 8	- - -	53,872 4 8	-
- - -	- - -	- - -	7,870 2 8½	- - -	7,870 2 8½	-
0 16 10½	1,527,821 - 1½	5,688,091 17 0½	53,652,473 16 7½	2,999,888 12 5	62,340,454 6 1	6 12 -
- - -	- - -	- - -	151,000 - -	- - -	151,000 - -	-
- - -	- - -	- - -	1,666 5 1	- - -	1,666 5 1	-
- - -	- - -	- - -	1,119 2 3½	- - -	1,119 2 3¼	-
- - -	- - -	- - -	197,500 - -	- - -	197,500 - -	-
- - -	- - -	- - -	82,695 3 5½	2,369 1 7¼	85,064 5 -½	-
- - -	- - -	- - -	328,195 13 11½	- - -	328,195 13 11¼	-
16 10½	1,527,821 - 1½	5,688,091 17 -¾	54,414,650 1 4¾	3,002,257 14 -¼	63,104,999 12 5½	-
- - -	- - -	- - -	11,872,155 9 2¾	- - -	11,872,155 9 2¾	-
16 10½	1,527,821 - 1½	5,688,091 17 -¾	66,286,805 10 7½	3,002,257 14 -¼	74,977,155 1 8¼	-

## An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1822.	2. GROSS RECEIPT.	3. Repayments, al- lowances, dis- counts, drawbacks & bounties of the nature of draw- backs; allowances to the two Univer- sities, on account of almanacks, and for paper & parch- ment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENTS &c.	5. TOTAL INCOME, including BALANCE
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS - - - - -	331,847 16 10½	12,237,251 14 -	1,236,842 13 3	11,000,409 - 9	11,832,564 10
EXCISE - - - - -	1,694,349 9 4½	29,312,391 7 -½	2,172,133 18 3	27,140,257 8 9½	28,834,000 10
STAMPS - - - - -	318,837 19 8½	6,634,722 19 7½	216,849 1 9½	6,417,873 17 9½	6,736,111 10
TAXES, under the manage- ment of the Commissioners of Taxes - - - - -	398,457 6 11	7,260,998 15 7½	8,915 11 2½	7,252,068 4 5	7,650,540 10
POST OFFICE - - - - -	198,659 14 1½	1,942,902 6 10½	61,357 14 1½	1,881,544 12 9½	2,080,504 10
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions. - - -	4,264 3 8½	68,730 5 2½	- - -	68,730 5 2½	72,994 10
HACKNEY COACHES, and Hawkers and Pedlars - - -	912 16 2	62,612 12 9	- - -	62,612 12 9	63,524 10
CROWN LANDS - - - - -	45,806 13 1½	250,059 11 3½	- - -	250,059 11 3½	250,059 11 3½
SMALL Branches of the King's Hereditary Revenue } 2,736 1 4½	2,736 1 4½	13,195 - -½	- - -	13,195 0 0½	15,931 10
LOTTERY, Surplus Produce } after Payment of Prizes } - - - - -	- - -	234,000 - -	- - -	234,000 - -	234,000 - -
SURPLUS FEES of Regulated Public Offices - - - - -	- - -	53,872 4 8	- - -	53,872 4 8	53,872 4 8
TOTAL OF ORDINARY REVENUES. } £	2,995,872 1 4½	58,070,736 17 2	3,696,098 18 7½	54,374,637 18 6½	57,370,589 10
OTHER RESOURCES.					
PROCEEDS of Old Naval Stores, per Act 3 Geo. 4, c. 127, s. 4 - - - - -	- - -	151,000 - -	- - -	151,000 - -	151,000 - -
UNCLAIMED DIVIDENDS, An- nuities, Lottery Prizes, &c. per Act 56 Geo. 3, c. 97 } - - - - -	- - -	1,666 5 1	- - -	1,666 5 1	1,666 5 1
AMOUNT of Savings on the Third Class of the Civil List in the Year ended 5th Jan. 1821 - - - - -	- - -	1,119 2 3½	- - -	1,119 2 3½	1,119 2 3½
FROM the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor } - - - - -	- - -	197,500 - -	- - -	197,500 - -	197,500 - -
IMPREST Monies repaid by sundry Public Accountants, and other Monies paid to the Public - - - - -	- - -	248,319 13 7	- - -	248,319 13 7	248,319 13 7
TOTALS (exclusive of Loans)	2,995,872 1 4½	58,670,341 18 1½	3,696,098 18 7½	54,974,242 19 5½	57,370,719 10
LOANS - - - - -	- - -	11,708,617 - -	- - -	11,708,617 - -	11,708,617 - -
TOTALS of the PUBLIC INCOME of GREAT BRI- TAIN, including Loans }	2,995,872 1 4½	70,378,958 18 1½	3,696,098 18 7½	66,682,859 19 5½	69,079,336 10

Whitehall, Treasury Chambers, March 24th, 1823.

J. C. HERRIES

## The Public Income of GREAT BRITAIN; for the Year ended 5th January, 1823.

Payments out of the Income, in its Progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS	BALANCES	TOTAL	RATE
CHARGES	OTHER	TOTAL	into the	and	DISCHARGE	Per Centum
of	PAYMENTS.	PAYMENTS	EXCHEQUER.	BILLS	of the	for which
COLLECTION.		out of the In-		outstanding	INCOME.	the
		come, in its		on 5th January		GROSS
		Progress to the		1823.		RECEIPT
		Exchequer.				was
						Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,088,507 10 11	580,894 7 8½	1,669,401 18 7½	9,397,113 10 6½	265,741 8 5½	11,832,256 17 7½	8 17 11
1,120,407 2 5	358,283 9 11	1,478,690 12 4	25,747,441 - -	1,608,475 5 10	28,834,606 18 2	3 16 5
168,388 15 1½	- - -	168,388 15 1½	6,208,552 9 1	359,770 13 4½	6,736,711 17 6½	2 10 9
332,794 2 - 4	53,385 4 10	386,179 6 10½	6,994,007 12 1½	270,353 12 4	7,650,540 11 4	4 11 8
490,543 6 2½	46,787 1 10½	546,330 8 1	1,359,000 - -	174,873 18 10½	2,080,204 6 11½	25 14 3
1,834 19 2	- - -	1,834 19 2	67,924 12 3½	3,234 17 5½	72,994 8 10½	2 13 5
8,844 1 1	- - -	8,844 1 1	54,580 - -	101 7 10	63,525 8 11	14 2 6
52,515 2 10½	213,458 1 1	265,973 3 11½	973 6 8	28,919 13 9½	295,866 4 4½	21 - -
1,295 9 -	2,000 - -	3,295 9 -	9,606 10 2	3,029 2 3½	15,931 1 5½	9 16 3
3,000 - -	- - -	3,000 - -	231,000 - -	- - -	234,000 - -	1 5 8
- - -	- - -	- - -	53,872 4 8	- - -	53,872 4 8	- - -
277,130 8 9½	1,254,808 5 5½	4,531,938 14 2½	50,124,071 5 6½	2,714,500 - 1½	57,370,509 19 10½	5 12 10
- - -	- - -	- - -	151,000 - -	- - -	151,000 0 0	- - -
- - -	- - -	- - -	1,666 5 1	- - -	1,666 5 1	- - -
- - -	- - -	- - -	1,119 2 3½	- - -	1,119 2 3½	- - -
- - -	- - -	- - -	197,500 - -	- - -	197,500 - -	- - -
- - -	- - -	- - -	248,319 13 7	- - -	248,319 13 7	- - -
7,130 8 9½	1,254,808 5 5½	4,531,938 14 2½	50,723,676 6 5½	2,714,500 - 1½	57,970,115 - 9½	- - -
- - -	- - -	- - -	11,708,617 - -	- - -	11,708,617 - -	- - -
7,130 8 9½	1,254,808 5 5½	4,531,938 14 2½	62,432,293 6 5½	2,714,500 - 1½	69,678,732 - 9½	- - -

## An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1822.	2. GROSS RECEIPT.	3. REPAY- MENTS, DRAWBACKS, DISCOUNTS, &c.	4. NET RECEIPT within the Year, after deducting REPAY- MENTS. &c.	5. TOTAL INCOME, including BALANCE.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS - - - -	43,173 6 9½	2,147,459 2 10½	224,447 14 9½	1,923,011 8 1½	1,966,184 14 10
EXCISE - - - -	88,250 16 4¾	1,878,556 19 2¾	42,469 8 8	1,836,087 10 6¾	1,924,386 6 4
STAMPS - - - -	116,619 17 11½	472,022 - 6	9,401 7 11½	462,620 12 6½	579,240 11 4
TAXES - - - -	16,999 - 8	277,827 7 6½	12,267 9 6	265,559 18 -½	282,588 16 4
POST OFFICE - - -	41,968 - 6½	186,024 3 9½	18,240 11 10½	167,783 11 10½	208,761 12 10
POUNDAGE Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees - }	- - -	7,870 2 8½	- - -	7,870 2 8½	7,870 - -
TOTAL of ORDINARY REVENUES }	307,011 2 3¾	4,969,759 16 7¾	306,826 12 9½	4,662,933 3 10½	4,969,944 1 4
OTHER RESOURCES.					
FROM the Provost and Fel- lows of Trinity College, on account of Advances made by the Treasury for com- pleting the North Square of the said College - }	- - -	1,107 13 10½	- - -	1,107 13 10½	1,107 13 10½
ON account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3. c. 43 - }	- - -	14,549 8 1	- - -	14,549 8 1	14,549 8 1
ON account of Advances made by the Treasury for building Gaols, un- der Act 50 Geo. 3. c. 103 }	3,547 16 8½	17,420 17 6½	- - -	17,42 17 6½	20,967 16 4
ON account of Advances made by the Treasury, under the Police Act of 55 Geo. III. - }	- - -	39,942 19 4½	- - -	39,942 19 4½	39,942 19 4½
ON account of Advances made by the Treasury for Public Works and Employment of the Poor, under Acts 57 Geo. 3. c. 34 and 124 }	- - -	8,326 4 9½	- - -	8,326 4 9½	8,326 4 9½
ON account of Advances to the Board of Health, under Act 58 Geo. III. c. 47 - }	- - -	169 4 7½	- - -	169 4 7½	169 4 7½
IMPREST MONIES repaid by sundry Public Account- ants, and other Monies paid to the Public - }	- - -	79,876 - 4½	- - -	79,876 - 4½	79,876 - 4½
TOTALS, exclusive of Loans	310,558 19 -½	5,131,152 5 4¾	306,826 12 9½	4,824,325 12 7¾	5,134,481 1 4
LOANS - - - -	- - -	163,538 9 2½	- - -	163,538 9 2½	163,538 9 2½
TOTALS of the PUBLIC INCOME of IRELAND, including LOANS }	310,558 19 -½	5,294,690 14 7¾	306,826 12 9½	4,987,864 1 9¾	5,298,019 1 1

Whitehall, Treasury Chambers, March 24, 1823.

J. C. HERRIES.



## Public Income of IRELAND, for the Year ended 5th January, 1823.

Payments out of the Income, in its Progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1823.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the In- come, in its Progress to the Exchequer.				
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
458,979 5 2½	199,186 10 10½	658,165 16 1½	1,266,503 7 6½	41,515 11 3½	1,966,184 14 10½	21 7 6
240,461 17 8½	73,826 3 9½	314,288 1 6½	1,535,967 11 5½	74,082 13 11½	1,924,338 6 11½	12 16 -
37,693 14 5	- -	37,693 14 5	423,994 4 2½	117,552 11 10½	579,240 10 6	7 19 8
51,466 13 10½	- -	51,466 13 10½	224,836 9 10½	6,255 15 -½	282,558 18 8½	18 10 6
94,538 16 10½	- -	94,538 16 10½	69,230 15 4½	45,982 - 2½	209,751 12 5½	50 16 5
- -	- -	- -	7,870 2 8½	- -	7,870 2 8½	-
83,140 8 1½	273,012 14 8½	1,156,153 2 9½	3,528,402 11 1	285,388 12 3½	4,969,944 6 2½	17 15 5
- -	- -	- -	1,107 13 10½	- -	1,107 13 10½	-
- -	- -	- -	14,549 8 1	- -	14,549 8 1	-
- -	- -	- -	18,599 12 8½	2,369 1 7½	20,968 14 3½	-
- -	- -	- -	39,942 19 4½	- -	39,942 19 4½	-
- -	- -	- -	8,326 4 9½	- -	8,326 4 9½	-
- -	- -	- -	169 4 7½	- -	169 4 7½	-
- -	- -	- -	79,876 - 4½	- -	79,876 - 4½	-
83,140 8 1½	273,012 14 8½	1,156,153 2 9½	3,690,973 14 11	287,757 13 11	5,134,884 11 7½	-
- - -	- -	- -	163,538 9 2½	- -	163,538 9 2½	-
83,140 8 1½	273,012 14 8½	1,156,153 2 9½	3,854,512 4 1½	287,757 13 11	5,298,423 - 10½	-

AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and IRELAND, in  
backs, and Bounties of the nature of Drawbacks; together with an Account of the Public Expendi-  
within the same Period.

HEADS OF REVENUE.	NET RECEIPT, as stated in Column 4 of the Account of Public Income.			
	£.	s.	d.	£. s. d.
<b>ORDINARY REVENUES:</b>				
Balances and Bills outstanding on 5th January, 1822				3,302,883 3 8
Customs	12,923,420	8	10½	
Excise	28,976,344	19	4½	
Stamps	6,880,494	10	4½	
Taxes, under the management of the Commissioners of Taxes, including Arrears of Property Tax	7,517,643	2	5½	
Post Office	2,049,328	4	8	
One Shilling and Sixpence Duty on Pensions and Sala- ries, and Four Shillings in the Pound on Pensions.	68,730	5	2½	
Hackney Coaches, and Hawkers and Pedlers	62,612	12	9	
Crown Lands	250,059	11	3½	
Small Branches of the King's Hereditary Revenue	13,195	0	0½	
Surplus Produce of Lottery, after payment of Lottery Prizes	234,000	0	0	
Surplus Fees of regulated Public Offices	53,872	4	8	
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	7,870	2	8½	
				59,037,571 2 4½
Deduct Balances and Bills outstanding on 5th January, 1823				62,340,454 6 1
				2,999,888 12 5
<b>TOTAL Ordinary Revenues</b>				59,340,565 13
<b>OTHER RESOURCES:</b>				
Balances outstanding on 5th January 1822	3,547	16	8½	
Proceeds of Old Naval Stores	151,000	0	0	
Money received from the Bank of England, more than repaid to them, on account of Unclaimed Dividends	1,666	5	1	
The Amount of Savings on 3d Class of the Civil List, at the 5th January 1821	1,119	2	3½	
Money paid into the Exchequer, by the Commissioners for issuing Bills for Public Works	197,500	0	0	
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvement	81,516	8	3½	
Imprest and other Monies paid into the Exchequer	328,195	13	11½	
	764,545	6	4½	
Deduct Balances and Bills outstanding on January 5, 1823	2,369	1	7½	
				762,175 4 9½
	£.			60,102,740 18 5½
Balances, &c. in the hands of Receivers, &c. on 5th January, 1822	£.			3,302,883 3 8
Do	do			3,547 16 8½
Do	5th January 1823			3,306,431 0 5
Do	do			2,999,888 12 5
	2,369 1 7½			3,002,257 14 4
Balances less in 1823 than in 1822				304,173 6 4½
Surplus Income paid into the Exchequer, over Expenditure issued thereout				4,915,519 19 9½
<b>Actual Excess of Income above Expenditure</b>	£.			4,611,346 13 5

the Year ended 5th January 1823, after deducting the Repayments, Allowances, Discounts, Draw-  
ture of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt,

EXPENDITURE.		
<b>PAYMENTS OUT OF THE INCOME</b> in its progress to the Exchequer;	<b>£. s. d.</b>	<b>£. s. d.</b>
Charges of Collection.....	4,160,270 16 10½	
Other Payments.....	1,527,821 0 1½	
<b>TOTAL Payments out of the Income, prior to the } Payments into the Exchequer.....}</b>	.....	5,688,091 17 0½
<b>PAYMENTS OUT OF EXCHEQUER;</b>		
Dividend, Interest, and Management of the Public } Funded Debt, four Quarters to 10th October 1822, ex- } clusive of £15,811,710. 12s. 9d. issued to the Commission- } ers for the Reduction of the National Debt..... }	29,490,897 4 2½	
Interest on Exchequer Bills and Irish Treasury Bills, } exclusive of £301,250 for Sinking Fund..... }	1,430,596 16 10½	
Issued to the Trustees of Military and Naval Pensions, } per Act 3 Geo. IV. c. 51..... }	.....	30,921,494 1 1
Civil List.....four Quarters to 5th January, 1823....	1,057,000 0 0	1,400,000 0 0
Pensions charged by Act of Parliament upon Consoli- } dated Fund, four Quarters to 10th October, 1822..... }	378,432 5 1½	
Salaries and Allowances.....do.....	72,953 10 2½	
Officers of Courts of Justice.....do.....	83,377 12 5¼	
Expences of the Mint.....do.....	14,750 0 8	
Bounties.....do.....	2,956 13 8	
Miscellaneous.....do.....	183,716 7 5	
Do.... Ireland.....do.....	248,253 6 9½	
Army.....	7,698,973 16 6½	2,041,439 16 4
Navy.....	4,945,642 2 11½	
Do..Treasurer of Greenwich Hospital, to pay Out- } Pensioners..... }	248,000 0 0	
Ordnance.....	1,007,821 1 5¼	
Miscellaneous.....	2,105,797 3 3¼	
	16,006,234 4 2¾	
Deduct the Sum issued to the Trustees of Military and } Naval Pensions, being charged in the above Issues of } Supplies..... }	1,400,000 0 0	
Bank of Ireland, Balance due for Advances for Com- } mercial Credit..... }	105,181 9 4¾	14,606,234 4 2¾
Interest on Advances made on the Credit of the Loan, } from the Sinking Fund in Ireland, 1821..... }	6,546 9 7½	
By the Commissioners for issuing Exchequer Bills, under } Act 57 G. 3. c. 34 & 124, for the employment of the Poor }	34,500 0 0	
Advances out of the Consolidated Fund in Ireland, for } Public Works..... }	383,734 0 11	
		529,961 19 11¼
<b>TOTAL EXPENDITURE, exclusive of the Sums applied to the Reduc- } tion of the National Debt..... }</b>		55,187,221 18 7½
<b>Surplus of Income paid into the Exchequer, over Expenditure } thereout..... }</b>		4,915,519 19 9¾
	<b>£.</b>	60,102,741 18 5¼

Whitehall, Treasury Chambers, 25th March, 1823.

S. R. LUSHINGTON.

**AN ACCOUNT of the NET PUBLIC INCOME of the United Kingdom of GREAT  
EXPENDITURE thereout, defrayed by the several Revenue Departments, and  
applied to the Redemption of Funded**

I N C O M E.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			I N C O M E PAID into the EXCHEQUER.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS .....	7,993,937	8	5½	2,669,679	9	7	10,663,616	18	0½
EXCISE .....	25,921,770	5	11¼	1,361,638	5	6	27,283,408	11	5½
STAMPS .....	6,632,546	13	3½	—	—	—	6,632,546	13	3½
TAXES under the management of the Commissioners of Taxes, including Arrears of Property Tax .....	7,216,262	1	7½	2,582	0	5	7,218,844	2	0½
POST OFFICE .....	1,428,230	15	4¾	—	—	—	1,428,230	15	4¾
One Shilling and Sixpence Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	67,924	12	3¼	—	—	—	67,924	12	3¼
Hackney Coaches, and Haw- kers and Pedlers .....	54,580	0	0	—	—	—	54,580	0	0
CROWN LANDS .....	973	6	8	—	—	—	973	6	8
Small Branches of the King's Hereditary Revenues .....	9,606	10	2	—	—	—	9,606	10	2
Surplus Produce of Lottery, af- ter payment of Lottery Prizes	—	—	—	231,000	0	0	231,000	0	0
Surplus Fees, regulated Public Offices .....	53,872	4	8	—	—	—	53,872	4	8
Poundage Fees, Pells Fees, Ca- sualties, Treasury Fees, and Hospital Fees .....	7,870	2	8¾	—	—	—	7,870	2	8¾
<b>TOTAL Ordinary Revenue ..</b>	.....			.....£.			53,652,473	16	8¾
Proceeds of old Naval Stores ..	—	—	—	151,000	0	0	151,000	0	0
Money received from the Bank of England, more than repaid to them, on account of un- claimed Dividends .....	—	—	—	1,666	5	1	1,666	5	1
The amount of Savings on 3d Class of the Civil List, at the 5th January 1821 .....	1,119	2	3¼	—	—	—	1,119	2	3¼
Money paid into the Exchequer by the Commissioners for is- suing Bills for Public Works...	—	—	—	197,500	0	0	197,500	0	0
Money repaid in Ireland, on account of advances from the Consolidated Fund, under va- rious Acts for Public Improve- ment .....	82,695	3	5¼	—	—	—	82,695	3	5¼
Imprest and other Monies paid into the Exchequer .....	306,322	7	0½	21,873	6	11¼	328,195	13	11¼
<b>Total paid into the Ex-}</b> <b>chequer .....</b>	£ 49,777,710 13 11¼			4,636,939 7 6¼			54,414,650	1	5½

Whitehall, Treasury Chambers,  
25th March 1823.

S. R. LUSHINGTON.



BRITAIN AND IRELAND, in the Year ended the 5th January, 1823; after abating the of the actual Issues or Payments within the same Period, exclusive of the Sums Debt, or for paying off Unfunded Debt.

EXPENDITURE.			NET EXPENDITURE.		
	£.	s. d.	£.	s. d.	
Dividends, Interest, and Management of the Public Funded Debt, four Quarters to 10th October, 1822, exclusive of £15,811,710. 12. 9. issued to the Commissioners for the Reduction of the National Debt.....	29,490,897	4 2½			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of £301,250 Sinking Fund..	1,430,596	16 10½			
			30,921,494	1 1	
Issued to the Trustees of Military and Naval Pensions, per Act 3 Geo. IV. c. 51.....	—	—	1,400,000	0 0	
Civil List, four Quarters to 5th January, 1823..	1,057,000	0 0			
Pensions charged, by Act of Parliament, upon Consolidated Fund.. 4 Quarters to 10th Oct. 1822.	378,432	5 1½			
Salaries and Allowances.....do .....	72,953	10 2½			
Officers of Courts of Justice.....do .....	83,377	12 5¼			
Expenses of the Mint.....do .....	14,750	0 8			
Bounties.....do .....	2,956	13 8			
Miscellaneous.....do .....	183,716	7 5			
D <sup>o</sup> ..... Ireland.....do .....	248,253	6 9½			
			2,041,439	16 4	
Army.....	7,698,973	16 6½			
Navy.....	4,945,642	2 11¾			
D <sup>o</sup> Treasurer of Greenwich Hospital, to pay Out-Pensions.....	248,000	0 0			
Ordnance.....	1,007,821	1 5¼			
Miscellaneous.....	2,105,797	3 3¼			
	16,066,234	4 2¾			
Deduct the Sum issued to the Trustees of Military and Naval Pensions, being charged in the above Issues for Supplies.....	1,400,000	0 0			
			14,666,234	4 2¾	
TOTAL.....	£.		48,969,168	1 7½	
Bank of Ireland—Balance due for Advances for Commercial Credit.....	105,181	9 4¾			
Interest on Advances made on the Credit of the Loan from the Sinking Fund in Ireland, 1821. By the Commissioners for issuing Exchequer Bills, under 57 Geo. 3. c. 34 and 124, for the Employment of the Poor.....	6,546	9 7½			
Advances out of the Consolidated Fund in Ireland, for Public Works.....	34,500	0 0			
	383,734	11 0			
			529,961	19 11¼	
TOTAL.....	£.		49,499,130	1 7	
Surplus of Income paid into the Exchequer, over Expenditure thereout.....			4,915,519	19 10½	
			£.	54,414,650	1 5½

AN ACCOUNT of the BALANCE of PUBLIC MONEY remaining in the EXCHEQUER UNFUNDED Debt, in the Year ended 5th January 1823; the Money applied towards the and the Money remaining in the

				£.	s.	d.
Balances in the Exchequer on the 5th January 1822 . . . . .				6,019,064	9	2½
<b>MONEY RAISED</b>						
In the Year ended 5th January, 1823, by the creation of Funded or Unfunded Debt.						
<b>FUNDED DEBT:</b>						
				£.	s.	d.
Contributions to Loan, per Act 1 & 2 } Geo. 4. c. 70 }				6,100,000	—	—
do.	-	Ireland	do. -	163,538	9	2½
do.	-	-	- 3 Geo. 4. c. 73	5,100,000	—	—
Money from the East India Company } 3 Geo. 4. c. 93 }				508,617	—	—
				11,872,155	9	2½
<b>UNFUNDED DEBT:</b>						
Exchequer Bills issued per Act 1 & 2 } Geo. 4. c. 71 }				10,441,900	—	—
do.	-	-	- 3 Geo. 4. c. 8.	20,000,000	—	—
do.	-	-	do. c. 122	10,007,100	—	—
do.	Public Works	57 Geo. 3. }	c. 34 & 124 }	34,500	—	—
do.	Churches	- 58 Geo. 3. c. 45		109,650	—	—
				40,592,550	—	—
				52,464,705	9	2½
Total . . . . .				58,483,769	18	5½
Excess of Income paid into the Exchequer, over Expenditure defrayed thereout . . . . .				4,915,519	19	10½
				£	63,399,289	18 4

Whitehall, Treasury Chambers,  
25th March, 1823.

S. R. LUSHINGTON.

the 5th January, 1822; the amount of Money raised by additions to the FUNDED or redemption of the Funded, or for paying off the Unfunded Debt, within the same Period; Exchequer on the 5th January, 1823.

APPLIED BY .				£. s. d.		
The Commissioners for the Reduction of the National Debt, in the Redemption of Funded Debt.						
Sinking Fund Interest on Redeemed } Funded Debt }	£.	s.	d.	£.	s.	d.
	15,811,710	12	9			
Unfunded Debt	301,250	—	—	16,112,960	12	9
by £5 per Cent. Annuities paid off } in Great Britain }	2,737,359	—	10			
— Ireland - -	39,000	—	—	2,776,359	—	10
Applied towards Redemption of Funded Debt - - - - -				18,889,319 13 7		
UNFUNDED DEBT:						
Paid to the Paymasters of Exchequer Bills, to pay off } Unfunded Debt - - - }				35,537,950	—	—
	Irish Treasury Bills			1,000,000	—	—
Total Unfunded Debt paid off - - -				36,537,950 — —		
				£ 55,427,269 13 7		
Dues at 5th January, 1823 - - - - -				7,797,020 4 9		
- to the Account of the Trustees of Military and Naval Pensions, towards Payments becoming due } on them on 15th January, 1823- - - }				175,000	—	—
				7,972,020 4 9		
				£ 63,399,289 18 4		

AN ACCOUNT of the INCOME of the CONSOLIDATED FUND arising in the  
and also of the actual Payments on account of

	£.	s.	d.
The Total Income applicable to Consolidated Fund .....	49,777,710	13	11½
Whitehall, Treasury Chambers, } 25th March, 1823.	S. R. LUSHINGTON.		
	£.	49,777,710	13 11½

AN ACCOUNT of the MONEY applicable to the Payment of the CHARGE of the Consol-  
several CHARGES which have become due thereon, in the same Year, including the  
termination of the year.

	£.	s.	d.
Income arising in Great Britain .....	46,086,736	18	11½
Income arising in Ireland .....	3,690,973	14	11½
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1822 .....	368,619	12	2
	4,059,593	7	1½
Deduct the Sum paid out of the Consolida- ted Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1823 ..	89,628	17	5½
Total applicable to the Charge of the Consolidated Fund, in the Year ended 5th January 1823.....	3,969,964	9	8½
To Cash brought to this Account, to discharge the Exchequer Bills deposited in the Tellers' Chest, previously to the 5th of January, 1822, pursuant to Act 59 Geo. III. c. 19, and then remaining in the Tellers' Chest.....	1,437,000	0	0
Exchequer Bills to be issued, to complete the payment of the Charge, to the 5th January 1823 .....	5,928,354	13	3
Whitehall, Treasury Chambers, } 25th March, 1823.	S. R. LUSHINGTON.	£.	57,422,056 1 11½



United Kingdom of GREAT BRITAIN and IRELAND, in the Year ended 5th January 1823;  
the CONSOLIDATED FUND within the same Year.

## HEADS OF PAYMENT.

	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public } Funded Debt, 4 Quarters to 10th October 1822.....	45,302,607	16	11½
Sinking Fund Irish Treasury Bills.....	11,250	0	0
Interest on Exchequer Bills, issued upon the Credit of the Consoli- } dated Fund .....	124,187	12	7½
Trustees for Naval and Military Pensions, per Act 3 Geo. IV. c. 51... }	1,400,000	0	0
Civil List, 4 Quarters to 5th January, 1823.....	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, } 4 Quarters to 10th October 1822.....	378,432	5	1¾
Salaries and Allowances.....do.....	72,953	10	2½
Officers of Courts of Justice.....do.....	83,377	12	5¼
Expenses of the Mint.....do.....	14,750	0	8
Duties.....do.....	2,956	13	8
Scellaneous.....do.....	183,716	7	5
Do. Ireland.....do.....	248,253	6	9½
Advances out of the Consolidated Fund in Ireland, for Public Works }	383,734	0	11
Interest on Advances made by the Bank of Ireland, on Sinking Fund } Loan 1821.....	6,546	9	7½
£.	49,269,765	16	5½
SURPLUS of the CONSOLIDATED FUND.....	507,944	17	5¾
£.	49,777,710	13	11¼

ATED FUND of the United Kingdom, in the Year ended 5th January 1823, and of the  
amount of Exchequer Bills charged upon the said Fund, at the commencement and at the

## HEADS OF CHARGE.

	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public } Funded Debt, 4 Quarters to 5th January 1823.....	44,570,638	17	0½
Interest on Exchequer Bills, issued upon the Credit of the Consoli- } dated Fund .....	87,925	5	1½
Sinking Fund Irish Treasury Bills.....	10,000	0	0
Trustees, Naval and Military Pensions, per Act 3 Geo. IV. c. 51.... }	1,400,000	0	0
Civil List, 4 Quarters to 5th January 1823.....	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, } 4 Quarters to 5th January 1823.....	375,243	4	1½
Salaries and Allowances... ..do.....	73,005	5	4¼
Officers of Courts of Justice.....do.....	89,861	15	8½
Expenses of the Mint.....do.....	14,750	0	8
Duties.....do.....	2,956	13	8
Scellaneous.. ..do.....	190,196	9	11
Do. Ireland.....do.....	238,894	14	11¾
Advances out of the Consolidated Fund in Ireland, for Public Works }	383,734	0	10
Interest on Advances by the Bank of Ireland, on Sinking Fund } Loan 1821.....	6,546	9	7½
£.	48,500,752	17	0½
Exchequer Bills issued to make good the Charge of the Consolida- } ted Fund to the 5th January 1822, (including £1,437,000 issued from the Consolidated Fund towards the Supplies, and for which no, Exchequer Bills, not bearing Interest, are deposited in the Barristers' Chest).....	8,921,303	4	10½
£	57,422,056	1	11

## An ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the Sums placed in the hands of

Drs.

THE SAID COMMISSIONERS - - - - -

GREAT BRITAIN, INCLUDING IMPERIAL AND PORTUGUESE LOANS.		£. s. d.
TO CASH, being Four Quarterly Issues, per 26 Geo. 3. c. 31.	- - - - -	1,000,000 - -
do. — additional do. — 42 — c. 71.	- - - - -	200,000 - -
do. Exchequer Annuities for 99 and 96 years, expired 1792	- - - - -	54,889 14 -
do. Short Annuities for 10 years, expired 1787	- - - - -	25,000 - -
do. Exchequer Annuities on Lives, expired prior to 5th July, 1802	- - - - -	21,481 6 -
do. — do. — unclaimed for 3 years before 5th January, 1822	- - - - -	30,710 9 -
do. Sinking Fund for the redemption of Capitals, created since 1793	- - - - -	11,448,173 18 -
do. Interest on Capital Stock, standing in the Names of the Commissioners, }	- - - - -	2,277,748 4 -
at 3 per cent.	- - - - -	88,271 13 -
at 3½ per cent.	- - - - -	2,856 7 -
at 4 per cent.	- - - - -	6,968 3 -
at 5 per cent.	- - - - -	10,248 11 -
do. Payment on Long Annuities	- - - - -	- - - - -
ISSUES from CONSOLIDATED FUND		£ 15,166,329 9 -
do. Issues from Supplies, being Sinking Fund on outstanding Exchequer Bills	- - - - -	290,000 - -
TOTAL issued from the Exchequer in GREAT BRITAIN, } after abating 5d. fractions, not received		£ 15,456,329 9 -
TO CASH, being 3 months appropriation, paid by the East India Company, at 1st July, 1822, as Sink-	- - - - -	27,705 - -
ing Fund on the Loan of £2,500,000 to the said Company, raised per 52 G. 3. c. 135	- - - - -	- - - - -
do. 6 months Interest, paid by do. at 1st July, 1822, on £1,019,206 Consolidated 3 per	- - - - -	15,388 1 -
cents, redeemed on account of the said Loan	- - - - -	- - - - -
do. Returns from the Account of Life Annuities, the Nominees having died prior to	- - - - -	5,143 9 -
its being set apart for Payment	- - - - -	- - - - -
do. Bank Life Annuities, unclaimed 3 years and upwards, at 5th January, 1822	- - - - -	4,639 6 -
sent anonymously to the Chan. of the Exchequer, towards the liquidation of the Public Debt	- - - - -	300 - -
being the Gift of Richard Quartermain, for the general purpose of the Reduction of the	- - - - -	100 - -
National Debt	- - - - -	- - - - -
do. £14,800 Navy 5 per cents, bequeathed by Major Thomas Gamble to the uses of the	- - - - -	14,657 10 -
Sinking Fund, valued at £102. 10s. per cent	- - - - -	- - - - -
EAST INDIA COMPANY.		£ 15,524,148 16 -
TO CASH, being 6 months Sinking Fund to 1st April, 1822, for the redemption of }	£55,410 - -	- - - - -
Capital Stock created in 1812	- - - - -	- - - - -
do. Interest on Capital Stock standing in the Names of the Commis-	28,907 2 7	84,317 2 -
sioners, at 3 per cent.	- - - - -	- - - - -
In GREAT BRITAIN		£ 15,608,466 16 -
IN IRELAND, IN BRITISH CURRENCY.		
TO CASH, being an Issue per 37 Geo. 3. c. 27.	- - - - -	£62,445 5 6
do. Expired Annuities	- - - - -	66,616 6 5
do. Sinking Fund for the redemption of Capitals created since 1797	- - - - -	266,441 11 8
do. Interest on Capital Stock, standing in the names of the Commis-	- - - - -	243,344 9 1
sioners, at 3½ per cent.	- - - - -	- - - - -
at 4 per cent.	- - - - -	6,533 10 9
ISSUES from CONSOLIDATED FUND		£645,381 3 7
do. Sinking Fund on outstanding Treasury Bills	- - - - -	11,250 - -
TOTAL issued from the EXCHEQUER in IRELAND		£656,631 3 7
GROSS TOTAL		£ 16,265,102 2 -

National Debt Office, }  
28th January, 1823. }

S. HIGHAM, Comptroller General.

## R E S U L T - - - - -

	From the		From	
	CONSOLIDATED FUND.		SUPPLIES.	
	£.	s. d.	£.	s. d.
In GREAT BRITAIN, including Imperial and Portugal	15,166,329	9 2	290,000	- -
In IRELAND - - - - -	645,381	3 7	11,250	- -
UNITED KINGDOM - - - - -	15,811,710	12 9	301,250	- -
EAST INDIA COMPANY - - - - -	(provided for by the East India Company)			

e COMMISSIONERS for the REDUCTION of the NATIONAL DEBT, in the Year ended Jan. 5, 1823.

Crs.

CAPITAL STOCK placed in the Names of the Commissioners in the Year.		RATE Per Cent.		Average Price of STOCK.
£. s. d.			£. s. d.	£. s. d.
3,787,534 - -	BY CASH, paid for £3,787,534 Capital Stock -	at 3 p' cent.	3,139,212 1 11	79 15 -
147,170 - -	do. for 147,170 Imperial -			
439,800 - -	do. for 439,800 Capital Stock -	at 3½ p' cent.	398,453 17 6	90 11 11
	do. into the Receipt of His Majesty's Exchequer, in full of a Loan of £12,500,000, part £13,000,000, per 1 & 2 Geo. 4. c. 70. by which £16,296,875 Capital Stock was created in 1821 -	at 3 p' cent.	6,100,000 - -	-
9,339,687 10	do. do. in part of a Loan of £7,500,000, per 3 Geo. 4. c. 73. by which £9,339,687. 10s. Capital Stock was created in 1822 -	at 3 p' cent.	5,100,000 - -	80 6 -
	do. set apart for the Payment of Life Annuities at the Bank of England, pursuant to 48 Geo. 3. c. 142. -	- - -	431,820 7 3	-
	do. first Instalment paid to the Bank of England, at 10th Oct. 1822, in discharge of Exchequer Bills of the like amount, per 3 G. 4. c. 66. -	- - -	340,000 - -	-
14,300 - -	Navy 5 per cents, bequeathed by Major Thomas Gamble, for the uses of the Sinking Fund -	at 5 p' cent.	14,657 10 -	102 10 -
3,728,491 10 -			£ 15,524,143 16 8	-
107,203 - -	BY CASH, paid for £107,203 Capital Stock -	at 3 p' cent.	84,317 2 7	79 15 -
			£ 15,608,460 19 3	-
362,323 13 11	BY CASH, paid for £362,323. 13s. 11d. Capital Stock -	at 3½ p' cent.	331,092 14 4	91 7 7
	do. into the Receipt of His Majesty's Exchequer in Dublin, in full of a Loan of £500,000, part of £13,000,000, per 1 & 2 G. 4. c. 70, by which £596,115. 7s. 8d. Capital Stock was created in 1821 -	at 3½ p' cent.	325,538 9 3	-
			656,631 3 7	-
198,018 3 11	GROSS TOTAL - - - -		16,265,092 2 10	-

## R E S U L T.

PAYMENTS the East India Company, included in the account of Great Britain.	Returned from LIFE ANNUITY ACCOUNT, and BEQUESTS.	TOTAL.	CAPITAL STOCK placed in the Names of the Commissioners.
£. s. d.	£. s. d.	£. s. d.	£. s. d.
27,705 - -	24,821 5 9	15,524,143 16 8	* 13,728,491 10 -
15,288 1 9	- - - -	656,631 3 7	362,323 13 11
42,993 1 9	24,821 5 9	16,180,775 - 3	14,090,815 3 11
- - - -	- - - -	84,317 2 7	107,203 - -
GROSS TOTAL - - - -	- - - -	16,265,092 2 10	14,198,018 3 11

\* This Sum includes £9,339,687. 10s. Capital Stock, created by the Sinking Fund Loan of £7,500,000, raised Anno 1822, which is in the course of payment.

S. HIGHAM.

AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED DEBT, and of the CHARGE ended 5th January 1823; of the Debt, and Charge thereof, redeemed in the course of that Year; 1823, including the Debt created

Dr.

GREAT BRITAIN.		Capital Stock.		Annual Charge thereon.
		£. s. d.		£. s. d.
At 5th January 1822.	TO Unredeemed Capital - - -	766,191,969 14 7	- -	26,705,121 19 4
	- Long Annuities, expire 1860 - - -	- - -	- -	1,348,992 17 9
	- Life Annuities at the Exchequer - - -	- - -	- -	27,919 2 3
	- Management - - -	- - -	- -	275,563 7 -
	TOTAL DEBT at 5th January, 1822 - - -	776,191,969 14 7		28,357,597 6 6
DEBT created in the Year 1822, the Annual Charge whereof was provided for by the Sinking Fund.	TO Capital Stock created by £7,500,000, raised by Loan from Sinking Fund, per 3 Geo. IV. c. 73 - - -	9,339,687 10 -	at 3 per C.	280,190 12 6
	- The Amount of the Unredeemed Debt due from the East India Company on the 5th of July, 1822, consolidated with Great Britain, per 3 Geo. IV. c. 93 - - -	2,365,655 - -	- 3 per C.	70,969 15 0
	- Capital created by Stock transferred from the Funded Debt of Ireland to the Funded Debt in Great Britain - - -	17,232 7 9	- 4 per C.	689 5 10
	- Additional Capital created by the conversion of £140,250,828. 6s. 2d. £5. per cent. Annuities Unredeemed, at 5th July, 1822, into £147,263,327. 17s. 11d. New £4. per cent. Annuities, per 3 Geo. IV. c. 9 - - -	7,012,499 11 9		-
	- Life Annuities payable at the Exchequer - - -	- - -	- -	1,035 8 -
	- Irish Life Annuities payable in England, brought from the charge of Irish Debt - - -	- - -	- -	36,596 15 5
	- Management (including the National Debt Office, Irish Life Annuity Office in England, and Land Tax Redemption Office, not heretofore included in the Management of the Public Debt) - - -	- - -	- -	6,825 12 10
	- The Trustees for Military and Naval Pensions and Civil Superannuations, per 3 Geo. IV. c. 51 - - -	- - -	- -	2,900,000 - -
	TOTAL DEBT created in the Year 1822 - - -	18,735,074 9 6	- -	3,196,297 7 7
	GENERAL TOTAL, Great Britain - - -	£784,927,034 4 1		31,553,894 14 -
IRELAND.		Capital Stock, (Brit. Currency.)		Annual Charge (Brit. Currency.)
		£. s. d.		£. s. d.
At 5th January 1822.	TO Unredeemed Capital - - -	24,250,745 11 -	- -	1,024,618 2 5
	- Life Annuities - - -	- - -	- -	43,724 6 2
	- Management (Sinking Fund Office) - - -	- - -	- -	553 16 11
	TOTAL DEBT at 5th January, 1822 - - -	24,250,745 11 -	- -	1,068,896 5 4
	TO Capital created by Stock from the Funded Debt of Great Britain to the Funded Debt in Ireland - - -	1,516,743 1 -	at 3½ per C.	53,255 8 4
DEBT created in the Year 1822.	- Additional Capital created by the conversion of £9,198,462. 6s. 5d. B. C. 5 per cent. Annuities into £9,658,365. 8s. 8d. B. C. New Irish 4 per cents, per 3 Geo. IV. c. 17 - - -	450,923 2 3	- -	-
	- Management - - -	- - -	- -	106 3 0
	TOTAL DEBT created in the Year 1822 - - -	£1,976,666 3 3	- -	53,361 11 4
GENERAL TOTAL, Ireland - - -		26,227,411 14 3	- -	1,122,257 17 -



hereof, at the 5th January 1822; of the Debt, and the Charge thereof, created in the Year and of the Total Amount of the Unredeemed Debt, and Charge, as it stood on the 5th January 1822, £7,500,000, raised in 1822.

Cr.

GREAT BRITAIN.		Capital Stock.	Annual Charge thereon.
		£ s. d.	£ s. d.
DEBT reduced in the year 1822.	BY Capital purchased with the Sinking Fund -	3,787,534 - - at 3 per C.	443,214 2 3
	Do. - contracted for by a Loan of £7,500,000 from the Sinking Fund, 3 Geo. IV. c. 73 -	439,800 - - 3½ per C.	
		14,300 - - 5 per C.	
		9,339,687 10 - 3 per C.	
	Do. - transferred to the Commissioners for the Reduction of the National Debt, for the purchase of Life Annuities; for the Redemption of Land Tax; Do. Capital, the Dividends on which have remained unclaimed 10 years or upwards; and Capital purchased with unclaimed Dividends -	992,054 8 8 - 3 per C.	136,867 19 -
		54,937 9 3 - 4 per C.	
		26,606 16 6 - 5 per C.	
	- 5 per cent. Annuities paid off, per 3 Geo. IV. c. 9 -	2,737,359 - 10 - 5 per C.	1,122,008 6 -
	- Annual Interest, reduced by the conversion of £140,250,828. 6s. 2d. 5 per cent. Annuities, unredeemed at 5th July 1822, into £147,263,327. 17s. 11d. New 4 per cent Annuities, per 3 Geo. IV. c. 9 -	- - - -	
	- Capital Stock transferred from the Funded Debt of Great Britain to the Funded Debt in Ireland -	6,950 - - at 3 per C.	55,255 8 5
		1,190,380 19 10 - 3½ per C.	
		250,165 2 10 - 4 per C.	
	- Long Annuities transferred to the Commissioners for the purchase of Life Annuities, or which have remained unclaimed 10 years or upwards -	61,239 14 4 - 5 per C.	1,355 6 7
	- Irish Life Annuities payable in England, expired -	- - - -	
		- - - -	1,135 7 8
	TOTAL DEBT reduced in 1822 -	18,910,015 2 3 -	1,759,836 9 11
By due to the Public Creditor, 5th January, 1823 -		766,017,019 1 10 -	29,511,669 4 4
- Management -		- - - -	282,388 19 10
GENERAL TOTAL -		£ 784,927,034 4 1 -	31,553,894 14 1
IRELAND.		Capital Stock, (Brit. Currency.)	Annual Charge, (Brit. Currency.)
		£ s. d.	£ s. d.
DEBT reduced in the year 1822.	By Capital Stock purchased with the Sinking Fund -	362,323 13 11 at 3½ per C.	12,681 6 7
	- Capital created by Stock transferred from the Funded Debt of Ireland to the Funded Debt in Great Britain -	13,200 - - 3½ per C.	689 1 6
		5,676 18 5 - 5 per C.	
	- Capital 5 per cents paid off, per 3 Geo. IV. c. 17 -	56,917 12 1 - 5 per C.	2,845 17 7
	- Annual Interest, reduced by the conversion of £9,198,462. 6s. 5d. 5 per cents into £9,658,385. 8s. 8d. New Irish 4 per cents, 3 Geo IV. c. 17, and Debt due to the Bank of Ireland, heretofore at 5 per cent, reduced to 4 per cent, per 3 Geo IV. c. 26 -	- - - -	85,126 3 3
	- Irish Life Annuities payable in England, transferred from the charge of Irish Debt to the charge of British Debt -	- - - -	36,596 15 5
	Total Debt reduced in 1822 -	438,118 4 5 -	137,939 4 4
	By due to the Public Creditor, at 5th January 1823 -	25,789,293 9 10 -	985,658 12 8
	- Management -	- - - -	660 0 0
	GENERAL TOTAL -	26,227,411 14 3 -	1,124,257 17 0

## ACCOUNT—continued.

LOANS for the EMPEROR of GERMANY, Funded in Great Britain.		CAPITAL STOCK.		ANNUAL CHARGE thereon.	
On 5th Jan. 1822.	To Unredeemed Capital - -	£.	s. d.	£.	s. d.
	- Management - - - -	4,870,062	3 8	146,101	17 4
		-	- - -	1,655	16 5
		4,870,062	3 8	147,757	13 9
DEBT created in the Year 1822.	- Capital Unclaimed 10 Years or upwards, re-transferred to Proprietors thereof -	940	0 0	28	4 0
		£ 4,871,002	3 8	147,785	17 9

## SUMMARY:

		DEBT.		CHARGE.	
TOTAL DEBT on 5th Jan. 1822.	GREAT BRITAIN - -	£.	s. d.	£.	s. d.
	IRELAND - - - -	766,191,959	14 7	28,357,597	6 6
	GERMANY - - - -	24,250,745	11 0	1,068,896	5 6
		4,870,062	3 8	147,757	13 9
		£ 795,312,767	9 3	29,574,251	5 9
DEBT created in 1822.	GREAT BRITAIN -	18,735,074	9 6	3,196,297	7 7
	IRELAND - - - -	1,976,666	3 3	55,361	11 6
	GERMANY - - - -	940	0 0	28	4 0
		£ 20,712,680	12 9	3,251,687	3 1
TOTAL - -		£ 816,025,448	2 0	32,825,938	8 10

This Account shows the Amount of the Debt, as it stood on the 5th January 1822 and 1823, and the Charge is computed upon the Debt, as it stood on each of those two days respectively.

National Debt Office,  
22d March 1823. }

S. HIGHAM,  
Comptroller General.

## ACCOUNT—continued.

			CAPITAL STOCK.		ANNUAL CHARGE thereon.
			£. s. d.	at	£ s. d.
DEBT reduced in the Year 1822.	By Capital purchased with the Sinking Fund - -		147,170 0 0	3 p. ct.	4,415 2 0
	- Management ceased on Capital purchased - -		- - - - -	- -	50 0 9
TOTAL DEBT reduced in 1822 - £			147,170 0 0	- -	4,465 2 9
By Balance due to the Public Creditor, at 5th Jan. 1823 - - - - -			4,723,832 3 8	- -	141,714 19 3
- Management - - - - -			- - - - -	- -	1,605 15 9
£ 4,871,002 3 8			- -	- -	147,785 17 9

## SUMMARY:

			DEBT.	CHARGE.
			£. s. d.	£. s. d.
DEBT reduced in 1822.	GREAT BRITAIN - -		18,910,015 2 3	1,759,836 9 11
	IRELAND - - - - -		438,118 4 5	137,939 4 4
	GERMANY - - - - -		147,170 0 0	4,465 2 9
	£		19,495,303 6 8	1,902,240 17 0
TOTAL DEBT on 5th Jan. 1823.	GREAT BRITAIN - -		766,017,019 1 10	29,794,058 4 2
	IRELAND - - - - -		25,789,293 9 10	986,318 12 8
	GERMANY - - - - -		4,723,832 3 8	143,320 15 0
	£		796,530,144 15 4	30,923,697 11 10
TOTAL - - £			816,025,448 2 0	32,825,938 8 10

The fractional parts of a Penny are excluded throughout this Statement.

AN ACCOUNT of the state of the PUBLIC FUNDED DEBTS of GREAT  
including the Debt created by

DEBT:

	1.	2.	3.
	CAPITALS.	CAPITALS redeemed and transferred to the Commissioners	CAPITALS UNREDEEMED.
<b>In GREAT BRITAIN:</b>			
	£. s. d.	£. s. d.	£. s. d.
Debt due to the South } at £3 Sea Company.... } p' ct.	3,662,784 8 6	- - -	3,662,784 8 6
Old South Sea Annuities do.	4,795,870 2 7	157,000 0 0	4,638,870 2 7
New South Sea Annuities do.	3,219,330 2 10	53,000 0 0	3,166,330 2 10
South Sea Annuities, } do. 1751 ..... }	735,600 0 0	11,000 0 0	724,600 0 0
Debt due to the Bank } do. of England..... }	14,686,800 0 0	- - -	14,686,800 0 0
Bank Annuities } do. created in 1726... }	1,000,000 0 0	1,641 19 10	998,358 0 2
Consolidated Annuities do.	376,045,172 18 6	10,269,286 16 5	365,775,886 2 1
Reduced Annuities.... do.	136,321,680 19 8	2,910,569 1 3	133,411,111 18 5
<b>TOTAL at £3 per cent . . £.</b>	<b>540,467,238 12 1</b>	<b>13,402,497 17 6</b>	<b>527,064,740 14 7</b>
Annuities at £3½ p' ct.	16,296,440 14 2	197,700 0 0	16,098,740 14 2
Consolidated Annui- } at £4 ties ..... } do.	74,962,645 12 4	118,784 14 3	74,843,860 18 1
New £4 per cent Annuities	147,200,668 2 0	199,599 13 5	147,001,068 8 7
£5 per cents 1797 and 1802	1,013,668 12 4	5,060 5 11	1,008,608 6 5
<b>GREAT BRITAIN... .£.</b>	<b>779,940,661 12 11</b>	<b>13,923,642 11 1</b>	<b>766,017,019 1 10</b>
<b>IN IRELAND, (in British Currency.)</b>			
Debt due to the Bank of } Ireland, at £4 per cent }	1,615,384 12 4	- - -	1,615,384 12 4
Do .... at £5 per cent	1,015,384 12 4	- - -	1,015,384 12 4
£3½ per cent Debentures } and Stock..... }	20,466,738 9 3	7,827,841 13 10	12,638,896 15 5
£4 per cent ....do.....	1,024,580 10 4	163,338 9 3	861,242 1 1
New £4 per cent do ....	9,658,385 8 8	- - -	9,658,385 8 8
<b>IRELAND.....£.</b>	<b>33,780,473 12 11</b>	<b>7,991,180 3 1</b>	<b>25,789,293 9 10</b>
<b>TOTAL UNITED KINGDOM £.</b>	<b>813,721,135 5 10</b>	<b>21,914,822 14 2</b>	<b>791,806,312 11 8</b>

NOTE.—The above Columns, 1 & 2, show the Totals of Debt for the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, viz.

To provide for the Charge of Loans, and by redemption of Land Tax, at the 5th January, 1822.

Directed to be cancelled by Acts of the year 1822, to provide for the Charge of Military and Naval Pensions and Superannuations, for Interest of Unredeemed East India Debt incorporated with Great Britain, and for the Charge of Sinking Fund Loan, 1822

For redemption of Land Tax

STOCK.		
	£. s. d.	
- - - - -	- - -	352,035,329 14 8
102,227,572 0 0	- 3 p. cts.	
5,078,000 0 0	- 3½ do.	
107,305,572 0 0		
90,935 7 6	- 3 p. cts.	107,306,507 7 6
- - - - -		439,432,347 1 17



BRITAIN and IRELAND, and of the CHARGE thereupon, at the 5th of January 1823, £7,500,000, raised in 1822.

## CHARGE :

		In GREAT BRITAIN, including PORTUGAL.			In IRELAND, (In British Currency.)			TOTAL ANNUAL CHARGE.		
		£	s.	d.	£.	s.	d.	£.	s.	d.
Sinking Fund.	Annual Grants -	1,200,000	0	0	62,445	5	7			
	Expired Annuities	79,880	14	6	66,616	6	6			
	Exchequer Life Annuities, Un- claimed and Ex- pired -	51,999	3	1	—					
	Per Centage on Capitals created by Loans -	11,504,877	16	8	266,441	11	8			
	Annual Interest on Stock redeemed	421,982	16	6	280,507	19	11			
	Long Annuities -	11,798	7	6	—					
		13,270,538	18	3	676,011	3	8			
Due to the Public Creditor.	Annual Interest on Unredeemed Debt -	25,299,625	15	0	978,531	1	11			
	Long Annuities, expire 1860	1,347,637	11	2	—					
	Life Annuities, payable at the Exchequer	28,944	10	5	—					
	Ditto Irish Life Annuities	35,461	7	9	7,127	10	9			
		26,711,669	4	4	985,658	12	8			
Management - - -		282,388	19	10	660	0	0			
		26,994,058	4	2	986,318	12	8			
		40,264,597	2	5	1,662,329	16	4	41,926,926	18	9
The Trustees of Military and Naval Pensions and Civil Su- perannuations - -		2,800,000	0	0	-	-	-	2,800,000	0	0
TOTAL UNITED KINGDOM -		£43,064,597	2	5	1,662,329	16	4	44,726,926	18	9

## ACCOUNT—continued.

## DEBT :

LOANS For the EMPEROR of GERMANY, Funded in Great Britain.	CAPITALS.			CAPITALS Redeemed and Transferred to the Commissioners.			CAPITALS Unredeemed.		
	£.	s.	d.	£.	s.	d.	£	s.	d.
Imperial Annuities, £3 per cent. } - -	7,502,633	6	8	2,778,801	3	0	4,723,832	3	8

## ABSTRACT. . . . .

	CAPITALS.			CAPITALS Redeemed and Transferred to the Commissioners.			CAPITALS Unredeemed.		
	£.	s.	d.	£.	s.	d.	£	s.	d.
GREAT BRITAIN -	779,940,661	12	11	13,923,642	11	1	766,017,019	1	10
IRELAND - -	33,780,473	12	11	7,991,180	3	1	25,789,293	9	10
GERMANY - -	7,502,633	6	8	2,778,801	3	0	4,723,832	3	8
£	821,223,768	12	6	24,693,623	17	2	796,530,144	15	4

The Trustees of Military and Naval Pensions }  
and Civil Superannuations - - - }

The fractional parts of a penny are excluded throughout this Account.

National Debt Office, }  
22d March 1823. }

S. HIGHAM,  
Comptroller General.

## ACCOUNT—continued.

## CHARGE:

		ANNUAL CHARGE.		
		£.	s.	d.
Sinking Fund	Per Centage on Capital created by Loan 1797	36,693	0	0
	Annual Interest on Stock redeemed	83,364	0	8
		120,057 0 8		
Due to the Public Creditor	Annual Interest on Unredeemed Debt	141,714	19	3
	Management	1,605	15	9
		143,320 15 0		
		£	263,377	15 8

## ABSTRACT.

## ANNUAL CHARGE.

Due to the Public Creditor.	MANAGEMENT.	SINKING FUND.	TOTAL.
£. s. d.	£. s. d.	£ s. d.	£. s. d.
26,711,669 4 4	282,388 19 10	13,270,538 18 3	40,264,597 2 5
985,658 12 8	660 0 0	676,011 3 8	1,662,329 16 4
141,714 19 3	1,605 15 9	120,057 0 8	263,377 15 8
27,839,042 16 3	284,654 15 7	14,066,607 2 7	42,190,304 14 5
2,800,000 0 0	- - -	- - -	2,800,000 0 0
30,639,042 16 3	284,654 15 7	14,066,607 2 7	44,990,304 14 5

# AN ACCOUNT OF THE UNFUNDED DEBT OF GREAT BRITAIN AND IRELAND;

And of the Demands outstanding on the 5th January 1823,

Distinguished under the following heads; viz.—Exchequer Bills; Sums remaining unpaid, charged upon Aids granted by Parliament; Advances out of the Consolidated Fund in Ireland, towards the Supplies; and Exchequer Bills to be issued on the Consolidated Fund; and distinguishing also, such part of the Unfunded Debt and Demands, as have been provided for by Parliament; together with an Account of the Ways and Means remaining in the Exchequer, or to be received on the 5th January 1823, to defray such part of the Unfunded Debt and Demands outstanding, as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
EXCHEQUER BILLS .....	1,337,000 - -	34,944,150 - -	36,281,150 - -
SUMS remaining unpaid, charged upon Aids granted by Parliament .....	4,591,592 11 7½	— - -	4,591,592 11 7½
ADVANCES made out of Consolidated Fund in Ireland, towards Supplies which are to be repaid to Consolidated Fund, out of Ways and Means in Great Britain .....	613,027 18 3½	— - -	613,027 18 3½
TOTAL Unfunded Debt, and Demands outstanding ....	£ 6,541,620 9 11½	34,944,150 - -	41,485,770 9 11½
WAYS and MEANS .....	7,010,668 7 9½	—	—
Surplus Ways and Means .....	£ 469,047 17 10½	—	—
EXCHEQUER BILLS to be issued to complete the Charge upon the Consolidated Fund .....	£ 5,928,354 13 3	5,928,354 13 3	5,928,354 13 3

Whitehall, Treasury Chambers,  
25th March, 1823. }

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,

bringing each of the Three Years ending the 5th January 1823, (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 Merchandise exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported therefrom, according to the Real and Declared Value thereof.

YEARS ending 5th January.	VALUE of IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom exported therefrom, according to the Real and Declared Value thereof.
		Produce and Manufactures of the United Kingdom	Foreign and Colonial Merchandise.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1821 - -	32,438,650 17 3	38,395,555 7 2	10,555,912 10 3	48,951,467 17 5	36,424,652 13 11
1822 - -	30,792,763 4 10	40,831,744 17 5	10,629,689 5 8	51,461,434 3 1	36,659,631 3 0
1823 - -	30,500,094 17 4	44,236,533 2 4	9,227,589 6 11	53,464,122 9 3	36,968,964 9 9

Inspector General's Office,  
Custom-House, London,  
24th March, 1823.

WILLIAM IRVING,  
Inspector General of Imports and Exports.

## FOREIGN TRADE OF GREAT BRITAIN.

AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, GREAT BRITAIN,

bringing each of the Three Years ending the 5th January 1823; (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 Merchandise exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported from Great Britain, according to the Real and Declared Value thereof.

YEARS ending 5th January	VALUE of IMPORTS into Great Britain, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom exported from Great Britain, ac- cording to the Real and Declared Value thereof.
		Produce and Manufactures of the United Kingdom	Foreign and Colonial Merchandise.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1821 -	31,484,108 11 8	37,818,035 13 3	10,525,025 18 8	48,343,061 11 11	35,568,669 9 5
1822 -	29,724,173 13 7	40,194,892 13 11	10,602,090 0 0	50,796,982 13 11	35,826,082 13 7
1823 -	29,401,807 10 10	43,558,488 12 9	9,211,927 16 10	52,770,416 9 7	36,176,896 13 11

Inspector General's Office,  
Custom House, London,  
24th March 1823.

WILLIAM IRVING,  
Inspector General of Imports and Exports.

## 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 1823, (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.

		VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM IRELAND, calculated at the Official Rates of Valuation.						VALUE of the Produce and Manufactures of the United Kingdom, exported from Ireland, as computed at the Average Prices Current.					
					Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandise.		TOTAL EXPORTS.							
YEARS ENDING		£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.			
VALUE inclusive of the Trade with GREAT BRITAIN.	5th Jan. 1821	5,197,192	17	8	7,089,441	11	6	89,781	6	11	7,179,222	18	5	10,308,713	11	9 1/2
	— 1822	6,407,427	15	8 1/2	7,703,857	11	8 1/2	77,795	4	3 1/4	7,781,652	16	—	9,808,667	19	7 1/2
	— 1823	6,607,487	12	5 1/2	6,771,607	2	3 1/2	54,302	7	3	6,825,909	9	6 1/2	7,871,237	10	3
YEARS ENDING		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
VALUE exclusive of the Trade with GREAT BRITAIN.	5th Jan. 1821	954,542	5	7	577,519	13	11	30,886	11	7	608,406	5	6	855,983	4	9 1/2
	— 1822	1,068,589	11	3 1/2	636,852	3	6 1/2	27,599	5	7 1/2	664,451	9	2	883,548	9	3
	— 1823	1,098,287	6	6	678,044	9	7	15,661	10	1	693,705	19	8	792,667	13	10

Custom House, Dublin, }  
19th March 1823. }

WM. MARRABLE,  
Inspector General of the Imports and Exports of Ireland.

## NAVIGATION OF THE UNITED KINGDOM.

## NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1821, 1822, and 1823, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY					
	1821.		1822.		1823.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom .....	619	66,691	585	58,076	564	50,928
Isles Guernsey, Jersey, and Man..	16	1,451	12	1,406	7	605
British Plantations .....	248	16,440	275	15,365	152	11,001
<b>Total.....</b>	<b>883</b>	<b>84,582</b>	<b>872</b>	<b>74,847</b>	<b>723</b>	<b>62,534</b>

Custom House, London, }  
24th March, 1823. }

WILLIAM IRVING,  
Inspector General of Imports and Exports.

## VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1820, 1821, and 1822, respectively.

	On 30th September 1820.			On 30th September 1821.			On 30th September 1822.		
	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.
United Kingdom	21,473	2,412,804	155,335	21,163	2,329,213	150,424	20,756	2,288,999	147,529
Isles Guernsey, Jersey and Man.....	496	26,225	3,775	489	26,639	3,859	482	26,404	3,788
British Plantations.....	3,405	209,564	15,304	3,384	204,350	14,896	3,404	203,641	15,016
<b>TOTAL....</b>	<b>25,374</b>	<b>2,648,593</b>	<b>174,414</b>	<b>25,036</b>	<b>2,560,202</b>	<b>169,179</b>	<b>24,642</b>	<b>2,519,044</b>	<b>166,333</b>

Custom House, London, }  
24th March, 1823. }

WILLIAM IRVING,  
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM—*continued.*

## VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same, (including their repeated Voyages,) that entered Inwards, and cleared Outwards, at the several Ports of The United Kingdom, from and to all Parts of the World, (exclusive of the Intercourse between GREAT BRITAIN and IRELAND respectively;) during each of the three Years ending 5th January 1823.

YEARS ending 5th January	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, (Exclusive of the Intercourse between Great Britain and Ireland.)								
	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
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	123,528
1823.....	11,087	1,663,627	98,980	3,389	469,151	28,421	14,476	2,132,778	127,401

YEARS ending 5th January	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, (Exclusive of the Intercourse between Great Britain and Ireland.)								
	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
1821.....	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,836	120,394
1822.....	9,797	1,488,644	93,377	2,626	383,786	22,162	12,423	1,872,430	115,539
1823.....	10,023	1,539,260	95,998	2,843	457,542	25,394	12,866	1,996,802	121,393

Custom House, London, }  
24th March, 1823. }

WILLIAM IRVING.



AN ACCOUNT OF THE PRINCIPAL OF THE  
RUSSIAN DUTCH LOAN,

In British Money, the Payment of which Great Britain undertook, by the Convention signed at London, 19th May, 1815; and, the Amount paid by Great Britain in each Year, for the Principal and Interest of that Loan, as authorized by the 55 Geo. 3. c. 115; and, the Total Amount paid of Principal and Interest, up to the 1st January, 1823;—also, An Estimate of the Amount, in British Money, which remains to be paid by Great Britain for that Loan, on the principle the Payments have hitherto been made. (Presented to Parliament 24th Feb. 1823.)

THE Amount of PRINCIPAL of the RUSSIAN DUTCH LOAN, the Payment of which Great Britain undertook, by the Convention above mentioned, was 25,000,000 Florins; which, at the exchange of Eleven Florins to the Pound sterling, amounts to £2,272,727. 5s. 6d.

THE AMOUNT PAID BY GREAT BRITAIN, IS AS FOLLOWS:

	PRINCIPAL. <i>Florins.</i>	INTEREST. <i>Florins.</i>	TOTAL. <i>In British Currency.</i>
			£.   s.   d.
In the Year 1816.....	250,000	1,243,750 —	121,964 12 9
In the Year 1817.....	250,000	1,231,748 15	130,685 4 1
In the Year 1818.....	250,000	1,218,750 —	133,417 6 3
In the Year 1819.....	250,000	1,206,250 —	126,374 3 5
In the Year 1820.....	250,000	1,193,750 —	119,517 1 9
In the Year 1821.....	250,000	1,181,250 —	115,753 — 2
In the Year 1822.....	250,000	1,168,750 —	119,940 5 2
Total.....	1,750,000	8,444,248 15	£867,651 13 7

The Amount of Principal of this Loan remaining due on the 1st January, 1823, is 23,250,000 Florins, which, in British sterling, at the exchange of Eleven Florins, amounts to £2,113,636 7s. 3d.; and the Principal is to be paid off by Annual Instalments of £1 per cent, or 250,000 Florins, subject, however, to an increase of such Instalment, on the demand of the Russian Government, to an Annual Sum, not exceeding 3 per Cent, or 750,000 Florins, Dutch Currency.

*Treasur<sup>y</sup> Chambers, Feb. 22, 1823.*

J. C. HERRIES.

AN ACCOUNT of the Sums received from FRANCE, in respect of the PECUNIARY INDEMNITY payable under the Convention No. 5, of the 15th Nov. 1815; and of the Appropriation thereof.—(Presented to Parliament 25th June 1823.)

THE Total Sum received by His Majesty's Government, in pursuance of this Convention, and of the several Arrangements subsequently made, was f. 125,228,482. 42. which at the exchange of f. 25. 29. the average rate of Remittance to this Country, was	£. s. d.
By Interest, &c. upon the Money received beyond the Amount paid by way of Discount upon anticipated Payments, Commission upon Negotiations, &c.	4,951,699 11 7½
	71,473 4 9
	£ 5,023,172 16 4½

By Payment on account of proportions of the Pecuniary Indemnity due to Hanover	£ s. d.
By Payment on account of the Sums due to Brunswick, for Subsidiary Force	166,890 16 5
Paid the Chevalier Canova, for removing Works of Art, &c.	19,211 4 9
Remitted to Lisbon, to discharge outstanding Demands of the Army	9,971 10 5
Paid as Prize Money to the Army	98,853 6 0½
By the Expenses of the Office of the Commissioners of Deposit	1,000,000 0 0
By Amount paid for the use of the Army in France, beyond the Sum received from the French Government, on that Account	23,527 1 8½
By Payments in respect of Fortifications in The Netherlands	1,269,071 1 9½
By Payment on account of Supplies 1821, pursuant to the Grant of Parliament	1,529,765 2 8
By Amount paid the Treasurer of the Ordnance, on account of Expenses incurred by that Department in England, in respect of the Ordnance Corps stationed in France	500,000 0 0
By Amount paid M. de Ladebat, in satisfaction of his Claims, in respect of Property belonging to him, sequestrated at the beginning of the War by the British Government	15,634 19 3
By Amount paid Mr. Martin, towards the Indemnification of Proprietors of Property at St. Domingo, for the sequestration of their Property during the occupation of that Island, by the British Forces	99,331 4 7
By Amount paid the French East India Company, as an Indemnification for Property belonging to them, sequestrated at the commencement of the War	3,400 0 0
By Amount granted to Lord Beresford, and the Portuguese Army under his command, on account of their proportion of the Prize captured by the Allied Armies, and delivered over to the British Authorities, beyond the net Sum received from France, as the value of the Prize Property left at Bourdeaux	60,000 0 0
By Amount paid Mr. Spearman, remuneration for his Services in the Payment of Subsidies to Foreign Powers	22,733 19 8½
By Payments on account of His Majesty's Coronation	1,000 0 0
By Amount paid on account of the Expenses of His Majesty's Journey to Scotland	138,238 0 2
	3,358 9 7
	4,960,986 17 1
By Balance	*62,185 19 3½
	£ 5,023,172 16 4½

\* THIS Balance is liable to the Payment of a further Sum, on account of the Subsidiary Force of Brunswick; as also of a further Sum, as Indemnification to the Proprietors of Property in St. Domingo, the amount of which cannot at present be accurately ascertained.

Whitehall, Treasury Chambers,  
25th June 1823.

J. C. HERRIES

*A RETURN of the different WORKS OF ART, for the removal of which the Sum of £9,971 10s. 5d. has been paid, out of the Pecuniary Indemnities received from France, to the Chevalier Canova; with a Statement, showing upon whose account they were removed:—Of the manner in which the Sum of £1,269,071. 1s. 9½d. paid also out of the Pecuniary Indemnities, and which is stated to have been paid for the use of the British Forces in France, has been applied:—and, of the grounds upon which the following Payments were made out of the said Pecuniary Indemnities; viz. The Sum of £99,331. 4s. 7d. to M. de Ladebat;—of £3,400 to Mr. Martin;—and of £60,000 to the Representatives of the French East India Company.*

J. C. HERRIES.

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LIST OF PAPERS.

No.	Page
1. List of the Works of Ancient Art, which were taken from Rome by the French, in 1797, and carried to Paris.—(Translation.)	627
2. Application of the sum of £1,269,071. 1s. 9½d. paid on account of the British Forces in France	629
3. Payment of £99,331. 4s. 7d. to M. de Ladebat	631
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5. Payment of £60,000. on account of the French East India Company	633

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No. 1.—*List of the Works of Ancient Art, which were taken from Rome by the French in 1797, and carried to Paris.—(Translation.)*

STATUES.

1. *The Torso Belvedere.* 2. *Antinous* ditto. 3. *Hercules*, with a child in his arms, supposed to be Ajax. 4. *Apollo Belvedere.* 5. *Laocoon* ditto. 6. *Meleager.* 7. *A Colossal Nile*, in a recumbent posture. 8. *A Colossal Tiber.* 9. *Cleopatra*, or rather *Ariadne.* 10. *Demosthenes*, in a sitting posture. 11. *Trajan*, ditto. 12. *Posidippus*, ditto. 13. *Menander.* 14. *Hygieia.* 15. *Phocion*, the Athenian General. 16. *An Amazon.* 17. *Adonis.* 18. A crouching *Venus.* 19. *Paris.* 20. *Apollo*, with his Lyre. 21 to 29. *The Nine Muses.* 30. A Colossal *Melpomene.* 31. A Semi-Colossal *Ceres.* 32. *Sphinx* of Oriental Granite. 33. Another, ditto. 34. *Sardanapalus.* 35. *A*

*Priest.* 36. *Tiberius.* 37. *Augustus.* 38. *A Discobolus.* 39. Ditto. 40. *Urania*, in a sitting posture, five palms high. 41. *Cercs*, five palms high. 42. *Antinous Capitolinus.* 43. *Apollo*, with the Hippogryph. 44. Group of *Cupid and Psyche.* 45. A dying *Gladiator.* 46. *Juno.* 47. *Pandora.* 48. *Faunus*, by Praxiteles. 49. *Zeno.* 50. *Flora.* 51. *Venus.* 52. *Antinous*, represented as an Egyptian Idol. 53. *Torso of Cupid.* 54. A Statue of *Hygieia* of "Nero Antico." 55. *A Youth*, extracting a thorn from his foot, in bronze.

## BUSTS.

56. *Menelaus.* 57. *Minerva.* 58. *Cato and Portia.* 59. *Tragedy* 60. *Comedy.* 61. *Jupiter.* 62. *Jupiter Serapis.* 63. *Antinous* 64. *Hadrianus.* 65. *Oceanus.* 66. *Homer.* 67. *Ariadne.* 68. *Alexander.* 69. *Marcus Brutus.* 70. *Junius Brutus*, in bronze. 71. *A Sarcophagus*, with figures of the *Nine Muses* in bas relief. 72. Another, ditto, representing the Triumph of the *Nereids.* 73. *A Candelabra*, with intaglios. 74. Another, ditto. 75. Another, ditto. 76. *A circular Altar*, with Bacchanalians. 77. *A Tripod*, in marble, with intaglios. 78. *A Cippus*, with embellishments. 79. Another, ditto. 80. A curule *Chair.* 81. Another, ditto. 82. A capacious *Vase*, or *Bell of Basalt.* 83. Another *Tripod*, in marble. 84. An ancient Seat of *Rosso Antico.* 85. Another, ditto.

## PAINTINGS.

1. *The Transfiguration*, by Raphael. 2. *A Madonna* of Foligno, by Raphael. 3. *St. Petronilla*, by Guercino. 4. *St. Jerome*, by Domenichino. 5. *A dead Christ*, carrying to the Sepulchre, by Caravaggio. 6. *A dead Christ*, from the Church of St. Francesco Aripa, by Carracci. 7. *St. Erasmus*, by Poussin. 8. *The Martyrs*, by Valentino. 9. *The Ladder of St. Benedict*, by Andrea Sacchi. 10. *The Miracle of the Corporal*, ditto. 11. *Fortuna*, by Guido. 12. *St. Gregory*, by Carracci. 13. *The Descent from the Cross*, by Borroccio. 14. *The Virgin in Heaven*, by Perugino. 15. *The Virgin Crowned*, by Raphael. 16. *A Chiaroscuro*, representing the Three Virtues, by Raphael. 17. *St. Cecilia*, by Raphael. 18. *The Martyrdom of St. Agnes*, by Domenichino. 19. *The Rosary*, by Domenichino. 20. *St. Petronius*, by Cavedone. 21. *The Massacre of the Innocents*, by Guido. 22. *The Purification of the Virgin*, by Guido. 23. *The Annunciation*, by Guido. 24. *The Circumcision*, by Guercino. 25 & 26. *St. Joseph* asking pardon of the Virgin, by Tiarini. 27. *The Assumption*, by Hannibal Carracci. 28. *The Apparition of the Virgin*, by Hannibal Carracci. 29. *Christ* calling *St. Matthew*, by Lodovico Carracci. 30. *The Virgin* appearing to *St. Dominick*, by L. Carracci, &c. &c. &c.



*Nota Bene.*—The above List is imperfect in regard to the Paintings; the Undersigned not having been enabled to enter the Museum for the purpose of correcting it. It will, therefore, be necessary to add to it some other Paintings, which, whether exhibited or not, are the Property of Rome, and of the Papal States. Of the latter, an accurate Return is expected every moment.

The 500 Manuscripts will be easily recognized by their marks, which are peculiar to the Vatican Library, whence they were taken. To these must be added likewise, the Medals, Prints, Cameos, and Christian Antiquities, of which the Vatican Museum was despoiled, independently of the articles surrendered under the Armistice, previous to the Treaty of Tolentino; the latter articles alone would amount to a sum of about seven millions of francs.

CANOVA,

*Perpetual Superintendent of the  
Academy for Fine Arts of Rome.*

*Paris, Sept. 19, 1815.*

The above was received from M. Canova, as the List of the Works of Art belonging to the Papal Government, taken from Rome in 1797, and carried to Paris.

For the removal of these articles from Paris to Rome in 1815, directions were given, by the Lords Commissioners of His Majesty's Treasury, to place at the disposal of M. Canova, the sum of 251,498 francs, to be charged on the Pecuniary Indemnity payable by France, in virtue of the Conventions signed at Paris on the 20th November, 1815.

JOSEPH PLANTA, Jun.

*No. 2.—Application of the Sum of £1,269,071. 1s. 9½d. paid on account of the British Forces in France.*

By the Convention No. 4, concluded on the 20th November, 1815, in conformity with the 5th Article of the principal Treaty relating to the Military Occupation of the Northern Parts of France by the Allied Powers, it was provided, that the Army of 150,000 men, which was to occupy a line along the Frontiers of that Country, should be maintained by the French Government in the following manner; lodging, fuel, and lighting, provisions and forage, were to be furnished in kind. For the pay and equipment, the clothing and other incidental matters, the French Government were to provide by the payment of 50,000,000 francs per annum.

The 150,000 men to be thus maintained by France were to be furnished by the Allied Powers in the following Contingents, and the Annual Payment of 50,000,000 francs was subdivided in the like proportions:

## GREAT BRITAIN AND FRANCE.

Great Britain .....	30,000
Austria.....	30,000
Russia .....	30,000
Prussia.....	30,000
Bavaria.....	10,000
Denmark .....	5,000
Saxony.....	5,000
Hanover .....	5,000
Wirttemberg.....	5,000
	<hr/>
	150,000
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By a subsequent arrangement entered into on the 10th February, 1817, the Allied Troops were to be reduced to 120,000 men, from the 1st of April of that year, by a reduction of one-fifth of the Contingent of each of the Allied Powers, and the Payments by France on account of equipment, clothing, &c. were to be diminished in the like proportion.

Under these Arrangements the British Government received towards the Pay, &c. of the British Troops, the Sum of 28,571,428 francs, 50 cents; but the Expenses defrayed there actually amounted to 33,815,218 francs, 55 cents. being 5,243,793 francs, 5 cents, equal to £207,346. 7s. 7½d. above that amount.

In addition to these Payments in France, various Expenses were incurred in England; many of the Officers drew their pay in this Country; the clothing was provided here, and some contingent expenses were paid.

A Return of the several Regiments stationed in France was made to Parliament in a separate Estimate, for the years 1816, 1817, and 1818, and was voted in Supply; Ways and Means, however, were not provided to make good the Supply, it being distinctly understood that the whole expense of this Force was to be defrayed out of the Money paid by France expressly on account of the Army of Occupation, or out of the Money to be received from Pecuniary Indemnities.

In conformity with this understanding, the Paymaster-General was required from time to time to furnish Accounts of the Sums actually paid by him for the service of those Regiments which were stationed in France, and for which no provision had been made by Parliament; and the amount so disbursed by him was replaced out of the Pecuniary Indemnities. These Sums amounted altogether to £1,061,724. 14s. 2d. which being added to the excess, which arose as above stated in France, viz. £207,346. 7s. 7½d. the total is the amount of £1,269,071. 1s. 9½d. expended out of these Funds on account of the British Army in France.

*No. 3.—Payment of £99,331. 4s. 7d. to M. de Ladebat.*

IN the month of March 1793, a considerable quantity of Silver Bullion was deposited for safe custody at the Bank of England, by Messrs. Bourdieu and Co. by whom it had been purchased on account of, and by order from, the Caisse d'Escompte at Paris. Proceedings were instituted in the Court of Exchequer, with a view to the condemnation of this Property to His Majesty's use, it being supposed to belong to the then existing French Government, which Proceedings were, however, opposed by Messrs. Bourdieu and Co. on the ground; 1. That under the circumstances of the Case, the Government had no legal right to the Bullion so seized; and, 2. That if the Government had any such legal right, that nevertheless they (Bourdieu and Co.) were entitled to reimburse themselves, in the first instance, out of the Property, the amount which they had paid in discharge of certain Bills, drawn upon them by the Caisse d'Escompte, and accepted by them previously to the Sequestration.

The Court of Exchequer decided both the Points in favour of the Crown, and as the Bullion had already, by the consent of all Parties, been sold and vested in the Public Funds, the Court awarded, that the amount so invested should be placed at the disposal of the Crown.

An Appeal against this decision was made to the House of Lords, by Messrs. Bourdieu and Co. which was subsequently abandoned, upon the understanding that they should receive, by the grace and favour of the Crown, the Sum due to them on account of this transaction with the Caisse d'Escompte; and that Sum having, upon subsequent examination been found to be £50,512. 16s. 1d. it was paid to them out of the proceeds of the Stock so transferred for the Crown's use.

The Balance remaining of this Property was £108,777. 17s. 8d. In 1807 and 1808 it was paid into the Exchequer.

Upon the restoration of Peace in 1814, M. de Ladebat arrived in this Country, to claim the restitution of this Property, as representing the Caisse d'Escompte, on the ground that British Subjects had been compensated for similar Sequestrations by France. Before his Claim was admitted, he was required to prove, that he was himself the rightful Owner, and that no other Persons had any right or title to any portion of the Money, as Proprietor of the Caisse d'Escompte.

Considerable discussion upon and investigation into this fact took place, and reference was made to the Government of France upon the subject, the result of which was to establish M. de Ladebat's Claim. An Account was therefore prepared, showing the actual value of the Bullion when seized; and Interest thereupon at the rate of 3 per cent. per annum was allowed, from the date when the proceeds first became productive of Interest by the investment in the Public Funds. From the Account thus stated, there was deducted the Sum paid to Messrs. Bourdieu and Co, with the Interest thereon, at the same rate, from the

day it was paid to them until the day fixed for liquidating M. de Ladebat's Claim. The result of this mode of stating the Account was, that M. de Ladebat became entitled to £99,331. 4s. 7d. which was paid to him out of French Indemnities accordingly.

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*No. 4.—Payment of £3,400 to Mr. Martin.*

THIS Money was issued to Mr. Martin to defray certain Claims upon Great Britain, arising out of the occupation of St. Domingo by the British Forces, in the years 1794, 1795, 1796, 1797, and 1798.

When the Island was taken possession of by the British Authorities, the Property of Absentees was placed under Sequestration, and Ordinances were published by the Generals commanding, regulating the mode in which the Sequestration was to be conducted, and directing the deposit of the Property in the hands of the British Agents, for the benefit of those Proprietors who should ultimately be judged to be entitled to restitution. Under the Sequestration, Monies to a considerable extent were paid into the hands of the English Authorities, by whom they were applied to the purposes of the Army and of the British Government of the Colony.

Many of the Persons, whose Estates were sequestered under these circumstances, remained in France, or in other Countries, at that time in a state of hostility with Great Britain, and the Claims brought forward by them, previously to the Treaty of Peace of 30th May 1814, were not entertained, because they could not satisfactorily be settled during the continuance of the War. Upon the restoration of Peace, however, many of those Claimants came forward again with their Demands, the investigation into which had been theretofore postponed; and in consideration of the liberal provision made by France for the payment of the Claims of British Subjects, and in consideration also of the peculiar circumstances under which the Claims arose, it was agreed by the British Government, that they should then be investigated.

Mr. Martin was the Secretary to two several Commissions, established in the years 1798 and 1800, for investigating the Claims of the St. Domingo Sufferers who came to England, and he was subsequently continued as Paymaster of the Allowances granted to them. He was therefore commissioned, on account of his knowledge of this Service to investigate and report upon these Claims; but much delay has unavoidably taken place, in consequence of its being necessary, in many Cases, to refer the Parties to the Courts of Law in France, to settle the rightful Claimants to the Sums reported to be due.

A further Sum, as noticed by a Memorandum at the foot of the Account to which the Order refers, remains to be paid. According to the best Estimate which can now be formed, that sum may amount to about £20,000; which it is proposed, as stated in the Memorandum above alluded to, to pay out of the same Fund.

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*No. 5.—Payment of £60,000 on account of the French East India Company.*

THE circumstances under which this Claim was made arose in the following manner :

In the year 1794, two Acts, the 34 Geo. 3. c. 9. and c. 79. were passed, for preserving Money and Effects in the hands of His Majesty's Subjects belonging to or disposable by Persons resident in France, for the benefit of the individual Owners, and for preventing any such Property from being applied to the use of the then existing Government of that Country.

The last Act directed the appointment of a Commission for ascertaining and managing any Property which might be in this Country under such circumstances. No such Commission, however, was ever constituted ; and it does not appear that any application was ever made to His Majesty's Government by any Person interested for the appointment of it.

The French East India Company had, at that period, a considerable sum of Money in the hands of a mercantile house in London, their Agents, which Money could not be paid to the Owners, in consequence of the Act referred to. The Agents becoming Bankrupt in the mean time, the amount was lost to the French East India Company.

Upon the restoration of Peace in 1814, an application for an Indemnification was made by the French Government on behalf of the Representatives of the French East India Company, under the Article of the Treaty for the Settlement of the Claims of the Subjects of either Country, for Losses sustained by the Acts of the Government of the other during the War, upon the ground that this Money had remained in the hands of the Agents in England, in consequence of the Acts above referred to, and that the British Government became responsible for it, by reason of the non-appointment of the Commission prescribed by the Act 34 Geo. 3. c. 79.

The strict legality of this Claim was not admitted by the Law Officers of the Crown to whom the Case was referred. But the result of a Negotiation between the Two Governments led to an agreement that the Loss should be borne in equal proportions by each of them ; and the sum of £60,000 was consequently paid by Great Britain on the 10th December, 1819, as her proportion of the Sum due to the Claimants out of the Pecuniary Indemnities.

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*MESSAGE of the President of The United States, on the  
Opening of Congress, December 3, 1822.*

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FELLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

MANY causes unite to make your present Meeting peculiarly interesting to our Constituents. The operation of our Laws on the various subjects to which they apply, with the Amendments which they occasionally require, imposes, annually, an important duty on the Representatives of a Free People. Our System has happily advanced to such maturity, that I am not aware that your cares, in that respect, will be augmented. Other causes exist which are highly interesting to the whole Civilized World, and to no portion of it more so, in certain views, than to The United States. Of these causes, and of their bearing on the interests of our Union, I shall communicate the sentiments which I have formed, with that freedom which a sense of duty dictates. It is proper, however, to invite your attention, in the first instance, to those concerns respecting which Legislative Provision is thought to be particularly urgent.

On the 24th of June last, a Convention of Navigation and Commerce was concluded, in this City, between The United States and France, by Ministers duly authorized for the purpose. The sanction of the Executive having been given to this Convention, under a conviction that, taking all its Stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the Executive by the 2d Section of the Act of the last Session, of the 6th May, concerning Navigation, to suspend, by Proclamation, until the end of the next Session of Congress, the operation of the Act, intitled *An Act to impose a New Tonnage Duty on French Ships and Vessels, and for other purposes*, and to suspend likewise all other Duties on French Vessels, or the goods imported in them, which exceeded the Duties on American Vessels, and on similar goods imported in them. I shall submit this Convention, forthwith, to the Senate, for its advice and consent, as to the Ratification.

Since your last Session, the prohibition which had been imposed on the Commerce between The United States and the British Colonies, in the West Indies, and on this Continent, has likewise been removed. Satisfactory evidence having been adduced, that the Ports of those Colonies had been opened to the Vessels of The United States, by an Act of the British Parliament, bearing date on the 24th of June last; on the conditions specified therein, I deemed it proper, in compliance with the Provision of the First Section of the Act of the last Session above recited, to declare, by Proclamation, bearing date on the 24th of

August last, that the Ports of The United States should thenceforward, and until the end of the next Session of Congress, be open to the Vessels of Great Britain employed in that Trade, under the limitation specified in that Proclamation.

A doubt was entertained whether the Act of Congress applied to the British Colonies on this Continent, as well as to those in the West Indies ; but as the Act of Parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of The United States, that the Provisions of the Act of Parliament should be met, in equal extent, on the part of The United States, and as also the Act of Congress was supposed to vest in the President some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the Constitutional sanction of the Senate be given to the Ratification of the Convention with France, Legislative Provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between The United States and the British Colonies. Every light in the possession of the Executive, will, in due time, be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the Executive, in transactions with other Powers, to meet the propositions of each with a liberal spirit, believing that thereby the interest of our Country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the Legislature. A confident hope is entertained, that, by the arrangement thus commenced with each, all differences respecting Navigation and Commerce, with the Dominions in question, will be adjusted, and a solid foundation be laid for an active and permanent intercourse, which will prove equally advantageous to both Parties.

The Decision of His Imperial Majesty the Emperor of Russia, on the Question submitted to Him by The United States and Great Britain, concerning the construction of the First Article of the Treaty of Ghent, has been received. A Convention has since been concluded between the Parties, under the Mediation of His Imperial Majesty, to prescribe the mode by which that Article shall be carried into effect, in conformity with that Decision. I shall submit this Convention to the Senate for its advice and consent, as to the Ratification, and, if obtained, shall immediately bring the subject before Congress, for such Provisions as may require the interposition of the Legislature.

In compliance with an Act of the last Session, a Territorial Government has been established in Florida, on the principles of our System. By this Act, the Inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union,

with equal participation in the Government with the Original States, on the conditions heretofore prescribed to other Territories. By a Clause in the Ninth Article of the Treaty with Spain, by which that Territory was ceded to The United States, it is stipulated that satisfaction shall be made for the injuries, if any, which, by process of Law, shall be established to have been suffered, by the Spanish Officers, and individual Spanish Inhabitants, by the late operations of our Troops in Florida. No Provision having yet been made to carry that Stipulation into effect, it is submitted to the consideration of Congress, whether it will not be proper to vest the competent power in the District Court at Pensacola, or in some Tribunal, to be specially organized for that purpose.

The Fiscal operations of the year have been more successful than had been anticipated at the commencement of the last Session of Congress.

The Receipts into the Treasury, during the three first Quarters of the year have exceeded the Sum of 14,745,000 dollars. The Payments made at the Treasury, during the same period, have exceeded 12,279,000 dollars; leaving in the Treasury on the 30th day of September last, (including 1,168,592 dollars and 24 cents, which were in the Treasury on the 1st day of January last) a Sum exceeding 4,128,000 dollars.

Besides discharging all Demands for the current service of the year, including the interest and reimbursement of the Public Debt, the six per cent. Stock of 1796, amounting to 80,000 dollars, has been redeemed. It is estimated that, after defraying the current Expenses of the present Quarter, and redeeming the 2,000,000 of six per cent. Stock of 1820, there will remain in the Treasury, on the 1st day of January next, nearly 3,000,000 of dollars. It is estimated that the gross amount of duties which have been secured from the 1st of January to the 30th of September last, has exceeded 19,500,000 dollars; and the amount for the whole year will probably not fall short of 23,000,000 of dollars.

Of the actual Force in service under the present Military Establishment, the Posts at which it is stationed, and the condition of each Post, a Report from the Secretary of War, which is now communicated, will give a distinct idea. By like Reports the state of the Academy at West Point will be seen, as well as the progress which has been made in the Fortifications along the Coast, and at the National Armories and Arsenal.

The position on the Red River, and that at the Sault of St. Marie, are the only new Posts that have been taken. These Posts, with those already occupied in the Interior, are thought to be well adapted to the protection of our Frontiers. All the Force, not placed in the Garrisons along the Coast, and in the Ordnance Depôts, and indispensably necessary there, is placed on the Frontiers.

The organization of the several Corps composing the Army is



such as to admit its expansion to a great extent in case of emergency, the Officers carrying with them all the light which they possess, to the new Corps, to which they might be appointed.

With the organization of the Staff, there is equal cause to be satisfied. By the concentration of every branch, with its Chief in this City, in the presence of the Department, and with a grade in the Chief Military Station, to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the Military Academy. Good order is preserved in it, and the Youth are well instructed in every science, connected with the great objects of the Institution. They are also well trained and disciplined in the practical parts of the Profession. It has always been found difficult to controul the ardour inseparable from that early age, in such a manner as to give it a proper direction. The rights of manhood are too often claimed prematurely, in pressing which too far, the respect which is due to age, and the obedience necessary to a course of study and instruction, in every such Institution, are sometimes lost sight of. The great object to be accomplished, is the restraint of that ardour by such wise regulations and government, as, by directing all the energies of the youthful mind, to the attainment of useful knowledge, will keep it within a just subordination, and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this Institution, and with great advantage to the Union.

The Military Academy forms the basis, in regard to science, on which the Military Establishment rests. It furnishes annually, after due examination, and on the report of the Academic Staff, many well informed Youths to fill the vacancies which occur in the several Corps of the Army, while others, who retire to private life, carry with them such attainments, as, under the right reserved to the several States to appoint the Officers and to train the Militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress, of providing for the organizing, arming, and disciplining the Militia. Thus, by the mutual and harmonious co-operation of the Two Governments in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, cannot fail to be secured. I have to add that in proportion as our regular Force is small, should the instruction and discipline of the Militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A Report from the Secretary of the Navy will communicate the progress which has been made in the construction of Vessels of War, with other interesting details, respecting the actual state of the affairs of that Department. It has been found necessary for the protection of

our Commerce to maintain the usual Squadrons on the Mediterranean, the Pacific, and along the Atlantic Coast, extending the Cruizes of the latter into the West Indies, where Piracy, organized into a system, has preyed on the Commerce of every Country trading thither. A Cruize has also been maintained on the Coast of Africa, when the season would permit, for the suppression of the Slave Trade, and orders have been given to the Commanders of all our public Ships, to seize our own Vessels, should they find any, engaged in that Trade, and to bring them in for adjudication.

In the West Indies Piracy is of recent date, which may explain the cause why other Powers have not combined against it. By the Documents communicated, it will be seen that the efforts of The United States to suppress it have had a very salutary effect. The benevolent provision of the Act, under which the protection has been extended alike to the Commerce of other Nations, cannot fail to be duly appreciated by them.

In compliance with the Act of last Session, entitled *An Act to abolish The United States' Trading Establishments*, Agents were immediately appointed, and instructed, under the direction of the Secretary of the Treasury, to close the business of the trading houses among the Indian Tribes, and to settle the Accounts of the Factors and Sub-factors engaged in that Trade, and to execute, in all other respects, the injunctions of that Act, in the mode prescribed therein. A final Report of their proceedings shall be communicated to Congress as soon as it is received.

It is with great regret I have to state, that a serious malady has deprived us of many valuable Citizens at Pensacola, and checked the progress of some of those Arrangements which are important to the Territory. This effect has been sensibly felt in respect to the Indians who inhabit that Territory, consisting of the remnants of several Tribes, who occupy the middle ground between St. Augustine and Pensacola, with extensive Claims, but undefined Boundaries. Although Peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the Eastern and Western Parts of the Territory, on which our Inhabitants are principally settled. It is essential to the growth and prosperity of the Territory, as well as to the interest of the Union, that these Indians should be removed, by Special Compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the Executive, instructions were given to the Governor to accomplish this object, so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect in either mode, additional funds will be necessary, to the provision of which the powers of Congress alone are competent. With a view to such provision as may be deemed proper, the

subject is submitted to your consideration, and, in the interim, further proceedings are suspended.

It appearing that so much of the Act, entitled *An Act regulating the Staff of the Army*, which passed on the 14th April, 1818, as relates to the Commissariat, will expire in April next, and the practical operation of that Department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the Lead Mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is, therefore, suggested, whether it will not comport with the Public interest, to provide, by Law, for the appointment of an Agent, skilled in Mineralogy, to superintend them, under the direction of the proper Department.

It is understood that the Cumberland Road, which was constructed at a great expence, has already suffered, from the want of that regular superintendence, and of those repairs, which are indispensable to the preservation of such a work. This Road is of incalculable advantage, in facilitating the intercourse between the Western and the Atlantic States. Through it the whole Country, from the Northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the Seat of Government, and thence to the Atlantic. The facility which it affords to all Military and Commercial operations, and also to those of the Post Office Department, cannot be estimated too highly. This great work is likewise an ornament and an honour to the Nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an Amendment of the Constitution, to that effect, should be recommended to the several States. A Bill which assumed the right to adopt and execute such a System, having been presented for my Signature, at the last Session, I was compelled, from the view which I had taken of the powers of the General Government, to negative it; on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that Communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an Amendment, they have, according to my judgment, the right to keep the Road in repair, by providing for the superintendence of it, and appropriating the money necessary for repairs. Surely, if they had the right to appropriate money to make the Road, they have a right to appropriate it to preserve the Road from ruin. From the ex-

ercise of this power, no danger is to be apprehended. Under our happy System, the People are the sole and exclusive fountain of power. Each Government originates from them, and to them alone, each to its proper Constituents, are they respectively and solely responsible, for the faithful discharge of their duties, within their Constitutional limits. And that the People will confine their Public Agents, of every station, to the strict line of their Constitutional duties, there is no cause to doubt. Having, however, communicated my sentiments to Congress, at the last Session, fully, in the Document to which I have referred, respecting the Right of Appropriation, as distinct from the Right of Jurisdiction and Sovereignty over the Territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our Manufactures, though depressed immediately after the Peace, have considerably increased, and are still increasing, under the encouragement given them by the Tariff of 1816, and by subsequent Laws. Satisfied I am, whatever may be the abstract doctrine, in favour of unrestricted Commerce, provided all Nations would concur in it, and it was not liable to be interrupted by War, which has never occurred, and cannot be expected, that there are other strong reasons, applicable to our situation and relations with other Countries, which impose on us the obligation to cherish and sustain our Manufactures. Satisfied, however, I likewise am, that the interest of every part of our Union, even of those most benefited by Manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded, that a further augmentation may now be made of the Duties on certain Foreign Articles in favour of our own, and without affecting injuriously any other interest. For more precise details, I refer you to the Communications which were made to Congress during the last Session.

So great was the amount of Accounts for Moneys advanced during the late War, in addition to others of a previous date, which, in the regular operations of the Government, necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a Report from the First Comptroller of the Treasury, it appears that on the 4th of March, 1817, the Accounts then unsettled, amounted to 103,068,876 dollars and 41 cents, of which, on the 30th of September, of the present year, 93,175,396 dollars and 56 cents, had been settled, leaving on that day a Balance unsettled of 9,893,479 dollars, and 85 cents. That there had been drawn from the Treasury, in paying the Public Debt, and sustaining the Government in all its operations and disbursements, since the 4th of March, 1817, 157,199,380 dollars and 96 cents, the Accounts for which have been settled to the amount



of 137,501,451 dollars and 12 cents, leaving a balance unsettled of 19,697,929 dollars and 84 cents. For precise details respecting each of these balances, I refer to the Report of the Comptroller, and the Documents which accompany it.

From this view it appears, that our Commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honourable, in both instances, to each Party; that our Finances are in a very productive state, our Revenue being at present fully competent to all the demands upon it; that our Military Force is well organized in all its branches, and capable of rendering the most important service, in case of emergency, that its number will admit of; that due progress has been made, under existing appropriations, in the construction of Fortifications, and in the operations of the Ordnance Department; that due progress has, in like manner, been made in the construction of Ships of War; that our Navy is in the best condition, felt and respected in every Sea in which it is employed for the protection of our Commerce; that our Manufactures have augmented in amount, and improved in quality; that great progress has been made in the settlement of Accounts, and in the recovery of the Balances due by Individuals; and that the utmost economy is secured and observed in every Department of the Administration.

Other objects will likewise claim your attention, because, from the station which The United States hold, as a Member of the great community of Nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained, that Peace would, ere this, have been concluded between Spain and the Independent Governments South of The United States in this Hemisphere. Long experience having evinced the competency of those Governments to maintain the Independence which they had declared, it was presumed that the considerations which induced their recognition by The United States, would have had equal weight with other Powers, and that Spain Herself, yielding to those magnanimous feelings, of which Her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and, at the same time, so destructive. We still cherish the hope that this result will not long be postponed. Sustaining our neutral Position, and allowing to each Party, while the War continues, equal Rights, it is incumbent on The United States to claim of each, with equal rigour, the faithful observance of our Rights, according to the well known Law of Nations. From each, therefore, a like co-operation is expected in the suppression of the Piratical Practice which has grown out of this War, and of Blockades of extensive Coasts on both Seas, which, considering the small Force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the War long menaced between Russia and Turkey has not broken out, there is no certainty that the Differences between those Powers will be amicably adjusted. It is impossible to look to the oppressions of the Country, respecting which those Differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favour of public and personal liberty, are associated with our recollections of ancient Greece. That such a Country should have been overwhelmed, and so long hidden, as it were, from the World, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for Ages past. It was natural, therefore, that the re-appearance of those People in their original character, contending in favour of their liberties, should produce that great excitement and sympathy in their favour, which have been so signally displayed throughout The United States. A strong hope is entertained that these People will recover their Independence, and resume their equal station among the Nations of the Earth.

A great effort has been made in Spain and Portugal to improve the condition of the People, and it must be very consoling to all benevolent minds, to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both Nations, is the ardent wish of this whole People, to the expression of which we confine ourselves; for, whatever may be the feelings or sentiments, which every Individual under our Government has a right to indulge and express, it is, nevertheless, a sacred maxim, equally with the Government and the People, that the destiny of every Independent Nation, in what relates to such improvements, of right belongs, and ought to be left, exclusively to themselves.

Whether we reason from the late Wars, or from those menacing symptoms which now appear in Europe, it is manifest, that, if a convulsion should take place in any of those Countries, it will proceed from causes which have no existence, and are utterly unknown in these States, in which there is but one Order, that of the People, to whom the Sovereignty exclusively belongs. Should War break out in any of those Countries, who can foretel the extent to which it may be carried, or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and, distant as we are from the troubled scene, and faithful to first principles, in regard to other Powers, we might reasonably presume, that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted; and even the peculiar felicity of our situation, might, with some, be a cause for ex-

citement and aggression. The history of the late Wars in Europe furnishes a complete demonstration, that no System of conduct, however correct in principle, can protect Neutral Powers from injury, from any Party; that a defenceless position, and distinguished love of Peace, are the surest invitations to War: and that there is no way to avoid it, other than by being always prepared and willing, for just cause, to meet it. If there be a People on Earth, whose more especial duty it is, to be at all times prepared to defend the Rights with which they are blessed, and to surpass all others in sustaining the necessary burthens, and in submitting to sacrifices to make such preparations, it is undoubtedly the People of these States.

When we see that a Civil War, of the most frightful character, rages from the Adriatic to the Black Sea; that strong symptoms of War appear in other Parts, proceeding from causes which, should it break out, may become general, and be of long duration; that the War still continues between Spain and the Independent Governments, her late Provinces, in this Hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of Piracy of great extent is maintained in the neighbouring Seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigour, appear to me to acquire new force.

The United States owe to the World a great example, and, by means thereof, to the cause of liberty and humanity, a generous support. They have so far succeeded, to the satisfaction of the virtuous and enlightened of every Country. There is no reason to doubt, that their whole movement will be regulated by a sacred regard to principle, all our Institutions being founded on that basis. The ability to support our own Cause, under any trial to which it may be exposed, is the great point on which the Public solicitude rests. It has been often charged against Free Governments, that they have neither the foresight nor the virtue to provide, at the proper season, for great emergencies; that their course is improvident and expensive; that War will always find them unprepared, and, whatever may be its calamities, that its terrible warnings will be disregarded and forgotten, as soon as Peace returns. I have full confidence that this charge, so far as relates to The United States, will be shewn to be utterly destitute of truth.

*Washington, Dec. 3, 1822.*

JAMES MONROE.

*ACT of the Congress of The United States, for carrying into effect the Convention of Navigation and Commerce between The United States and France, concluded at Washington on the 24th day of June, 1822.*

BE it enacted, by the Senate and House of Representatives of The United States of America in Congress assembled, That the Act to impose a new Tonnage Duty on French Ships and Vessels, approved on the 15th day of May, 1820, be, and the same is hereby, repealed.

Sec. 2. And be it further enacted, That, for the term of 2 years, from and after the 30th day of September last, articles of the growth, produce, or manufacture, of France, imported into The United States, in French Vessels, shall pay an Additional Duty of 3 dollars and 75 cents per ton of merchandise, according to the tenour of the Convention of Navigation and Commerce between The United States and France, concluded on the 24th day of June, 1822, over and above the Duties collected upon the like articles, also of the growth, produce, or manufacture of France, when imported in Vessels of The United States: Provided always, That no discriminating Duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the Ports of The United States, for transit or re-exportation.

Sec. 3. And be it further enacted, That, from and after the expiration of 2 years from the said 30th day of September last, in case of the continuance in force of the said Convention, and so long as the same shall continue in force, the extra Duties, specified in the 2d Section of this Act, shall, from and after the said 30th day of September, 1824, be diminished by one-fourth of their whole Amount; and, afterwards, by one-fourth of said Amount, from year to year, so long as neither of the Parties to the said Convention shall have declared the intention of renouncing the same, in the manner therein provided, and until the whole of such discriminating and extra Duty shall have been done away.

Sec. 4. And be it further enacted, That, during the continuance in force of the said Convention, the duties of Tonnage, Light Money, Pilotage, Port Charges, Brockorage, [Brokerage,] and all other Duties upon Foreign Shipping, over and above those paid by Vessels of The United States, other than those specified in the 2d Section of this Act, shall not exceed, for French Vessels, in the Ports of The United States, 94 cents per ton of the Vessel's French Passport.

Sec 5. And be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized to cause to be refunded, from any moneys in the Treasury, not otherwise appropriated, any extra duties levied before the 24th day of June last, by virtue of the Act of Congress of the 15th of May, 1820, imposing a new Tonnage Duty on French Ships or Vessels.



Sec. 6. And be it further enacted, That if the 2d Separate Article of the said Convention, concluded on the 24th of June last, should be ratified by both the Contracting Parties thereto, and the Ratifications thereof should be exchanged, on or before the 23d day of June next, then, from and after the expiration of two months, subsequent to the said exchange of Ratifications, and during the continuance in force of the said Separate Article, the extra Duties specified in the 2d Section of this Act shall be levied only upon the excess of value of the merchandise imported into The United States in any French Vessel, over the value of the merchandise exported from The United States in the same Vessel, upon the same voyage; so that if the value of the articles exported shall equal or exceed that of the articles imported in the same Vessel, (not including articles imported for transit or re-exportation,) no such extra Duties shall be levied; and if the articles exported are less in value than those imported, the extra Duties shall be levied only upon the amount of difference of their value.

Sec. 7. And be it further enacted, That all Acts, or parts of Acts, of Congress, incompatible with the execution of each and every Article of the said Convention, concluded on the 24th of June last, and of its ratified Separate Article, be, and the same are hereby, repealed.

*Approved, March 3, 1823.*

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***BRITISH NOTIFICATION, relative to the French Blockade of the Ports of Cadiz, Barcelona, Santano, and St. Sebastian.***

*Foreign Office, July 28, 1823.*

It has been notified, by the French Minister for Foreign Affairs, to the Ambassadors and Ministers of Neutral Powers, at Paris, "That the French Government has declared an effective Blockade of the Ports of Cadiz, Barcelona, Santona, and St. Sebastian."

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***BRITISH NOTIFICATION, relative to the French Blockade of the Port of Corunna.***

*Foreign Office, August 5, 1823.*

It has been notified, by the French Minister for Foreign Affairs, to the Ambassadors and Ministers of Neutral Powers, at Paris, "That the French Government has declared an effective Blockade of the Port of Corunna."

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**BRITISH ORDER in COUNCIL, prohibiting the Exportation of Gun-powder, or Saltpetre, or Arms or Ammunition, to the Coast of Africa.**

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*At the Court at Carlton-House, the 21st of February 1823.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS His Majesty was pleased, by His Order in Council, bearing date the 15th of November last, to order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance for His Majesty's service) should, at any time during the space of six months (to commence from the 30th. day of November then instant), presume to transport any Gun-powder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place within the Dominions of the King of Spain, or to any Port or Place on the Coast of Africa, (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 Saltpetre, or any sort of Arms or Ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places within the Dominions of the King of Spain, or into any such 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;" His Majesty, by and with the advice of His Privy Council, is pleased hereby to revoke His said Order in Council; and His Majesty is further pleased, by and with the advice of His Privy Council, to 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 six months, (to commence from the date of this Order), presume to transport any Gun-

powder or Salt-petre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa, (except to any Ports or Places within the Streights of Gibraltar,) 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 on the Coast of Africa, (except as before excepted), without leave or permission in that behalf first obtained from His Majesty, or His Privy Council, upon pain of incurring and suffering the respective forfeitures and penalties inflicted by an Act, passed in the 29th year of the Reign of His Majesty King George the Second, intituled "An Act to empower His Majesty to prohibit the exportation of Gun-powder, or any sort of Arms or Ammunition, and also to empower His Majesty to restrain the carrying coastwise of Salt-petre, Gun-powder, or any sort of Arms or Ammunition;" and also by an Act, passed in the 33d year of His late Majesty's Reign, cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Salt-petre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council:"

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

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***BRITISH ORDER in COUNCIL, prohibiting the Exportation of Gunpowder, or Saltpetre, or Arms or Ammunition, to the Coast of Africa.***

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*At the Court at Windsor, the 19th of September 1823.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS the time limited by His Majesty's Order in Council of the 21st of February last, for prohibiting the exportation of Gunpowder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar), has expired; and whereas it is judged expedient that the said prohibition should be continued for some time longer, His Majesty, by and with the advice of His Privy Council, doth therefore 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 six months (to commence from the date of this Order), presume to

transport any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar) or ship or lade any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places on the Coast of Africa (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 Gunpowder, or any sort of Arms or Ammunition, and also to empower His Majesty to restrain the carrying coastwise of Saltpetre, Gunpowder, or any sort of Arms or Ammunition;" and also by an Act, passed in the 33d Year of His late Majesty's Reign, cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Saltpetre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council:"

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

**BRITISH PROCLAMATION**, *for putting in execution the Law made to prevent the enlisting or engagement of His Majesty's Subjects in Foreign Service, and the fitting-out or equipping, in His Majesty's Dominions, Vessels for war-like purposes, without His Majesty's Licence.*—6th June, 1823.

**GEORGE, R.**

WHEREAS Hostilities at this time exist between different States and Countries in Europe and America, and it is His Majesty's determination to observe the strictest neutrality with respect to the States and Countries engaged in such Hostilities; and whereas His Majesty has been informed, that attempts have been made to induce His Majesty's subjects to engage in such Hostilities, by entering into the Military and Naval Service of some of the said States and Countries without His Majesty's leave or licence:

And whereas by an Act, made and passed in the 59th year of the Reign of His late Majesty of Blessed Memory, intituled "An Act to prevent the enlisting or engagement of His Majesty's Subjects to serve



in Foreign Service, and the fitting out or equipping, in His Majesty's Dominions, Vessels for warlike purposes, without His Majesty's Licence :

It is, amongst other things, enacted, " that if any natural born Subject of His Majesty, His Heirs or Successors, without the leave or licence of His Majesty, His Heirs or Successors, for that purpose first had and obtained under the Sign Manual of His Majesty, His Heirs or Successors, or signified by Order in Council, or by Proclamation of His Majesty, His Heirs or Successors, shall take or accept, or shall agree to take or accept any Military Commission, or shall otherwise enter into the Military Service as a Commissioned or Non-commissioned Officer, or shall enlist or enter himself to enlist, or shall agree to enlist or to enter himself to serve as a Soldier, or to be employed, or shall serve in any warlike or military operation in the Service of, or for, or under, or in aid of, any Foreign Prince, State, Potentate, Colony, Province, or part of any Province or People, or of any Person or Persons exercising or assuming to exercise the powers of Government, in or over any Foreign Country, Colony, Province, or part of any Province or People, either as an Officer or Soldier, or in any other military capacity ; or if any natural born Subject of His Majesty, shall, without such leave or licence as aforesaid, accept, or agree to take or accept, any Commission, Warrant, or Appointment, as an Officer, or shall enlist or enter himself, or shall agree to enlist or enter himself to serve as a Sailor or Marine, or to be employed or engaged, or shall serve in and on board any Ship or Vessel of War, or in and on board any Ship or Vessel used, or fitted out, or equipped, or intended to be used for any warlike purpose in the Service of, or for, or under, or in aid of, any Foreign Power, Prince, State, Potentate, Colony, Province, or part of any Province or People, or of any Person or Persons exercising, or assuming to exercise the powers of Government in or over any Foreign Country, Colony, Province, or part of any Province or People ; or if any natural born Subject of His Majesty, shall, without such leave and licence as aforesaid, engage, contract, or agree to go, or shall go to any Foreign State, Country, Colony, Province, or part of any Province, or to any Place beyond the seas, with an intent, or in order to enlist or enter himself to serve, or with intent to serve in any warlike or military operation whatever, whether by land or by sea, in the Service of, or for, or under, or in aid of, any Foreign Prince, State, Potentate, Colony, Province, or part of any Province or People, or in the service of, or for, or under, or in aid of, any Person or Persons exercising or assuming to exercise the powers of Government in or over any Foreign Country, Colony, Province, or part of any Province or People, either as an Officer or a Soldier, or in any other military capacity, or as an Officer, or Sailor, or Marine, in any such Ship or Vessel as aforesaid, although no enlisting money, or pay, or reward, shall have been, or shall be,

in any or either of the cases aforesaid, actually paid to or received by him, or by any Person, to or for his use or benefit, or if any Person whatever within the United Kingdom of Great Britain and Ireland, or in any Part of His Majesty's Dominions elsewhere, or in any Country, Colony, Settlement, Island, or Place belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt, or endeavour to hire, retain, engage or procure, any Person or Persons whatever to enlist, or to enter, or engage to enlist, or to serve, or to be employed in any such Service or Employment as aforesaid, as an Officer, Soldier, Sailor, or Marine, either in land or sea service, for, or under, or in aid of, any Foreign Prince, State, Potentate, Colony, Province, or part of any Province or People, or for, or under, or in aid of, any Person or Persons exercising, or assuming to exercise, any powers of Government as aforesaid, or to go, or to agree to go, or embark, from any Part of His Majesty's Dominions, for the purpose or with intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward, shall have been, or shall be actually given or received, or not, in any or either of such cases, every Person so offending shall be deemed guilty of a Misdemeanor, and upon being convicted thereof, upon any information or indictment, shall be punishable by fine and imprisonment, or either of them, at the discretion of the Court before which such Offender shall be convicted:"

And it is further enacted, "that it shall and may be lawful for any Justice of the Peace, residing at or near to any Port or Place, within the United Kingdom of Great Britain and Ireland, where any offence, made punishable by this Act as a misdemeanor shall be committed, on information, on oath, of any such offence, to issue his Warrant for the apprehension of the Offender, and to cause him to be brought before such Justice, or any Justice of the Peace; and it shall be lawful for the Justice of the Peace before whom such Offender shall be brought, to examine into the nature of the offence upon oath, and to commit such Person to gaol, there to remain until delivered by due course of law, unless such Offender shall give bail, to the satisfaction of the said Justice, to appear and answer to any information or indictment to be preferred against him, according to Law, for the said offence:"

And it is further enacted, "that in case any Ship or Vessel, in any Port or Place within His Majesty's Dominions, shall have on board any such Person or Persons who shall have been enlisted or entered to serve, or shall have engaged or agreed, or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions, for the purpose and with the intent of enlisting or entering to serve, or to be employed, or of serving or being engaged or employed in the Service of any Foreign Prince, State, or Potentate, Colony, Province, or part of any Province or People, or of any Person or Persons exercising, or assuming to exercise, the powers of Government in or over any

Foreign Colony, Province, or part of any Province or People, either as an Officer, Soldier, Sailor, or Marine, contrary to the provisions of this Act, it shall be lawful for any of the Principal Officers of His Majesty's Customs, where any such Officers of the Customs shall be, and in any Part of His Majesty's Dominions in which there are no Officers of His Majesty's Customs, for any Governor, or Persons having the chief Civil Command, upon information on oath given before them respectively, which oath they are hereby respectively authorised and empowered to administer, that such Person or Persons as aforesaid is or are on board such Ship or Vessel, to detain and prevent any such Ship or Vessel, or to cause such Ship or Vessel to be detained and prevented from proceeding to sea on her voyage with such Persons as aforesaid on board; provided, nevertheless, that no Principal Officer, Governor, or Person, shall act as aforesaid, upon such information upon oath as aforesaid, unless the Party so informing shall not only have deposed in such information, that the Person or Persons on board such Ship or Vessel hath or have been enlisted or entered to serve, or hath or have engaged or agreed, or been procured to enlist or enter or serve, or is or are departing as aforesaid, for the purpose and with the intent of enlisting or entering to serve or be employed, or of serving or being engaged or employed in such Service as aforesaid, but shall also have set forth, in such information upon oath, the facts or circumstances upon which he forms his knowledge or belief, enabling him to give such information upon oath; and that all and every Person and Persons convicted of wilfully false swearing in any such information upon oath, shall be deemed guilty of and suffer the penalties on Persons convicted of wilful and corrupt perjury:”

And it is further enacted, “that if any Master or other Person, having or taking the charge or command of any Ship or Vessel, in any Part of the United Kingdom of Great Britain and Ireland, or in any Part of His Majesty's Dominions beyond the seas, shall, knowingly and willingly, take on board, or if such Master or other Person, having the command of any such Ship or Vessel, or any Owner or Owners of any such Ship or Vessel, shall, knowingly, engage to take on board any Person or Persons who shall have been enlisted or entered to serve, or shall have engaged or agreed, or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions, for the purpose and with the intent of enlisting or entering to serve, or to be employed, or of serving or being engaged or employed in any Naval or Military Service, contrary to the Provisions of this Act, such Master or Owner or other Person, as aforesaid, shall forfeit and pay the sum of £50 for each and every such Person so taken or engaged to be taken on board; and moreover every such Ship or Vessel so having on board, conveying, carrying, or transporting any such Person or Persons, shall and may be seized and detained by the Collector, Comptroller, Sur-



veyor, or other Officer of the Customs, until such penalty or penalties shall be satisfied and paid, or until such Master or Person, or the Owner or Owners of such Ship or Vessel shall give good and sufficient bail, by recognizance, before one of His Majesty's Justices of the Peace, for the payment of such penalty or penalties : ”

And it is further enacted, “that if any Person within any Part of the United Kingdom, or in any Part of His Majesty's Dominions beyond the seas, shall, without the leave and licence of His Majesty for that purpose first had and obtained, as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any Ship or Vessel, with intent or in order that such Ship or Vessel shall be employed in the Service of any Foreign Prince, State, or Potentate, or of any Foreign Colony, Province, or part of any Province or People, or of any Person or Persons exercising, or assuming to exercise, any powers of Government in or over any Foreign State, Colony, Province, or part of any Province or People, as a Transport or Store Ship, or with intent to cruize or commit Hostilities against any Prince, State, or Potentate, or against the Subjects or Citizens of any Prince, State, or Potentate, or against the Persons exercising, or assuming to exercise, the powers of Government in any Colony, Province, or part of any Province or Country, or against the Inhabitants of any Foreign Colony, Province or part of any Province or Country, with whom His Majesty shall not then be at war, or shall, within The United Kingdom, or any of His Majesty's Dominions, or in any Settlement, Colony, Territory, Island, or Place, belonging or subject to His Majesty, issue or deliver any Commission for any Ship or Vessel, to the intent that such Ship or Vessel shall be employed, as aforesaid, every such Person so offending shall be deemed guilty of a Misdemeanor ; and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such Offender shall be convicted, and every such Ship or Vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to, or be on board of, any such Ship or Vessel, shall be forfeited ; and it shall be lawful for any Officer of His Majesty's Customs or Excise, or any Officer of His Majesty's Navy, who is, by law, empowered to make seizures for any forfeiture, incurred under any of the Laws of Customs or Excise, or the Laws of trade and navigation, to seize such Ships and Vessels aforesaid, and in such Places, and in such manner in which the Officers of His Majesty's Customs or Excise, and the Officers of His Majesty's Navy, are empowered respectively to make seizures under the Laws of Customs and Excise, or under the Laws of trade and navigation ; and that every such Ship and Vessel, with the tackle, apparel



and furniture, together with all the materials, arms, ammunition, and stores which may belong to, or be on board of, such Ship or Vessel, may be prosecuted and condemned in the like manner, and in such Courts as Ships or Vessels may be prosecuted and condemned, for any breach of the Laws made for the protection of the revenues of Customs and Excise, or of the Laws of trade and navigation:”

And it is further enacted, “that if any Person, in any Part of the United Kingdom of Great Britain and Ireland, or in any Part of His Majesty’s Dominions beyond the seas, without the leave and licence of His Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of such Vessel, or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the warlike force of any Ship or Vessel of War, or Cruizer, or other armed Vessel, which at the time of her arrival in any Part of The United Kingdom, or any of His Majesty Dominions, was a Ship of War, Cruizer, or armed Vessel, in the Service of any Foreign Prince, State, or Potentate, or of any Person or Persons exercising, or assuming to exercise, any powers of Government, in or over any Colony, Province, or Part of any Province or People, belonging to the Subjects of any such Prince, State, or Potentate, or to the Inhabitants of any Colony, Province, or part of any Province or Country, under the controul of any Person or Persons, so exercising, or assuming to exercise, the powers of Government, every such Person so offending shall be deemed guilty of a Misdemeanor, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court before which such Offender shall be convicted:”

His Majesty, therefore, being resolved to cause the Provisions of the said Statute to be effectually put in execution, and being desirous that none of His Majesty’s Subjects should unwarily subject themselves to the penalties thereby inflicted, hath thought fit, by and with the advice of His Privy Council, to issue this His Royal Proclamation, and doth hereby strictly command, that no Person or Persons whatsoever do presume to commit or attempt any act, matter, or thing whatsoever, contrary to the Provisions of the said Statute, and the true intent and meaning thereof, and that the said Provisions of the said Statute be punctually observed and kept, upon pain of the several penalties by the said Statute inflicted upon Offenders against the same, and of His Majesty’s high displeasure.

Given at Our Court at Carlton-House, this 6th day of June 1823, and in the Fourth year of our Reign.

GOD SAVE THE KING.

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*MESSAGE from The President to Congress, transmitting  
a Plan of the Naval Peace Establishment of the Navy of  
The United States ; and also of the Marine Corps.*

*6th December 1822.*

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*To the House of Representatives of The United States.*

IN compliance with the Resolution of the House of Representatives, of the 7th of March last, requiring that a Plan for the Peace Establishment of the Navy of The United States, and also of the Marine Corps, should be communicated to that House at the present Session, I transmit a Report from the Secretary of the Navy, containing a Plan which has been prepared for the proposed Establishment.

*Washington, 6th Dec. 1822.*

JAMES MONROE.

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SIR,

*Navy Department, December 2, 1822.*

THE Secretary of the Navy, to whom has been referred the Resolution of the House of Representatives, of the 7th of March last, requesting The President of The United States to cause to be laid before that House a Plan for a Peace Establishment of the Navy of The United States, has the honor of submitting the accompanying Papers on that subject.

The Paper, marked A, is the Draft of a Bill, embracing all the Provisions which have been deemed necessary ; presuming that a Plan presented in this form would best meet the object contemplated by the Resolution. It is deemed necessary, in this Report, to notice only briefly such parts of the Bill as contain new modifications of our Naval Establishment.

The Bill, it will be perceived, contemplates the establishment of two new grades of office, viz. Commodore and Rear Admiral. These grades are considered, if not absolutely necessary, at least of very great importance, as regards due subordination and the discipline of the Service ; and, in recommending the adoption of the provision, I can only repeat what I have had occasion heretofore to urge in support of this Measure. The rank of Captain is now the highest grade in the Navy recognized by law ; and, during the infancy of our Navy, and whilst we had no Vessels of a higher class than Frigates, and the number of Captains small, it was, perhaps, as high a grade as the good of the Service required. It is, however, believed that, from the additions, both to the number and class of our public Vessels, and from what may reasonably be anticipated to be the situation of our Navy in the course of a few years, both justice and policy require the establishment of some higher grades. According to the relative rank, as now regulated between the Military and Naval Officers, a Captain in the Navy only ranks with a Colonel in the Army. This is thought to be contrary to sound policy, and the good of the Service. The

establishment of the grades contemplated by the Bill, will place the relative rank in the Army and Navy upon a just footing. A Commodore will rank with a Brigadier General, and a Rear Admiral with a Major General. But the more important and substantial benefit, it is believed, growing out of this measure, will be the effect it will have upon the discipline of the Service. The importance of rank, both in the Military and Naval Service, will readily occur to all in any degree acquainted with either. In a Fleet or Squadron, when the different Vessels may be commanded by Officers of the same grade, and their relative rank, and even that of the Commander himself, known only by the dates of their Commissions, there will not be that respect and subordination observed that are essential to order and harmony. The additional pay, it is thought, cannot afford any well founded objection to the Measure, if the real benefits, confidently believed to result from it, are duly appreciated.

Authorizing the appointment of Midshipmen, who have been examined and found qualified for promotion to the duty of Sailing Master, would be highly beneficial to the Service. By the rules and regulations of the Navy, Sailing Masters are not considered in the line of promotion, and have not, of course, so strong inducements to remain permanently attached to the Service, as Officers who have this prospect before them; and whenever more profitable employment in the Merchant Service is presented, they will generally accept of it.

The number of Lieutenants is already so great that the prospect of promotion of Midshipmen is not very promising. To employ examined Midshipmen as Sailing Masters, would be giving them some little distinction, and affording them an opportunity of improving themselves for the higher and more important duties of the Service.

In most of the classes of Commissioned Officers, the number fixed by the Bill, embraces all at present in office, and where that is not the case, it is provided that none shall be discharged, but the number reduced to that contemplated in the Bill, by omitting to fill the vacancies as they may occur. This, it is thought, is no more than justice requires; and, as the number thus retained is but small, the expense will be inconsiderable, and will soon entirely cease.

The increased Pay provided for some few of the Officers, attached to Ships of the Line and Frigates, whilst in actual service, is recommended by considerations of justice, and the good of the Service. To perform the duties required of these Officers on board the largest Ships, involves far more responsibility, and requires not only greater professional knowledge and experience, but much more labour; these, or similar distinctions, are recognized in every well regulated Service, and, as but a small number of our largest Vessels are kept in service in time of Peace, the additional expense will be of no great amount.

It has been considered a more simple mode of payment, and less liable to abuse, to allow fixed Salaries to the Officers stationed at the several Navy Yards and Naval Stations, than, as now provided by law, by monthly pay and rations.

That part of the Bill which makes the Marine Guard, detailed for the protection of Navy Yards, subject to the orders of the Commandant of the Yard, is deemed essential for the preservation of order and harmony. The difficulties which have occurred under the present regulations on that subject, suggest the necessity of some alteration, and no well founded objection is perceived to placing this Guard under the immediate orders of the Commandant of the Yard, in the same manner as the Marine Guard is placed, on ship-board, under the orders of the Captain.

The Exhibits, accompanying this Bill, will serve to shew the applicability of its Provision to our present Naval Establishment, and the comparative expense between it and the one contemplated by the Bill.

Paper B. is an Exhibit shewing the number of Commission and Warrant Officers required to officer certain Ships and Vessels, and Navy Yards.

Paper C. is an Exhibit shewing the petty Officers, able Seamen, ordinary Seamen, and Boys, required for the Vessels of War in active service.

Paper D. is an Exhibit shewing the whole number of Commission and Warrant Officers required for the Navy of The United States, when the Ships of the Line, Frigates, and Steam Batteries, directed by the "Act for the gradual increase of the Navy," shall be completed.

Paper E. is an Estimate of the annual expense of the Officers of the Navy, proposed by the Bill, including the organization of the Navy Yards, and a comparative view between the present expense and that proposed.

By which last Exhibit, it will be seen, that the annual expense of the Officers of the Navy will be reduced about 90,000 dollars below the Estimates necessary under the existing Establishment.

A Peace Establishment for the Marine Corps having been fixed by the Act of the 3d of March, 1817, and no material alteration being deemed necessary, no other Plan has been prepared to accompany this Report.

Although, perhaps, not falling strictly within the scope of the Resolution, yet the present affords a fit opportunity of respectfully suggesting the importance of establishing a Naval Academy for the instruction of our young Officers in the sciences connected with their Profession. As this is intended as a mere suggestion of a Measure, deserving consideration, I have not thought proper to present any Plan for carrying it into effect. This may be done hereafter, should the



measure meet with a favourable reception; nor is it deemed fit for me, at this time, to urge the many considerations which will readily occur to all liberal and enlightened minds, in favour of such an institution.

All which is respectfully submitted.

*The President of The United States.*

SMITH THOMPSON.

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A.

*A Bill to fix and render permanent the Naval Peace Establishment of The United States.*

BE it enacted by the Senate and House of Representatives of The United States of America, in Congress assembled, That the Naval Peace Establishment of The United States shall, from and after the day of \_\_\_\_\_, consist of 1 Rear Admiral, 5 Commodores, 25 Captains, 30 Masters Commandant, 190 Lieutenants, 20 Sailing Masters, 400 Midshipmen, 35 Surgeons, 45 Surgeons' Mates, 40 Pur-sers, 6 Chaplains, 20 Boatswains, 20 Gunners, 15 Carpenters, 15 Sail Makers, and of all other Officers, Petty Officers, Seamen, Ordinary Sea-men, and Boys, a number not exceeding 3,500; but the President of The United States may, if, in his opinion, the good of the Service shall require it, make additional Appointments of Midshipmen; provided, however, that the whole number of Midshipmen shall not, at any one time, exceed 450. The President shall also have the power, if, in his opinion, the exigencies or the good of the Service should require it, to give acting Appointments, of Lieutenant and Master, to such Mid-shipmen as have passed the examination required by the regulations of the Service to qualify them to be Lieutenants in the Navy; provided the whole number of acting Lieutenants and Masters, including those holding Commissions and Warrants, shall not exceed 230 Lieutenants, and 40 Sailing Masters. And the President shall also have the power to appoint such additional Chaplains, Boatswains, Gunners, Carpenters, and Sail Makers, as the good of the Service may, in his opinion, require; not exceeding however, 10 Chaplains, 10 Boatswains, 10 Gunners, 5 Carpenters, and 5 Sail Makers; but none of the Officers, retained in Service under this Act shall be entitled to receive more than their monthly pay, without rations, during the time when they shall not be under orders for Service: Provided, nevertheless, that none of the Commissioned Officers now in Service shall, by virtue of this Act, be discharged; but vacancies, as they occur, shall not be filled until the Officers in the several grades shall be reduced to the number hereinbefore designated.

II. And be it further enacted, That the pay and subsistence of a Rear Admiral shall be 120 Dollars per Month, and 24 rations per Day, and of a Commodore, 100 Dollars per Month, and 16 rations per Day.

III. And be it further enacted, That the Secretary of the Navy, with the approbation of the President of The United States, may grant furloughs to such of the Officers as may choose to enter the Merchant Service of The United States, or such Foreign Service as the President may approve, for a term not exceeding 2 years; subject, however, to be recalled at any time he may deem necessary and proper; but all Officers, so furloughed, shall receive only one half their Monthly Pay, without rations, during the time they shall be, in such manner, absent from the Publick Service.

IV. And be it further enacted, That, for the preservation of the Ships and Vessels placed in ordinary, the President of The United States shall have the power, provided he may deem the same necessary, to attach, permanently, to each Ship or Vessel, the following Officers, Seamen, Ordinary Seamen, and Boys: that is to say, *To a Ship of the Line*; 1 Captain, 2 Lieutenants, 1 Sailing Master, 4 Midshipmen, 1 Boatswain, 1 Gunner, 1 Carpenter, 2 Carpenters' Mates, who shall be Caulkers, 8 Seamen, 8 Ordinary Seamen, and 6 Boys.

*To each 44 gun Frigate*; 1 Captain, 1 Lieutenant, 1 Sailing Master, 3 Midshipmen, 1 Boatswain, 1 Gunner, 1 Carpenter, 1 Carpenter's Mate, who shall be a Caulker, 6 Seamen, 6 Ordinary Seamen, and 4 Boys.

*To each of the Frigates rated less than 44 guns*; 1 Captain, 1 Lieutenant, 1 Sailing Master, 2 Midshipmen, 1 Boatswain, 1 Gunner, 1 Carpenter, 1 Carpenter's Mate, who shall be a Caulker, 5 Seamen, 5 Ordinary Seamen, and 3 Boys.

*To each of the Sloops of War*; 1 Master Commandant, 2 Midshipmen, 1 Boatswain's Mate, 1 Gunner's Mate, 1 Carpenter's Mate, who shall be a Caulker, 3 Seamen, 3 Ordinary Seamen, and 2 Boys.

*To each of the Brigs and Schooners, if not less than 10 guns*; 1 Lieutenant, 1 Midshipman, 1 Boatswain's Mate, 1 Gunner's Mate, 1 Carpenter's Mate, who shall be a Caulker, 2 Ordinary Seamen, and 2 Boys.

To each of the several Stations at which Ships and Vessels are placed in ordinary, shall be attached; 1 Surgeon, and 1 Surgeon's Mate, to attend all the sick of such Ships and Vessels; 1 Purser to execute the duties of Purser to all such Ships and Vessels; 1 Chaplain, and 1 Schoolmaster, who shall perform, in their respective Stations, the duties of Chaplain, Mathematician, and Schoolmaster, on the Station, under the superintendence of the Senior Officer of such Ships and Vessels in ordinary, whose duty it will be, under such instructions as may be given by the Secretary of the Navy upon the Subject, to establish a School on board of the Ship to which he is attached, for the purpose of instructing the Midshipmen on the Station, and those belonging to the Ships in ordinary, in the several branches of Mathematics, Geometry, Trigonometry, and Navigation, agreeably to the Rules and Regulations of the Navy.

V. And be it further enacted, That each of the following Naval Stations, to wit: Portsmouth, New Hampshire; Charlestown, Massachusetts; New York; Philadelphia; Washington; Gosport, Virginia; and one other Station, South of the Chesapeake (such as the President of The United States shall select,) shall be under the command of an Officer not below the rank of Captain of the Navy, who shall have, agreeably to such Regulations as are now, or may hereafter be established, by authority of Law, for the Service, a general superintendence over the Ships and Vessels in ordinary at those Stations, respectively, as well as over the Officers (such Officers only excepted as may be senior in rank,) and Crews attached to them. And it shall be the duty of such Officers and Crews, under his general superintendence and direction, to keep clean, ventilate, and prevent, by constant examination, and, when necessary, caulking such rents and seams in the respective Vessels to which they are attached, as may be found open, the deleterious effects arising from water getting between the timbers, and for the preservation, repairing, overhauling of the rigging, stores, &c. of the Ships and Vessels in ordinary, deposited in the Navy Yards and Store-houses, as well as for the rigging and equipping of any of the publick Ships or Vessels fitting for Sea, and like purposes; and the Commanding Officers of the respective Ships in Ordinary shall, upon the requisition of the Commandant of the Yard, furnish, from time to time, agreeably to the general Regulations of the Service, such number of Officers and Men as, in his opinion, the work to be done may require.

VI. And be it further enacted, That all Officers attached to Vessels in ordinary shall be allowed their full pay and rations, and such quantity of fuel and candles, provided they live on board of the respective Vessels to which they are attached, as they would be allowed were they at Sea.

VII. And be it further enacted, That, to the Officers stationed at the several Navy Yards, that is to say: Portsmouth, New Hampshire; Charlestown, Massachusetts; New York; Philadelphia; Washington; Gosport, Virginia; and one other Yard, South of the Chesapeake, the following annual compensation, in lieu of all pay, rations, and emoluments, shall be allowed:—To the Commanding Officer, not under the rank of Captain, 3,000 dollars. To the Master Commandant, 1,700 dollars. To the Lieutenant, 1,000 dollars. To the Sailing-master, 850 dollars. To the Surgeon, if attending an Hospital, 1,500 dollars. To the Surgeon, if not attending an Hospital, 900 dollars. To the Surgeon's Mate, 750 dollars. To the Purser, 800 dollars. To a Laboratory Officer at Washington, 750 dollars. To each Midshipman, 350 dollars. To each Boatswain, Gunner, and Sailmaker, 500 dollars; which compensation shall be paid quarterly.

VIII. And be further enacted, That to any other Naval Station in The United States, (other than those enumerated in the preceding Section,) the President of The United States may deem necessary, there shall be attached one Master Commandant, who shall have the like superintendence over such Station, as is provided in the 5th Section of this Act for the Commandants at the several Navy Yards therein enumerated; and the following annual compensations, in lieu of all pay, rations, and emoluments, shall be allowed to the Officers attached to the Lake Stations; that is to say,—If attached to the Station on *Lake Ontario*, the Master Commandant shall be entitled to 1,300 dollars. The Lieutenant to 800 dollars. The Surgeon to 850 dollars. The Purser, who shall perform also the duties of Storekeeper, to 800 dollars.—If attached to the Station on *Lake Erie*, the Master Commandant shall be entitled to 1,250 dollars. The Surgeon to 800 dollars. The Purser, who shall perform also the duties of Storekeeper, to 750 dollars.—If attached to the Station on *Lake Champlain*, the Master Commandant shall be entitled to 1,200 dollars. The Surgeon to 800 dollars. The Purser, who shall perform also the duties of Storekeeper, to 750 dollars; which compensation shall be paid quarterly.

IX. And be it further enacted, That an Officer appointed to superintend the Recruiting Service in any Port within The United States shall not be entitled to any allowance for house rent, fuel, or candles.

X. And be it further enacted, That Officers of the following grades, attached to Ships of the Line and Frigates, when in actual service, shall receive, in addition to their present emoluments, the monthly pay hereafter mentioned, viz. :—The First Lieutenant of a *Ship of the Line*, 10 dollars. The Sailing Master, 10 dollars. The Surgeon, 15 dollars. The Boatswain, 5 dollars. The Gunner, 5 dollars. The Carpenter, 5 dollars. The Sailmaker, 3 dollars.—The First Lieutenant of a *Frigate of 44 guns*, 6 dollars. The Sailing Master, 6 dollars. The Surgeon, 10 dollars. The Boatswain, 3 dollars. The Gunner, 3 dollars. The Carpenter, 3 dollars. The Sailmaker, 2 dollars.—The First Lieutenant of a *Frigate of 36 guns*, 4 dollars. The Sailing Master, 4 dollars. The Surgeon, 6 dollars. The Boatswain, 2 dollars. The Gunner, 2 dollars. The Carpenter, 2 dollars. The Sailmaker, 2 dollars.

XI. And be it further enacted, That, when a Surgeon's Mate shall act in the line of his duty on board a Brig, Schooner, or other small Vessel of War, having no other Medical Officer attached to said Vessel, he shall be allowed at the rate of 15 dollars per month, in addition to his present pay and rations, as authorized by Law.

XII. And be it further enacted, That the President of The United States be, and he is hereby, authorized to discharge all Warrant Officers at present in the Navy of The United States, over and above the respective numbers retained by this Act; and all such Officers who



shall be discharged under this Act, shall be entitled to receive 6 months' pay, over and above what may be due to them, respectively, at the time of their discharge.

XIII. And be it further enacted, That the guard of Marines detached for the protection of a Navy-yard, shall, while doing duty in the Yard, be subject to the Orders of the Commandant of the Yard, and receive from him Instructions as to the duties they are to perform therein: and all Persons enlisted into the Service of The United States, and doing duty under the orders of the Commandant of the Yard, shall, for every offence, be subject to the "Act for the better government of the Navy of The United States," and be tried and punished in the same manner as if the offence had been committed at Sea, any Law or Usage to the contrary notwithstanding.

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B.

*Ships and Vessels afloat.*

7 Seventy-fours .....	At Portsmouth.
7 Frigates .....	Boston.
1 Steam Frigate.....	New York.
1 Twenty-four gun Ship.....	Philadelphia.
5 Sloops of War .....	Washington.
2 Brigs.....	Norfolk, and one
6 Schooners and 2 Gun-boats.	contemplated South of the Chesapeake.

*Commissioned and Warrant Officers required to officer the above Ships and Vessels and Navy Yards.*

*Seven Seventy-fours*—7 Captains, 63 Lieutenants, 14 Sailing Masters, 21 Masters' Mates, 168 Midshipmen, 7 Surgeons, 21 Surgeons' Mates, 7 Purser, 7 Chaplains, 7 School-masters, 7 Boatswains, 7 Gunners, 7 Carpenters, 7 Sailmakers.

*Four Frigates of 44 guns*—4 Captains, 24 Lieutenants, 4 Sailing Masters, 80 Midshipmen, 4 Surgeons, 8 Surgeons' Mates, 4 Purser, 4 Chaplains, 4 Boatswains, 4 Gunners, 4 Carpenters, 4 Sail-makers.

*Three Frigates of 36 guns*—3 Captains, 15 Lieutenants, 3 Sailing Masters, 48 Midshipmen, 3 Surgeons, 6 Surgeons' Mates, 3 Purser, 3 Chaplains, 3 Boatswains, 3 Gunners, 3 Carpenters, 3 Sailmakers.

*One Steam Frigate*—1 Captain, 5 Lieutenants, 1 Sailing Master, 12 Midshipmen, 1 Surgeon, 1 Surgeons' Mate, 1 Purser, 1 Chaplain, 1 Boatswain, 1 Gunner, 1 Carpenter.

*One Ship of 24 guns*—1 Captain, 4 Lieutenants, 1 Sailing Master, 12 Midshipmen, 1 Surgeon, 1 Surgeon's Mate, 1 Purser, 1 Boatswain, 1 Gunner, 1 Carpenter, 1 Sailmaker.

*Five Sloops of War*—5 Masters Commandant, 15 Lieutenants, 5 Sailing Masters, 40 Midshipmen, 5 Surgeons, 5 Surgeons' Mates, 5 Purser, 5 Boatswains, 5 Gunners, 5 Carpenters, 5 Sailmakers.

*Two Brigs, 6 Schooners, 2 Gun-boats*—10 Lieutenants Commandant, 18 Lieutenants, 10 Sailing Masters, 34 Midshipmen, 10 Surgeons, 10 Surgeons' Mates, 10 Pursers.

If divided into 2 Squadrons, 2 Captains.

*Seven Navy Yards*—7 Captains, 7 Masters Commandant, 7 Lieutenants, 7 Sailing Masters, 14 Midshipmen, 7 Surgeons, 7 Surgeons' Mates, 7 Pursers, 7 Boatswains, 7 Gunners, 7 Carpenters.

*To which should be added,*

Navy Commissioners, 3 Captains.

For Recruiting Stations, 4 Masters Commandant, 4 Lieutenants.

For the Ordnance Service, 1 Master Commandant.

For Hospitals, 4 Surgeons, 4 Surgeons' Mates.

*Making a Total of*—28 Captains, 17 Masters Commandant, 10 Lieutenants Commandant, 155 Lieutenants, 45 Sailing Masters, 21 Masters' Mates, 408 Midshipmen, 32 Surgeons, 63 Surgeons' Mates, 38 Pursers, 15 Chaplains, 7 Schoolmasters, 28 Boatswains, 28 Gunners, 28 Carpenters, 20 Sailmakers.

NOTE. Besides the above Navy-Yards, there is a Station at Charleston, S. C.; Baltimore; Newport, R. I.; Sackett's Harbour, and White-Hall; at each of which places there is 1 Captain, and other Officers. Also, a Station at Erie, Pennsylvania, having 1 Master Commandant.

There is no such Commission Officer as Lieutenant Commandant; they are, from time to time, selected from the corps of Lieutenants, and receive, while in command, 10 dollars extra per Month, which ceases with their command; they then return to the body of Lieutenants, and receive only Lieutenant's pay. The Masters' Mates are taken from the most experienced Midshipmen; the number of Masters' Mates stated above should, therefore, be added to the Midshipmen, which make the whole number of Midshipmen required, 429. This statement makes no provision for sickness and other casualties.

### C.

STATEMENT of the Number of Petty Officers, (viz. Captains' Clerks, Boatswains' Mates, Gunners' Mates, Carpenters' Mates, Sailmakers' Mates, Quarter-gunners, Quartermasters' Yeomen, Coxswains, Stewards, Coopers, Armourers, Masters at Arms, Ships' Corporals, Cooks,) Able Seamen, Ordinary Seamen, and Boys, required for the Vessels of War stated below :

		Seamen.			
		P. Off.	Able.	Ordinary.	Boys.
<i>Franklin</i> .....	74,	47	244	264	42
<i>Constitution</i> .....	44,	38	160	170	27
<i>Constellation</i> ....	36,	33	130	140	25
<i>Congress</i> .....	36,	33	130	140	25

	P. Off.	Seamen		Boys.
		Able.	Ordinary.	
<i>Cyane</i> ..... 24,	25	75	35	15
<i>John Adams</i> , Corvette.....	25	60	49	11
<i>Ontario</i> , Sloop.....	23	45	45	10
<i>Erie</i> , do.....	23	45	45	10
<i>Peacock</i> , do.....	23	45	45	10
<i>Hornet</i> , do.....	23	45	45	10
<i>Spark</i> , Brig.....	19	30	16	9
<i>Enterprize</i> , do.....	19	30	16	9
<i>Nonsuch</i> , Schr.....	14	20	8	6
<i>Alligator</i> , do.....	14	20	8	6
<i>Porpoise</i> , do.....	14	20	8	6
<i>Dolphin</i> , do.....	14	20	8	6
<i>Grampus</i> , do.....	14	20	8	6
<i>Shark</i> , do.....	14	20	8	6
No. 158 Gun-boat.....	4	8	8	3
<i>Bull-dog</i> , Felucca, and } small Vessels, at N. } Orleans.	5	40	40	—
	424	1207	1106	242

For 6 Seventy-fours, viz.: the *Columbus*, *Ohio*, *Delaware*, *North Carolina*, *Washington*, and *Independence*, 2 Carpenters' Mates, 8 Able, and 8 Ordinary Seamen, and 6 Boys, each.

For 3 Forty-fours, viz.: *The United States*, *Guerriere*, and *Java*, 1 Carpenter's Mate, 6 Able, and 6 Ordinary Seamen, and 4 Boys, each.

For the *Fulton*, Steam Frigate, and *Macedonian*, 36, 1 Carpenter's Mate, 5 Able and 5 Ordinary Seamen, and 3 Boys, each.

For Sackett's Harbour, 1 Armourer, 5 Able, and 10 Ordinary Seamen.

For Whitehall and *Erie*, 2 Armourers, 10 Able, and 10 Ordinary Seamen.

Grand Total, 3,240.

#### D.

NUMBER of Commission and Warrant Officers required for the Navy of The United States, when the Ships of the Line, Frigates, and Steam Batteries, directed by the Act for the gradual increase of the Navy, shall be completed—viz.: 45 Captains, 17 Masters Commandant, 273 Lieutenants, (10 of whom allowed for Lieutenants Commandant) 66 Sailing Masters, 48 Surgeons, 97 Surgeons' Mates, 54 Pursers, 31 Chaplains, 12 Schoolmasters, 44 Boatswains, 44 Gunners, 44 Carpenters, 33 Sailmakers, 724 Midshipmen, 36 Sailing Masters' Mates, required to officer 12 Ships of the Line, 12 Ships of 44 guns, 3 ditto of 36, 1 ditto of 24, 4 Steam Batteries, 5 Sloops of War, 2 Brigs, 6 Schooners, and 2 Gunboats, (with a reservation of 3 Captains for the

Brigs, Schooners, and Gun-boats, in case they should be divided into 3 Squadrons)—for 7 Navy Yards, for the Board of Navy Commissioners, for Recruiting Stations, for Ordnance Service, and for Hospitals.

NOTE.—The above is exclusive of the Officers that may be required at Charleston, S. C. Baltimore, Newport, R. I. Sackett's Harbour, Whitehall and Erie stations; and makes no provision for sickness and other casualties.

With respect to the number of Masters Commandant, it may be observed, that we have not a number of Sloops of War, in proportion to other Ships; if we had, the number of this grade of Officers would be greatly increased.

It is recommended that certain Officers be allowed additional pay *per month*, according to the rate of the Vessels they are attached to, as follows:

	Line Ship.	Frigates.	
		44	36
First Lieutenant . . . . .	10 Doll.	6 Doll.	4 Doll.
Sailing Master . . . . .	10	6	4
Surgeons . . . . .	15	10	6
Boatswains . . . . .	5	3	2
Gunner . . . . .	5	3	2
Carpenter . . . . .	5	3	2
Sailmaker . . . . .	3	2	2

### E.

ESTIMATE of the annual Expense of the Officers of the Navy, proposed by the Bill; all calculated on full pay and rations.

1 Rear Admiral, 120 dollars per Month, 1,440 per annum; 24 rations per Day, 8,760 dollars per Year, at 25 cents each, is 2,190 dollars—total 3,630 dollars.

5 Commodores, each 100 dollars per Month, with 16 rations, at 25 cents per day, or 2,660 dollars per Year—total 13,300 dollars.

17 Captains, each 100 dollars per Month, with 8 rations per Day, or 1,930 dollars per Year—total 32,810 dollars.

1 Captain, 75 dollars per Month, with 6 rations per Day, or 1,447 dollars 50 cents per Year.

20 Masters Commandant, each 60 dollars per Month, with 5 rations per Day, or 1,176 dollars 25 cents per Year—total 23,525 dollars.

185 Lieutenants, each 40 dollars per Month, with 3 rations per Day, or 753 dollars 75 cents per Year—total 139,443 dollars 75 cents.

13 Sailing Masters, each 40 dollars per Month, and 2 rations per Day, or 662 dollars 50 cents per Year—total 8,612 dollars 50 cents.

382 Midshipmen, each 19 dollars per Month, and 1 ration per Day—total 121,953 dollars 50 cents.



25 Surgeons, each 50 dollars per Month, and 2 rations per Day—total 19,562 dollars 50 cents.

42 Surgeons' Mates, each 30 dollars per Month, and 2 rations per Day—total 22,785 dollars.

30 Purser, each 40 dollars per Month, and 2 rations per Day—total 19,875 dollars.

6 Chaplains, each 40 dollars per Month and 2 rations per Day—total 3,975 dollars.

Boatswains 13, Gunners 13, Carpenters 15, Sailmakers 11, each 20 dollars per Month and 2 rations per Day—total 21,970 dollars.

Grand total, 432,889 dollars 75 cents.

*Proposed Organization of the Navy Yards and Shore Stations.*

Portsmouth, (N. H.) and Philadelphia, each 1 Captain, 1 Master Commandant, 1 Sailing Master, 1 Surgeon, 1 Purser, 2 Midshipmen, 1 Boatswain, 1 Gunner.

New York, Boston and Norfolk, each 1 Captain, 1 Master Commandant, 1 Lieutenant, 1 Sailing Master, 1 Surgeon, 1 Surgeon's Mate, 1 Purser, 3 Midshipmen, 1 Boatswain, 1 Gunner, 1 Sail Maker.

Washington, same as the last, with the addition of 1 Laboratory, and the deduction of 1 Surgeon's Mate.

South of the Chesapeake, 1 Captain, 1 Master Commandant, 1 Sailing Master, 1 Surgeon, 1 Purser, 2 Midshipmen, 1 Boatswain, 1 Gunner.

Lake Ontario, 1 Master Commandant, 1 Lieutenant, 1 Surgeon, 1 Purser.

Lake Erie and Lake Champlain, each same as Ontario, with the deduction of the Lieutenant.

The Officers embraced by this organization of the Yards, with those included in the above Estimate, constitute the number proposed by the Bill.

At the compensation proposed, the compensations of the above Officers of Yards will amount to.....Dollars 84,750 00

To which add the amount of the above Estimate.....432,889 75

Making a sum total of.....Dollars 517,639 75

From which deduct the amount calculated for 3 Commodores who act as Navy Commissioners.....7,980 00

Dollars 509,659 75

**ESTIMATE of the annual Expense of the Officers now on the Navy Register, calculated at full pay and rations, Nov. 1822.**

	Pay per month.	Rations per day.	Amount per year.
9 Captains .....	Doll. 100	16	Doll. 23,940
18 Ditto.....	100	8	34,740
1 Ditto.....	75	6	1,447 50
31 Masters Commandant.....	60	5	36,463 75
203 Lieutenants .....	40	3	153,011 25
406 Midshipmen.....	19	1	129,615 50
47 Surgeons.....	50	2	36,777 50
46 Surgeons' Mates.....	30	2	24,955
44 Pursers .....	40	2	29,150
12 Chaplains.....	40	2	7,950
57 Sailing Masters .....	40	2	37,762 50
149 Boatswains, Gunners, Car- penters, Sail Makers, and Masters' Mates. ....	20	2	62,952 50
			<u>Dollars 578,765 50</u>

NOTE.—The above Estimate is exclusive of the allowances made to Officers of the Yards, for fuel, candles, servants, and rent, which, if added to the Estimate, would increase it probably.....20,000 — making the whole Estimate.....598,765 50

Annual expense of full pay and rations to the Officers now on the Navy Register.....598,765 50

Annual expense of full pay and rations to the Officers proposed by the Bill.....509,639 75

Difference in favour of the Bill.....Dollars....89,105 75

**ADDRESS of the Commission, on presenting the Project of Constitution to the Constituent Congress of Peru.—  
14th June, 1823.**

SIR,

(Translation.)

THE Commission appointed by Congress to prepare a Project of Constitution for the State, upon the basis already acknowledged by the People, are anxious to present the result of their labours, not only because they consider them worthy of the Sovereign sanction, but because they desire to report the fulfilment of their duty, and to satisfy the wish of the People, who are impatient for the day when their Representatives shall have attained the grand object for which they have been assembled.

A more unfavourable moment than the present could scarcely have been found for effecting such a work with the meditation and seriousness which its importance demands. Struggling for Independence, or rather strenuously and continually contending for the soil in which it is to be planted, we find ourselves engaged in erecting an edifice, whilst we have at the same time to seek the materials with which it is to be constructed. How different to the fate of those Countries who have had to form their Constitutional Charter within the secure bulwark of domestick tranquillity, not enjoyed by Peru, whose birth in the Political World, and whose efforts to free itself from tyranny, have been simultaneous ! This, however, is the inevitable destiny of Nations, which, breaking asunder the ties of ancient dependency, are firmly resolved to exist for, and by, themselves alone.

The spirit of National Independence, resulting from individual sentiment, directs the popular wish towards the dissolution of the social mass ; and the emotion occasioned by the suggestions which occur to every one's mind, in the contemplation of his natural pre-eminence, causes order to be succeeded by anarchy ; leaving the State in danger of becoming a prey, either to the most adventurous, or to the most powerful. Who then can reconcile such discordant elements, or rather, let us ask, who then can circumscribe their limits ? That which they before possessed has vanished, whilst the original object in view is no longer to be seen. The only *legitimate* and *efficient* authority for consolidating Political Associations must be derived from the spontaneous will of those who constitute them ; in like manner as the direction of the Supreme Being is alone effectual in regulating the Heavenly Bodies.

*Legitimacy* and *efficiency*, when, in the nature of things, a Revolution is justifiable, where a Community has become weary of seeing its rights invaded, dissolve at last the compact, and reform it on a basis calculated to guaranty those rights : a consideration of itself sufficient to induce the members of it to sacrifice their fortunes, and even existence, if necessary, in their support. The rest is purely accidental. And if the history of Political Reformations exhibits some of a different character, we are well aware, that their power has been ephemeral, and that a Government whose foundation is not laid in the good will, approbation, and confidence of the Nation, however great its efforts, will never be firmly established. On the theatre of recent conflicts, still agitated by Parties, it is not possible thus early to satisfy the general wish, by fixing the basis of a permanent Administration ; for a People once undeceived will not retrace its former path.

In those fortunate Countries, where the spirit of Independence and Liberty is concentrated in the pledges of the popular representation, we have, however, soon beheld the work of emancipation perfected, and the administrative government consolidated. Until the Fundamental

Laws are established in a Country, all must be precipitation and confusion; or, to speak more plainly, a state, more or less, of anarchy must exist, since it is an indispensable preliminary to order, that certain fixed principles, from which proceed regularity in general, as well as precision in the limitation of authority and of civil rights, be recognized.

Such being the condition in which Peru was found at the period of its regeneration, and such the necessity of a Fundamental Law, the Provisional Government judged it expedient to convene a meeting of Congress, to whose wisdom it referred the formation of Laws suitable to the political existence of the People whom it represents. The Commission will now proceed to submit a brief analysis of their Project.

The Constitution of a Country being merely a consolidation of the Primary Laws which are to fix its form of Government, according to the principles of a Social Compact, for the public welfare, it should be confined to those matters which are necessary to the fulfilment of that object; so that the organization thereof shall proceed in such order, that, comprising within it the rights, obligations, and attributes of the Citizens and National Authorities respectively, the same may be divided into as many parts as its nature will seem to admit.

The Commission, therefore, commence by forming the Nation, or, what is equivalent thereto, by organizing its primitive elements. And, presuming on a correct description of the Nation, it will next be most opportune to form the Government, in all its attributes and dependencies; and, lastly, to appoint the means requisite for its establishment; otherwise the Fundamental Laws will be no better than mere theories. The Constitution will then be reduced to three principal points, which, agreeably to the nature of their object, will be composed of as many other parts or sections; that is to say; first, the Nation; secondly, the Government; and, thirdly, the means of preserving it: each Section giving an origin to its dependant Chapters, and the latter to their respective Articles.

The Peruvian Nation, which signifies all Peruvians, united as one family, and which, in consequence of the general wish, has been separated from the Spanish dominion, is, from circumstances of a local nature, composed of distinct divisions, which the former Government denominated Provinces, and subjected to the authority of a Viceroy. Notwithstanding their distance apart, their inclinations and interests are united, with respect to rights which belong in common to all, are authorized by nature, and dictated by reason; forming, thus connected, one body, determined to resist any aggression for the purpose of subjugating or dividing it. It is unnecessary on this occasion to mention the principle of Independence, inasmuch as it is recorded in the first transactions of liberated Peru, which have been solemnly ratified by



the National Representation, and because the necessity for it is acknowledged by all who do not substitute caprice for justice. These bases being admitted, they proceed to declare, that the Sovereignty is essentially vested in the Nation, and its administration in the Magistrates to whom it delegates its Powers. It is understood, that the Sovereignty, that is to say, the Supreme Power, includes within it all those who are members of Society, provided they acknowledge the grounds of the Social Compact: in other words, it comprehends all the authorities, recognized by the Constitution; it is consequently paramount to all Law, and is inherent to, and inseparable from, the Community; it is also understood that, after having acknowledged and sworn to the Constitutional Act, it remains only for the Nation religiously to observe it. Were it otherwise, the advantages of a Constitution would not be obtained; the establishment of a Government would be unavailing, and the deliberations of Representatives useless; the Nation, or its Representatives, would alone decide, and, by constantly changing the Articles of the Fundamental Law, there would be two Powers acting simultaneously: one, the Nation, or the Citizens; the other, the Body to which it had delegated its functions. The result would be confusion, chaos, and anarchy. If a party of the People, or a single Citizen, were to attempt to represent the Nation, either would undoubtedly arrogate, not only the actual Sovereignty, but its primitive attribute, which, it is obvious, the People cannot relinquish, except by delegation to Representatives, specially appointed for the sole purpose of revising and modifying the Fundamental Law. If the primitive Sovereignty belongs exclusively to the Nation, the Law alone is Sovereign, its Administration being constituted and organized in the most suitable manner. And, since it cannot officiate by itself, it must be personified by Magistrates, as its Agents, and Administrators of the high powers invested in them by the general voice; the Citizens not intermeddling in their duties, but conforming to the Laws, agreeably to the forms of the Representative System.

These principles, considered with reference to the National Authority, lead to the insertion of Articles IV. and V., which define the indispensable requisites for Representatives of the Nation, and describe the inviolable conditions of their Compact, and the reciprocity of their duties. Men surrender a portion of their rights, or compromise themselves to obedience, with the object of preserving the remaining part, and, with it, their freedom: a sacred residue, which no one shall, even were he so inclined, resign; not so much on account of its own importance, as of the nature of things which essentially equalizes and will not admit of the superiority of one over another. The limits of the National Sovereignty should, therefore, be confined to a sphere, the trespassing beyond which will be an invasion of the rights of Individuals.

It will not then be possible to decree Laws aiming at the destruction of liberty, security, property, or natural equality. This disposition is the more important, inasmuch as Representative Governments being founded on the empowering of Delegates, these would become absolute if the Sovereignty were not, in the outset, restricted. The People should possess in the Fundamental Law a practical lesson, which will teach them to discover any abuse on the part of those to whom powers have been entrusted. They should be aware of their extent, and of the precise limits of the authority with which they have invested their Representatives.

In the next place, the Seat of Government should be established within the Territory of the Republic, because locality is inherent to Political Institutions; for, were it otherwise, it would be impossible to rely upon its moral integrity. Nevertheless, the existing war, and the consideration that, at its conclusion, we shall be informed more exactly of our line of demarkation, render it necessary to defer this Stipulation for the present; meanwhile the States on the Frontiers will perceive that Peru claims only what is just; for it would be inconsistent to proclaim, on the one hand, liberal principles, and, on the other, to assume the attitude of a Conqueror, at a time when acquisitions of power have become so degrading.

It is, however, more urgent to define our interior demarkation, for two reasons, viz. the efficacy of central power, and local utility. The Inhabitants of Places distant from each other, although in the same Country, are strangers to its Metropolis, if governed by an absolute Authority, which, for its own advantage, may seek to interrupt their communication; confiding immense Districts to the mercy of one Man, so that, comparatively in a state of lethargy, the vigour of political life never animates them. Not so with contiguous Countries where intercourse must prevail. But how is this to be effected in our extended Territory? Why, by gradually dividing and reducing it into Districts, thereby multiplying centres, whose outer limits, being connected, will form a chain, the chief link of which will be the common centre of the Republic. The political rights of every quarter will thus be effectually secured:—all will be benefited by an active Administration, and discontent will not exist, as it does at present, amongst those who, on business of minor importance, are compelled to undertake long journies. This, however, is not the time to dwell upon the advantages arising from such a division. Suffice it to say, that the denomination of Department has been substituted for that of Province: that the former name has been given to the Divisions which have been already made, and that of District to the Sections into which it is divided, according to the convenience of its topography, and the interests of its Inhabitants. In the settlement of the Territory of this, and of the other Independent States of America, God grant that, in respect of the Climate and the

vicissitudes with which we have to contend, we may have the satisfaction of seeing our efforts, in establishing the Institutions of Liberty, crowned with the same success as has enabled us to avoid the misfortune of living subject to a Foreign domination !

Religion is so indispensably necessary to the Fundamental Law that it cannot exist without it. Reason teaches us certain obligations to God, and it is proper that, when Men are united in Society, the exercise of Religion should acquire a new stimulus, for the purpose of encouraging publick morality. Our object is to select that Faith which indubitably contains the revealed truths, from amongst the multitude of Sects into which the Human Race is divided ; and the Nation, being convinced of its superiority, will maintain it in all its purity. Happily, the Peruvians profess the Christian Faith, as it is revealed by the Roman Catholick and Apostolick Church ; and the knowledge which they have of its Doctrines affords a constant assurance, that, without deviating from the rules which its Divine Author has prescribed in the Gospel, every Inhabitant of the State will treat it with inviolable respect.

We now proceed to the political condition of Peruvians, as constituent parts of the Nation, considered in the light in which they are placed, with reference to the rights and the interests of the Publick, either as mere social Members, or as influencing the high destinies of their Country. The first are, all those born within the Territory, and all who are adopted by the Law ; this condition extending to those who are born of Peruvian Parents out of the Territory ; for if a legal decision can communicate rights which seem to belong entirely to Nature, why should not the Republick recognize its Sons in those who are indebted to it for their original existence ? Their obligations are so signal that, failing in any of them, they become unworthy of the name of Peruvians, or, if delinquents, they forfeit their rights to it. How glorious for the Republick, if all its Sons be distinguished by a true love of their Country, observing scrupulously the principles of justice and natural beneficence, and combining the study of national decorum with personal privileges ! The Commission is of opinion, that when these purposes are accomplished, by the Fundamental Law, the prejudices of the Colony, which this, as well as every other part of America, must still, in some degree, retain, will soon disappear. There are, however, obligations so sacred, that the least infraction of them would be a crime : such as fidelity to the Constitution, the observance of those Laws in which consist true liberty, and a respect for the Authorities which command in its name.

Articles XI. XII. and XIII. are worthy the attention of Congress, as they are designed to redress, in every possible way, the wrongs of Nature, which is outraged by a trade in the Human Species ; Peru renounces even those out of its Territory who engage in it ; not admitting, within its bounds, the Foreigner who carries on such a traffick.

The Nation can undertake nothing, either as regards Hereditary Property, or Private Contracts dependant thereon, unless it can calculate upon a Fund sufficient to indemnify the Proprietors, to whom, on the ground of good faith, which is more imperious than humanity, we are bound to render justice.

Citizenship is, in Republicks, the most glorious and respectable attribute, and that which, in the plenitude of its enjoyment, leads exclusively to the Chief Magistracy, and, being evidently grounded on social rights, it must be exercised only on the basis of the common good. It is on this basis that the Commission has proposed the Laws necessary for the exercise of Citizenship. Without an interest in the publick transactions, and an ability to take part in them, the affairs of the Nation could not possibly be well conducted; and, therefore, as marriage, the possession of landed property, or any lucrative occupation without mercenary dependance, a sufficient age, or the means of improving their condition in life, perfectly fulfil these purposes, they have been prescribed, considering the existing circumstances of Peru, as indispensable qualifications. The Commission has designated Landed Property as one of the means of identifying the Individual with the common interest, giving to the Citizens a proportionate influence in the exercise of the Electoral Power; the present unequal distribution of Land, and the precarious tenure of many, consequent upon Spanish Colonization, will, however, render necessary the organization of a more general and just arrangement hereafter. With respect to naturalized Foreigners, Congress will concede to them the right of Citizenship, reserving to itself the power of deciding in certain cases as to the qualifications required; and the same liberal provision will be extended to other Foreigners throughout the Country. The Regulations cannot, in justice, be rigorously applied to the Independent Sections of America, which, in common with Peru, must be desirous, in this matter, of attending to our reciprocal interests.

Having stated the conditions which are necessary to Citizenship, it remains only to describe how the exercise of it may be suspended, or forfeited, upon the same principles of justice and publick accommodation. The right of Citizenship is suspended towards those who are inimical to liberty, who are addicted to crime, or to vices that corrupt morals, (whose influence is indispensable to the Republick) and towards those who negotiate for suffrages, in order unduly to influence the Elections. The right is forfeited by those who have been naturalized in Foreign Countries, or have suffered punishment for a capital offence. Experience having shewn that accusations are brought forward, during Elections, from motives alone of base revenge, it will be proper that a Constitutional Censorship be appointed, into whose custody a Civic Register shall be consigned every 5 Years. In this will be recorded all offences, in due order, without encouraging this calumnious propensity, or



leaving the question of political rights to the arbitration of any Agent whatever.

The Commission has now arrived at the most difficult and delicate, as well as the most important, part of its task. Without a Government, it would be impossible for a social organization to exist, or for individual rights to remain uninjured, for a moment. But an Institution, so evidently necessary, that all will undoubtedly submit to the influence of its public force, to ensure their personal interests, should be confined within its natural limits; so that henceforth it be regarded as indispensable to the existence itself of the System, and to the real advantage of the Association. The popular Representative Government, which has been acknowledged and sworn to, as the only means, in the present condition of Peru, of upholding the Liberties of the Country, and of aiding the rest of the Continent in the effort to obtain for Man the restitution of his primitive dignity, must be preferred to every other form of Government. It excludes for ever hereditary rights and family compacts. Mankind, meditating well on National felicity, could never have allowed one race, exclusively, to rule over all others; entailing upon its posterity an unlimited authority, to survive its own; as if future generations could grant to the present a right to bind them to the fulfilment of obligations contracted anterior to their existence!

Nations can receive Laws from themselves alone; they cannot be governed but by the Powers which they freely and specially designate for that purpose. If the Law be the result of the general will, the Government is the medium of reducing it to practice, without which little would avail the most profound deliberations. And, if the first, which lays the foundation for obedience, and is, consequently, the primordial principle of the Administration, can only emanate from the will of the People, why should not the second, which executes the Law, proceed from the same source? What right have Citizens to separate themselves indefinitely from a power, which, by its periodical delegation, may confer all possible advantages, public as well as private, and to which they neither can nor ought to be strangers? It cannot be doubted, that, by a popular Representative Government, the People will ensure the continual exercise of their rights, so that, guarding against confusion in the acts of the Administration, they will always be made known to them by means of their Commissioners; that exclusive pretensions, peculiar rights and privileges, and all that can tend to establish a patrimony in the direction of Society, will, thereby, be effectually prevented; that the welfare of Mankind will be discussed on the basis of a fixed principle, and that reason will triumph over the prejudices, which, so disgraceful to Human Nature, had suffered a few Families to perpetuate a sway over whole Nations, that were wont to obey, serve, and defend, at the risk of their lives, the immunity of their idol.

Peru derives, from this form of Government, all the benefit that can result from its system of Independence. Unless Liberty, or, in other words, the enjoyment of Rights, for which Men consent to submit to severe regulations, be permanently secured, the advantage of such a System is only apparent or nominal, owing to the continual struggle between the Governors and the Governed; —the first always seeking to take advantage of the feebleness of the latter, in order to controul them of their own right, instead of that with which they have been invested; whence Despotism and all the miseries consequent upon it. And, as a Country just freed from an absolute Government, is incapable of organizing itself, or rather, of acquiring the habits congenial to Liberty, unless it be accustomed to the exercise of its natural power, by the frequent appointment of Persons to represent it, the fixing of a form of Government, which at once ensures the social pre-eminence, and leads to the practical knowledge of the Compact made with those it governs, is indispensable. As Peru has but recently made its appearance in the Political World, it behoves the People to constitute their Government on the most rational and convenient system; and it would be imprudent to neglect an opportunity (the only one assuredly which will present itself,) not only to avoid, but to take advantage of, all those evils, which Governments founded on especial rights are well known to entail; and to guard themselves from being again bound to a Monarchy, with the degrading appellation of Vassals. With this view they have resolved to be Republicans, and their determination, solemnly declared through the medium of their Representatives, will enable them to sustain the Government to which they have sworn.

A popular Representation does not, however, always avert the dangerous consequences of absolute power, which do not so often flow from the original Institution, as from the confusion which arises from an Administrative Authority being entrusted to one Person. Hence the necessity of dividing the National Power into three parts; viz.—the Legislative, the Executive, and the Judicial; the only means by which States can preserve their Liberty; it being an incontestable truth that, by a further multiplication of it, Slavery ensues, and the Laws lose their efficacy. It is, therefore, expressly declared, that these three branches of the National Authority shall never be confided to one hand, and that they shall not be allowed to invest themselves respectively with any other attributes than such as are assigned to them; because, under the pretext of the exigency of the moment, one Power is frequently annulled to strengthen another, the equilibrium being thus destroyed by the aggrandizement of an authority, which it is difficult in the sequel to bring back to its proper level.

And it being necessary to settle the general basis on which these Authorities are to rest, before we proceed to determine their extent and relative importance, in order that they may properly understand their

duties, and that the People may at the same time be aware of their own influence and power in the formation of the Government, it has been deemed expedient to prescribe the Fundamental Regulations for Popular Election. As the Sovereignty is, essentially, in the Nation, to the Nation alone it belongs to decree the Laws; and, the Representative System being adopted, to the Representatives alone it belongs to enforce them: these practical truths lead to the formation of another Power, which, from its exclusive duty of appointing the Commissioners who are to perform all the functions of the Nation, should properly be called the *Electoral*. On this Power, the constitution of every Department of Government will depend; it is, on that account, the only one which can be exercised without delegation; and its establishment will require all possible judgment and circumspection; because any errors which might be committed by an abuse of it would be irremediable.

The Commission would have preferred a direct Election, as undoubtedly the most popular, or rather, the only one that can strictly be called free: but as difficulties may occur, not easily to be overcome, in the present circumstances of a Country, which has so lately freed itself from oppression and the most abject condition in which a People could be placed, it has not been considered advisable that the Electoral Power should be so exercised. It cannot be denied, that a direct Election requires that the general mass of the People be, to a certain degree, enlightened, and that it be also suited to the convenience of the variety of Population of which an extensive Territory may be composed; and, as the qualifications for an Elector, in any Country, should not be the effect of mere impulse, how much more necessary it is, to be circumspect and cautious, with regard to those who have been Slaves for many Centuries, than to Men of less vulgar habits: the more especially, when, in such cases, Intriguers are never wanting to take advantage of the simplicity of Voters, and thereby to form an irresistible Party, the consequences of which they have afterwards reason to deplore. The complicated proceedings of this mode of Election, also, cause the Publick Acts to be much delayed, as we have practically witnessed in the preceding Year. Experience has also taught us, that some, from their inability to read or write, others from want of information, from incapacity, and ignorance, and many from egotism, repair to the ballot, with lists of Persons who differ entirely from themselves in opinions, and that many, who are by no means preferred by the Electors, thus obtain a number of suffrages. In avoiding this extreme, however, we have endeavoured not to run into another, of which there is an example in the system of Elections, according to the Spanish Constitution. By the latter, Electoral Juntas of the Parish, Province, and District, were assembled together; which occasioned two great evils; viz., the reducing the nomination of the Deputies to the Votes

of 7 or 9 Individuals, easily won over by the Government, and the depriving the Provinces, then called Districts, of the right of Election. This Assembly met in the Capital of the Department, from whence the Representatives were generally chosen, and scarcely ever from the Districts: in many instances a District preponderated over the Department, and decided the Election itself, by the number of suffrages, as the sequel has shewn. This is certainly very foreign to the principle of equality, which should, in every respect, guide the National acts upon the fixed and unalterable rule that every Province shall, according to the new demarkation, have its exclusive Deputies, without which they cannot all be Representatives of the Nation. On this basis of uniformity, each Province will contribute to the Legislative Body, with this difference only, that those which have the largest Population will return the greatest number of Representatives; but one Province will not be permitted to nominate the Deputies of a whole Department.

The Commission likewise proposes, in respect of the Electoral Colleges of Parishes and Provinces, that the Parochial Electors shall elect the Deputies in a direct manner, and not by a small number, according to the Spanish system; that every 100 Individuals shall name an Elector for the Parish; so that in a Province containing 15,000 Inhabitants, there will assemble, for the purpose of naming a Deputy, 150 Electors, a number too considerable and enlightened, and too much interested in publick affairs, to be won over or seduced. This is a considerable advantage, and its importance will be augmented, if the qualifications for the duty of an Elector, recommended in the present Project, be approved. We have yet to learn the disadvantages of such a System, but we know that others have proved unsuccessful; and reason admonishes us to proceed with caution, in order that we may leave useful lessons to Posterity, to whom even our faults may prove instructive. It is not probable that, in the Election of Deputies, Electors themselves will be nominated; because it is evident that they may not possess the precise qualifications required for that Office. Should they, however, possess them, there can be no objection to their becoming Deputies, especially when, as may sometimes happen, a Province contains few Men qualified, and it is necessary to have recourse to the services of Electors. If Peru were as rich in Population as it is in the precious metals, it would be highly proper to exclude Electors. But such is not the case. Many Parishes might hesitate to appoint an Elector, when they knew that the same Person could not be their Deputy. The Commission has considered this question in every point of view, and has decided it in favour of the Electors.

The days for the Elections, and for the requisite formalities to be observed to ensure their legitimacy, have been definitively settled, in consideration of the great risk which might attend even a slight



alteration of this part of the subject; but the Commission has abstained from proposing Laws purely of a regulatory character, which, though not inserted therein, will be considered as originating in the Fundamental Law. The welfare of Peru requires that its Inhabitants take all possible care in the selection of Representatives, qualified to promote their happiness, and who, duly estimating the importance of the charge confided to them, would sacrifice their existence, if necessary, in support of the independence and prosperity of the Republic. It is no easy task to describe all the qualities conducive to this end; we have, however, laid down the principles, with due consideration of the interests of the community, and of the advantages of knowledge, and liberty: time and the progress of events can alone instruct the People in a matter so important as the use which is to be made of the Electoral Power, on which infallibly depends the existence and advancement of a free State.

The Republic being in the exercise of its Electoral Power, that is, of the original Institution of its Government, it is proper that each of the leading Functions, into which it has been divided, be analysed; that their general principles be investigated, their proper attributes defined, and the Persons destined to administer them described, in such manner that they be never confounded, nor their natural limits ever exceeded.

The bases being admitted, that the exclusive exercise of the Legislative Power is vested essentially in the Congress, and that the decreeing of Laws belongs solely to the Representatives who compose it; it becomes necessary to fix the period of their Meetings, the duration of their Sessions, and their exclusive powers; and to establish permanent Regulations, defining the peculiar duties belonging to each Deputy, the order and decorum of their Proceedings, and the important attributes of a Body, emanating from the publick voice, and distinguished for virtue and talent, which form the moral strength of the Nation. By the Oath to be taken before he enters upon his functions, the Representative incurs a responsibility, for a violation of which he is amenable to the Law, and his inability to obtain, either for himself, or for others, any Office or distinction whatever, during his employment, will render him perfectly independent of favour, from the moment when the Fathers of the Country assemble together and devote their lives to its Service. The 20th of September is fixed upon for this august ceremony, in commemoration of the day on which the Constituent Congress of Peru was, for the first time, installed: the Legislature will be assembled for 3 successive months, a period considered sufficient for regulating, during the infancy of the Republic, all that may be conducive to its happiness: it may, however, continue for one month longer, if a Majority of the Representatives come to such a Resolution; but an indefinite prolongation of the Ses-

sion would be as dangerous as the delay, or the uncertainty, of its opening.

The renewal of the Legislative Body is one of the most important points in the Representative System, as it does not afford time to any particular Party to separate itself from the People, or to act under Ministerial influence: by it a spirit of superiority as a Body, in the Persons of its Members, is guarded against, and Publick opinion obtains a progressive amendment, not only with regard to Elections, but to the Laws. The mode of effecting this renewal varies in almost every State; but the Commission, desirous to prevent the influence, opposition, or preponderance of the Majority of the same Congress, in its decisions, has entirely rejected a partial renewal, of less than one half, for the purpose of preserving an equilibrium, the Legislative Body being one and indivisible. A total renewal at every Election has not been adopted, because the infant State of Peru is not yet in a condition, frequently to provide a sufficient number of men, capable of executing these important duties, in such variety as to maintain the vigour of a Legislative Body, without having recourse to Individuals who are not versed in affairs of this description.

The exclusive faculties of the Congress proceed from the peculiar character of the power it exercises, and from the nature of its duties, which are purely National, and should, if possible, be founded upon the collective wisdom of the whole Nation:—such as, to decree and sanction the Laws, to interpret or amend them, and to dispense with them when publick convenience, and humanity, render their extreme rigour inexpedient; to enforce the Decrees for regulating Publick Bodies and Establishments, in the exercise of their peculiar functions, over which, they must possess a species of legal superintendence, and to levy contributions upon the faith of the National Credit. War and Peace; Finance; the value and denomination of the National Coinage; the creation or suppression of Publick Employments; the admission of Individuals on the Civil List of the Republick; the entrance of Foreign Troops into, and the removal of the National Troops out of, the Territory; the protection of the Liberty of the Press, and the appointment of Officers for its preservation; the right of assigning titles to Populations, suitable to their extent and circumstances; of regulating the Topographical Chart of the State, and the interior demarkation of its Territory; of granting Rewards to those who, for eminent services, have deserved well of their Country; the institution of National Solemnities, which, strengthening the Civic Union, and, at the same time, exalting those distinguished for virtue, will mark the epochs of our Independence and Liberty; the promotion of Publick Instruction, by Laws and Institutions suitable to the progress of the Arts and Sciences:—are all functions, which as certainly appertain to the Nation, as that the Armed Force, the Publick Treasury, and intel-

lectual ability, are the requisite means of preserving the Republick, and of rendering it powerful, prosperous, and happy. By the designation of these attributes, a divisionalline is drawn between the Powers, so that Congress may not intermeddle in the functions of the Government, nor be deprived of the immediate influence which justly belongs to it. This regulation has been adopted by other Nations; it is, therefore, proposed with less hesitation, such modifications being introduced as are suitable to the Country. The Commission has done nothing new in this respect, for, in Political organizations, there are certain points so general in their nature, that it were impossible that a similarity be not found in the Institutions of Free States, especially since the adoption of the beneficial system of a division of Power.

The immediate object of the functions of the Representative Body is the formation of Laws; an arduous task, the consideration of which has occasioned much reflection and discussion, and has occupied the attention of the Commissioners for some time, thereby augmenting the diffidence which they continually feel in recording the result of their labours. The framing of the Law, and the force it is to receive by its sanction, are the two points which constitute and characterize it, and which, together with the subordinate formalities, and the intervention of another Power, it will be necessary to describe in regular order. The first step is the proposal of the Law, which, agreeably to the basis laid down, will belong exclusively to the Deputies, the Commission being of opinion, that this prerogative ensures every possible freedom in the debates, and entirely prevents the undue influence of those to whom the Executive Power is confided. The second is the Project of the Law, which, in the Representative System, must be communicated to the People, as a subject upon which they may freely exercise the Liberty of the Press, and on which its opinion must be valued, not because that will be necessary to the passing of the Law, but because it may lead to the favourable reception of a Law approved by the Publick voice. The third is its discussion, which will be settled by the interior regulations of the Chamber, in such manner that all may be enabled to assist in the debate. The Law being decreed, agreeably to the rules prescribed, its sanction is next to be given, which, if left to the Executive Power alone, although many inconveniencies might be thereby avoided, would, nevertheless, lead to others of greater magnitude.

The perfect harmony which should subsist between the several Powers cannot but be the result of assuring to each the entire exercise of the attributes belonging to it; but if the sanction be confided to another Power, it is evident that the Legislative would be circumscribed in the plenitude of its acts, and in opposition to the Executive; because the object of the sanction is, in effect, to declare authoritatively, whether the Law decreed is, or is not, expedient. Who does not perceive that



such a system would lay the foundation of discord and opposition? Without dwelling further on the formation of the Laws, let us consider their intrinsic value, and relative utility to the State, and avail ourselves of every information with the view of providing for this double object, without, at the same time, exposing the result of the deliberations of the Representatives, or what is the same, the vigour of their moral influence, to the resistance of a veto, which, if absolute, might paralyze the efforts of the Legislative Power; and, if suspensive, might exercise the power, or not, according to circumstances, or the expediency of the moment. Will not the purpose of combining these exclusive objects, namely, the free and natural exercise of the Legislative Power, and the obtaining the necessary information, be effected, by having recourse to the consultive vote of the Senate, which, from its continual vigilance over the National Institutions and Public Morality, will be held in as much estimation as could, in that respect, be desired? And could not the Government, especially charged with the Administration, take part in the deliberations, and offer suggestions, without taking upon itself what might properly be called the constitutive faculty of the Law? The Commission, after mature reflection, is impressed with the belief, that a Project of Law, discussed, in the first instance, by Congress, and afterwards by the Senate and the Executive Power, will have received every necessary consideration, and that, having been submitted to a second discussion, and obtained the aid of experience, deliberation, and sound judgment, it will have acquired all that is calculated to render it just and useful, and will be, moreover, freed from the difficulties which might otherwise attend the exercise of the right of sanction. It is not so with respect to the promulgation of the Laws, which, as an intrinsic act, and as carrying with it the principle of their observance, belongs to the Executive Power, which should publish them by means of a Formula, which, at the same time that it announces the Authority from whence it emanates, makes known to every Citizen the obligations that devolve upon him, the superintendence of which the Publick voice has constitutionally entrusted to the Chief Magistracy.

The principal motives which have guided the Commission in organizing the Legislative Power, having been stated, they proceed to explain what, in its strict meaning, is understood by Government. The Administration of the Executive Power is the most arduous duty of Legislation; it is, in reality, the most difficult problem in politicks, from the extremes to which it generally leads, either in consequence of its being invested with an excessive power, injurious to Liberty, or of its being weakened to such a degree, as to be converted into an Agent comparatively useless, a body without force or elasticity. The Commission has endeavoured to avoid these extremes, by placing the Administration of the Executive Power of the Republick in such a position, that should it seek to supersede the Law, and substitute its



own will for that of the Constitution, the People will thereby become more free, or should it abandon itself to inaction, itself alone will be responsible for the evil that may result. In other words, the Executive Power of Peru, governing constitutionally, will be the constant defender of its Liberties ; but, if disposed to be arbitrary, independently of the absence of the requisite means, effectually and permanently, to accomplish that object, it would render itself as execrable in the eyes of the Nation, as would any Citizen who might attempt to overturn its Institutions. The formalities attending his Administrative Acts, the duration of his power, the qualifications which he must possess, his exclusive attributes, and the express limitation of his authority ; characterize the Chief Magistrate in such manner, that, either personally, or through the medium of his Office, he can scarcely do otherwise than effect good. He will be responsible to the Law for his conduct, and his orders will not be considered as emanating from authority, unless they have received the approbation of the respective Minister, without which they will not be obeyed.

The duties of the Chief Magistrate will be derived from the same source as the power which he exercises, and will consequently be identified with it. Besides the execution of the Law, which is intended to preserve the order, security, and other objects of the Association, he will hold the Supreme Command of the Troops ; not, however, in such manner as to enable him ever to turn them against the Citizens, who have intrusted him with that Office ; he will see to the execution and fulfilment of the Resolutions of the Legislative Body ; he will declare War, after the Representatives of the Nation shall have decreed it ; he will appropriate the Publick Revenue, conformably to Law, by applying the Funds to the various branches of the Administration for which they are destined ; he will appoint the Officers of the Army, up to and including the rank of Colonel, above which the previous approbation and consent of the Senate will be necessary ; he will appoint and remove the Ministers of State, their Commissions being, in their nature, revocable ; and, as they form part of the Executive Power, of whose exercise they are the sole organs, their efficiency and fidelity will, by him, be best appreciated ; he will also superintend the impartial administration of justice, and all the Functionaries of the Republic, giving an account of the improvements in every Department.

With respect to the Election of President, it appears expedient that Congress should select from amongst the most eligible Persons presented by the Departments, in order that the popular feeling may be most effectually consulted, with regard to an Appointment of such eminence. If it be true, that the People generally decide for the best, it is equally certain, that it may sometimes be difficult to ascertain the result of their decision, when a different Person has been elected by the suffrages of many Provinces. This is by no means likely to

occur with respect to Deputies and Senators, whose number would remedy any defect in the Election. The Office of President would, in the supposed case, be filled by a Vice-President, elected in the same manner, and, in default of the latter, the Senate would proceed to the ordinary election of the former, for the purpose of avoiding any unnecessary recurrence to popular Elections, especially as a period of 4 Years has sufficiently provided against the casualty of the successive default of three Individuals.

Considering the Ministers of State as the immediate organ of the Government, and that they are responsible for their acts, either collectively or individually, according to the post they occupy in the Administration, and having described the articles relating to the latter, we shall now notice those which belong to the former. The nature of them requires, that such important functions be confided to Citizens, who possess the same qualities as those who exercise the Executive Power. Three appear to be sufficient for the most active discharge of the duties, provided that each take upon himself his peculiar Department, and that the Appointments be filled by Men well versed in the affairs of government.

The Commission now proceeds to another Chapter, of a more delicate nature, perhaps, than the preceding ones: viz. the Conservative Senate. However true it may be, that a division of Power is the chief safeguard of Political and Civil Liberty, as regards the regulation of a Representative System, yet the Constitutional structure is imperfect, and unconnected, unless a Conservatory Institution be established, which, by uniting those who possess qualities congenial to the purpose, may, at the same time, maintain the stability of the Constitution, and be a means of resisting the attacks of arbitrary Power. Such is the Senate, established upon a basis, whose first attribute consists in its total separation from, and independence of, the Legislative and Executive Powers, so that it may not be influenced, in the performance of its duty, either by hope or apprehension. It must also possess a peculiar inertness in its constitution which may contrast with its moral influence, for it must never exalt itself over the Government or the Legislature, and thereby disturb the harmony which should subsist between them: nevertheless, it is not to be entirely deprived of Political vitality, in certain matters, which, if confided to any one of the Powers belonging to our Constitutional System, would give to it a preponderance, incompatible with that harmony, or Publick Liberty. The third characteristick of this Body will depend on the merit, virtue, and truly patriotick spirit of the Members composing it, who, if they uniformly conduct themselves with dignity, wisdom, and firmness, will command the respect of the Nation, and will, at the same time, insure a confidence on the part of the Citizens, that the Senate will maintain unimpaired the Institutions which it is its duty to preserve.

The Commission has organized the Senate on these principles, confiding the primitive Election of its Members to the Provinces, which will feel an interest in nominating the Guardians of their Liberty; whose designation for the different Departments will rest with Congress, which must on no account depart from the Lists presented to it. This precaution will render the nomination equally popular and free, by the ample means afforded for the Election.

The Senate will be renewed by a third at each time, and will thus always retain a considerable portion of knowledge and experience, to be handed down to those newly appointed; and, as its renewal is to take place only once in 6 Years, it will have the reputation of being as ancient as if its original Members had continued in Office. This arrangement completely supersedes an hereditary perpetuity of its Members, which would be inconsistent with our System, and is not, moreover, incompatible with Senatorial dignity. A Senator must be 40 Years of age; he must possess landed property, be well informed, have rendered distinguished services, and be remarkable for integrity, and all the manly virtues; the respectability of the Body will thus be founded on that of its Members, upon the immoveable basis of Publick opinion, the Sovereign Authority in all Free States.

Let us consider its principal attributes. It will constantly watch over the fulfilment of the Constitution and the Laws, and keep its attention fixed upon the Citizens, in order to put a timely stop to any irregularity in the Public Administration, and prevent the corruption of Civil morality. It will also elect, and present to the Executive Power, the Functionaries of the Civil List, and of the Church; and, being uninfluenced by partiality towards Persons whose employment did not proceed from itself, the Government will be more at liberty to require of them the strict discharge of their duties; by which means a power which usually forms part of the patronage of the Executive will be counterpoised, and the merits of the Candidates weighed by a venerable Body, possessing both wisdom and experience. The Provinces will also have the advantage of possessing nearly an immediate influence in the Election of its Members, by which the misunderstandings and disputes, which have arisen in almost every part of America since the Revolution, will, in respect of Publick Employments, be entirely avoided. It is necessary that Provincial resentments should be opportunely allayed, and that the promulgation of the Constitution should make known to every one, that all are invited to the destinies of the Republick, and that henceforth no other preference will be shewn than that claimed by merit and virtue. And as Appointments will be in the gift of the Senate, whose Members are renewable, the Government cannot become odious on that account, nor will the Provinces have to reproach themselves, unless it be for their own injudicious or inconsiderate selection. This regulation is so important, that the observance of it will, alone,

destroy the seeds of Civil War, and accelerate the Independence of this Continent. The Convocation, by the Senate, of an Extraordinary Congress, when cases of importance require it, its counsel on those occasions, and its consultive voice in the formation of the Laws, and certain faculties during the recess of the Legislature, are also functions of the Senate, in addition to others which are minutely described. Suffice it to say, that the Senate may be regarded as a section of the Representative Body, which, independently of its conservative character, fills up the intervals of the Legislature.

Let us now turn our attention to the Judicial Power, upon which the real safeguard of Liberty depends, and which is, on that account, the most exposed to the arbitrary will of those who administer it; for a more favourable opportunity for betraying a vicious disposition seldom occurs, than when the plea of necessity is advanced for the enactment of a Law. In point of fact, Men generally regard their rights, with respect to the two other powers as mere theory; it being well understood that, if ever either of them attempt to persecute the peaceful Citizen, it will be under the semblance of the garb and sword of Justice. The rights of the Citizen are secure, from the moment that the power which could expose him as a delinquent before the Law is properly restrained. Of what advantage would be the boast of personal security; the most sacred inheritances, which enhance the value of property, and are sanctioned by ancient possession; the enjoyment of the fruits of industry, and the consciousness of innocence; if, when least expected, the Citizen could be deprived of these blessings, and even liable to imprisonment by an arbitrary proceeding. This, our Project would avoid, in the first place, by rendering the Administration of Justice independent; next by declaring the permanency of the Judges, who, secure in the possession of their Office, would have nothing to apprehend, and would have only to be mindful of the correctness of their conduct. A suitable number of Tribunals and Courts of Justice remain to be appointed throughout the Republick; the qualifications of the Judges prescribed; and, lastly, the principal judicial guarantees.

A Supreme Court of Justice, or a Tribunal rather, in which such a power is essentially to be placed, being established, whose faculties are to extend to the decision of all matters to which the Law is applicable, it is evident that none but distinguished Individuals of that Profession should be admitted as Members of it. This Court will pass sentence upon the most important matters that can require a Judicial decision. The highest Chief of the Republick, as well as the lowest Magistrate, will, by it, be held responsible to the Laws: it will take cognizance of those Causes, which, in consequence of the condition of the Parties, are not to be discussed in inferior Tribunals: it will preserve harmony and concord between the latter, and will arrange such differences as may arise amongst them, consistent with justice,



and the honour and respectability of those Bodies. This Court will, in fact, be distinct from the Judicial Power, and, being invested with the character of Supremacy, which belongs to it, under the Representative System and the distribution of the National Power, will be placed in its natural and perfect independence.

The second order of Tribunals will consist of the Superior Courts, in the Departments of Truxillo, Cusco, and Arequipa, and in others where they may be necessary, in order to facilitate the due administration of Justice in those extensive Districts; they will, at the same time, be a constant check upon the inferior Courts of Justice, and will afford the means of having their Suits decided upon the spot, to needy Persons who cannot bear the expense of referring them to the Capital; thus giving encouragement to the assiduous study of Jurisprudence, and the eloquence of the Bar.

The Judicial Hierarchy will see that the Inferior Judges in the Provinces perform their duty; and, as the Citizens residing in the most remote parts of the Republick are required to contribute towards its establishment and defence, it should, in return, protect and secure them in the possession and enjoyment of that property of which a part is taken for the general good. Why should there not be Judges to decide the Causes of the Inhabitants, as well as Receivers of the Publick Revenues, in the different Provinces? Judicial decisions are necessary even in the smallest Communities, and it is proper to regulate them in such manner that every Person may rely upon receiving every possible protection and security. They would, otherwise, be left at the mercy of ignorant Men, or Powers would be united in the same hand which it is especially intended to keep asunder.

It is highly necessary to attend to the qualifications of the Judges, inasmuch as, for the due execution of their Office, besides information and integrity, much practical experience is necessary, and, above all, a maturity of Years, which brings with it knowledge that cannot be supplied from any other source. No period of Life is more suitable to the exercise of Jurisprudence than from 30 to 40 Years of Age. A Magistrate should first be employed with ordinary business, until he becomes well versed in it; he should afterwards be employed in the more arduous duties, and in the task of revising, jointly with others, the first Judgments; he would then ascend to the highest rank of the Judicial Order, dignified by learning, respected for age, and possessing the advantage of experience.

The Commission would have decided upon the immediate regulation of the Judicature, in the order abovementioned; but, contemplating the inequality with which the Spanish Government treated the Peruvians in this respect, (many Jurisconsults, who have exercised the Profession for half a Century, being still dependent on it for subsistence,) it has extended the practice of these Lawyers to the Supreme

and Superior Courts, wherein, as soon as they are organized, a settled rule of equality will be established, by which, without injustice either to age or qualifications, a strict scale will be formed for their future regulation.

Little advantage, however, will result from the preceding Regulations if justice be not administered agreeably to Judicial Forms, by which alone it is guarantied to the Citizen. It is, therefore, indispensable that they be inviolably adhered to; that they be not, under any pretence, reduced or suspended; that no one be apprehended without reasonable cause; that the dwelling of a Peruvian be held sacred; but if the necessity of preserving the Publick Peace render it indispensable that proceedings take place against the Person or Residence of any Individual, it must be on just grounds, and not by an arbitrary act of authority. Such are the precautions to be taken with respect to the Supreme Authority of the Government. The disgrace of punishment should also be confined to the Delinquent, and the infamy of his crime not be allowed to descend upon his Family; neither should Human Nature be subject to the torture. The Regulations of less importance may be contained in the Civil and Criminal Codes, which should embrace whatever conduces to the impartial and expeditious administration of justice. The Commission considering, above all, the protection due to the most important possession of the Citizen, viz., his life, and the welfare of the Republick, have entirely abolished capital punishment, in the same manner as they have proscribed, for the benefit of future Generations, the barbarous penalty of confiscation.

The admirable invention of Juries, which, to speak briefly, consists in the entire separation of the fact from the Law, is the safest guarantee of Criminal Jurisprudence, the investigation of it being brought within its most natural bounds, by Persons who do not apply the Law; nor can the decision be more correct, impartial, or free. This truth certainly justifies its introduction amongst a People not much versed in legal proceedings, because it is the most equitable mode of examination. The Commission, however, conceiving that a simultaneous adoption throughout the Country of a System, affecting no less than the security itself of the Citizen, might occasion irremediable confusion, defers this mode of Trial, until the Criminal Code, and all the necessary Regulations have been decided upon, when it may be rendered general, without risk, throughout the Republick. In the mean time the System hitherto adopted will continue to be observed.

A brief idea having been given of the organization of the three Principal Functions of the National Power, some observation may be offered on the internal government of the Republick; in doing which, the Commission must remind the Congress of the interior demarkation of the Territory. The Departments are the larger Sections into which

it is divided ; the Superior Government of each is to be confided to a Citizen, who, on account of his authority and dignity, will bear the name of Prefect, whose attributes will be limited to the preservation of Publick order and security, and to the execution of duties purely of a governmental nature, with subordination to the President of the Republick, whose Vicegerent he will be, in the Territory under his immediate command. He will superintend the execution of the Laws, and the duties of those who are to administer them, without, however, interfering in any judicial matter.

The Provinces will be under the direction of the Intendant appointed for each, whose authority within its limits will be similar to that of the Prefect of the Department ; he will, however, be under his direction in respect of the preservation of the peace, but at liberty to exercise his functions without controul.

Each District will appoint a Governor on a similar footing ; so that each Functionary will exercise a proper authority, and all will, at the same time, be gradually dependent on the Supreme Power, the object being to preserve union and harmony in all the affairs of the State, and an open and active administration of the Sections into which it is divided.

These Functionaries must possess integrity and prudence, besides the requisite qualifications for their respective Offices. If the Districts be well regulated, so will the Provinces ; and if they be well organized, the Departments will be equally so ; and the good government of the latter will ensure that of the whole Republick. The Functionary of its smallest Section, viz. the District, should possess qualifications equal to those required for a Department ; because the Inhabitants of both are in the enjoyment of rights of equal importance. They are in possession of liberty, existence, and property, and, if chance has placed them in a distant quarter, there is no reason why they should not possess such advantages in common with those who are nearer to the seat of Supreme Power. Let equality exist throughout the whole extent of the State, both between the Citizens in respect of the Law, and between all the Provinces in the administering of it ; the same system of justice towards all, and in every one equal vigilance and zeal ; then will the People rejoice, opinions concentrate, and the Republick be fortified in such manner that neither within, nor from without, can any thing disturb it.

With this object in view, and in order to render aid to the Government of the Provinces, at the same time consulting their rights, a Committee or Departmental Junta will be established in the Capital of each Department, whose attributes will be—to give advice to the Prefect in matters of importance ; to remit Lists to the Senate of Citizens eligible for the Office of President of the Republick : to superintend the Municipal Bodies ; to regulate the statistics, and form the Census ;

to promote Agriculture, Industry, Mining, and Commerce, and Public Education; to apportion the Contributions to be levied in the Province; to report, annually, to the Senate, on any misconduct of the Local Administration; and to remit to it a List of all deserving Individuals in the Department. This Council will be considered as a section of the Senate in the Capital of the Province. It must, therefore, consist of Members who possess the same qualifications as Deputies; it being certain, that this Junta will be answerable, in a great degree, for the good or evil which may attend the Department, in any branch of its Administration.

But if it be necessary thus to watch over the Department, on the large scale, how much more so will it be, with respect to the Municipal Bodies in detail; for, if the nature of these establishments be well examined, it must be acknowledged that they are the Patriarchal Councils of every Community: to them the Inhabitants naturally look, as the Authority which is to protect them against Offenders, to settle their differences, and to watch over their Persons and Property, and, by the preservation of strict order, to shelter them from violence of every description. This is a power inherent to the People, by reason of its locality, from whom, therefore, it derives its attributes; always however, with deference to that Authority which Nature has, at all times, established, when a Population consisting of various Families have assembled together; the Fathers of each being as the Fathers of the whole Community. Municipal Government is no favour granted by the Constitution to the People; it is the assertion of a right which has been abused by the system of Colonization. In assigning its functions, it is difficult to avoid collision with those of the Judicial Authorities. The Commission, always desirous to regulate the Public interests, with reference, as much as possible, to the exigency of their nature, have divided the attributes of the Municipal Power as follows: 1. The preservation of Order. 2. Primary Instruction. 3. Charity. 4. Health and Security. 5. Utility, Ornament, and Recreation. Thus are constituted those, who are; to assist in the administration of justice; to watch over the Elementary Schools, which the poorest Community should, at least, possess; to superintend Establishments of Humanity; to promote the health of the Inhabitants, by seeing to their supplies of Provisions; and to facilitate the means of transport (by Bridges and Roads,) to those who, from necessity or choice, visit the Place. These general Regulations will enable them to decide what Orders it may be necessary to issue; but they will bear in mind that, in the Municipal Regulations of a Society, yet in a primitive state, their Functions should be evident, and as little complicated as possible, with respect to matters of government.

To obtain this Trust, qualifications will, therefore, be required, which are consistent with this species of natural Authority, and are



founded on virtue, a knowledge of parochial business, property, obedience to the Laws, good domestick management, and all those qualities, which, in every Municipality, would adorn a Father of the People, and are held in such estimation by the Natives of Peru. This would be easily effected, if the Government and Departmental Juntas would effectually aid in it, and pledge themselves that the Municipal Bodies should report to them, annually, what had been done in the exercise of their attributes, and the reasons why other matters had been left unattended to. By this means they would be answerable, in some degree, to publick opinion for the exact fulfilment of those attributes, although they could not, on that account, be responsible to the Law like other Functionaries. As the Departmental Junta, and the Senate would be informed of the omissions, and the causes of them be made publick through the medium of the Press, it would then be ascertained, whether they were founded in truth, or advanced only as allegations. If the Municipal Bodies attend exclusively to their duties, and do not convert their Office into a nominal dignity, or an oppressive authority over the People, Peru will indeed have few evils to deplore.

The Functions of Alcaldes are distinctly pointed out, they being considered as Justices of the Peace ; by which much litigation will be avoided, there will be fewer motives for private revenge, and there will be no necessity for appealing to the Laws, until every means of reconciliation have been exhausted. This is the greatest advantage that a Nation can possess ; and if it be enjoyed by the Peruvian Republick in its fullest extent, the Municipalities will have attained one of the most important blessings which can fall to the lot of a People.

The primitive organization of the Government being settled, it only remains, agreeably to the plan adopted, to propose the means of ensuring its stability. The Publick Revenue unquestionably demands our first attention ; because Nations can no more exist than Families without possessing a sufficient fund to provide for their wants ; the more especially if they are destined to occupy an eminent station, by reason of the advantageous circumstances which distinguish them. Considering its importance, it is difficult, however, to regulate this subject in its details: as speculative and doubtful theories for augmenting the National Revenue might lead to errors which time alone could remedy. Peru, strictly speaking, has never had a System of Finance, founded upon its own resources, owing to the Colonial condition in which it has been placed ; for the local Laws and Regulations, and whatever Arrangements were made, with respect to the increase and application of the Publick Revenue, depended exclusively upon their utility to the Mother Country, which always regarded America in a pecuniary point of view. It was on this principle, that all the Appointments connected with the Customs, in the Depôts, Commercial Establishments, and the numerous Offices, were filled up, so that, besides

depriving Industry and Agriculture of many useful hands, the amount of the Salaries given to the Persons employed, occasioned a burthen, the weight of which was supported by the rest of the Inhabitants, whilst the former generally aspired only to live on the Income they derived from Office.

If the Commission had been charged to present a Project of a Fundamental Law, it would have had to suggest special Regulations, with respect to the resources which constitute the Publick Income in all its branches, and the means of consolidating it. Their duty is, however, confined to the organization of its preliminary bases; amongst which may be mentioned, as the most important, that the Income and Expenditure of a State must always be regulated in conformity with the Constitution; the expenses of the Nation being calculated with reference to the ordinary receipts; for the Republick must not arbitrarily dispose of the property of the Citizens, nor incur useless or extravagant expense. Without continuing the Tax on Income, which occasions an enquiry into the condition, and a practical knowledge of the resources, of Individuals, and requires them to contribute, in proportion to their means, towards the Government of the Republick, let the Imposts be diminished as much as possible, and the extent of our Revenue depend upon the protection to be afforded to the productive branches, as is the case in all well regulated Countries.

As Revenue without economy is of little avail, the Minister of that Department, independently of his obligations in common with other Citizens, ought perfectly to understand his duties. He will have to form the general and particular plans, the estimates of expences, and of the ordinary and extraordinary contributions; the superintendence of which, consisting entirely of calculations, is no other than a continual solution of problems, exhibiting the publick wants, and the means by which the National honour is bound to provide for them.

An Accomptant-General's Department, in which all the Accounts of the inferior Offices of the State should be examined and liquidated, and a general Treasury for depositing the Revenue, should, therefore, be established in the Capital of the Republick, with the necessary Directors and Clerks, the details being to be settled by a Regulatory Law of Finance, in which it will be requisite that three leading objects be attended to:—1. Accuracy, and regularity, in their interior management. 2dly. A limited number of Persons with suitable Salaries. 3dly. The order of promotion established, in such manner that by talents and merit the most inferior Officer may, in time, become Chief Director; because the introduction of Strangers into Offices, in which others have been meritoriously engaged for many Years, besides reversing the order of justice, checks the zeal of those employed, who would apply themselves more diligently, if they had a certain prospect of promotion, and of being enabled to proceed, in their career, to ease and affluence. In the Military and other Professions a

regular scale of advancement exists, and why should there not in that of Finance, which gives existence and nerve to all the other Institutions? The Commission is of opinion that, by admitting into this important Department, young Men who are good accountants, and are well initiated in the first principles of Political Economy, and by strictly observing the scale of gradation, Peru will soon possess fertile sources of Revenue, and a proper administration of them. This object would be further promoted by the abolition of Monopolies, the suppression of interior Custom-houses, and by the establishment of Savings' Banks. The Citizen will then enjoy perfect liberty in the management of his own affairs, by which, it is well known, the wealth of the Publick is acquired; Commerce will prosper, and our rich Mines will produce more in 10 Years than they formerly did in a Century. For this purpose it will be expedient to enact a few Regulatory Laws, which, by removing obstacles, rather than perpetuating objectionable forms, will satisfy the Citizens that their industry will tend to profit, and that they will partake, individually, of whatever is intended for the benefit of the Community.

The National Credit will be inevitably ruined if the Nation do not recognise the Debt already contracted, and provide for its liquidation. States, like private Individuals, obtain the Property of others, on the grounds of honesty and good faith, to relieve them from their difficulties; but no one will assist them, if, disregarding the sacred obligations of honour, and abusing confidence and generosity, they, on frivolous pretexts, culpably delay or refuse to satisfy their Creditors. The exterior defence and internal security of the Republick require a permanent Armed Force, in order that its Independence be respected by Foreigners, and its Laws obeyed by its Citizens; for it is evident, that to attain these important objects, reason and the intrinsic excellence of its Institutions are not always sufficient. This Force, however, should be so distributed, that it can never assist tyranny,—the consequence, generally, of the indiscretion with which it is augmented, on the ground of a want of tranquillity in the Interior, or of Foreign Invasion;—under one or the other of which criminal pretexts the Citizens are called upon to arm in defence of their rights, whilst the real intention is to deprive them of their freedom.

The Peruvian Army will be divided into three Classes: the Troops of the Line, the Civic Militia, and the Police Guard.

The first will protect the Liberty and Independence of the Exterior, and should be employed only when that is menaced. Such will be the duty of the Veteran Troops, whose services exclusively constitute the relative importance of States, by which the spirit of conquest has lost much in the present Age; the wise not esteeming Conquerors, in preference to Officers, who are distinguished for uniting moderation with valour, and for drawing the sword in the cause of Liberty.



The Militia will preserve order in the Interior, its numbers in the Provinces being in proportion to their Population and circumstances; as this Force should be as powerful as is necessary for the pacifick purpose for which it is intended. God send that Peru may one day possess a Militia, similar to that of the wise Republicks of Rome and Sparta, in their early days of Republican purity! This may easily be accomplished, if, in the organization of these Bodies, particular care be taken that the enlisting of the Troops be not rendered odious by its incompatibility with their domestick occupations; if a stop be put to the violent and arbitrary proceedings of the Officers to whom it has been customary to give Commissions; and if the Citizens be persuaded that their guarantees cannot be better secured, than by their flying to arms when danger threatens.

The third Class of the Army will preserve the safety, the property, and other rights of the Citizens. The immense distances which divide the few Towns of Peru, generally, require the establishment of a Police Guard, in all the Departments which can support it; with such precautions, however, as may prevent their degenerating into Banditti, which may be anticipated, unless these Troops be subject to severe discipline, and the Cities prevented from affording encouragement to their vicious habits; in the absence of which regulations, they would seldom pursue Offenders, and might be themselves addicted, as experience has shewn, to the commission of depredations on the high-road.

The Armed Force for the preservation of Liberty will not be permitted to execute, indiscriminately, the duties of the Three Classes into which it is divided; but it is to be established as a general rule, that in case of Insurrection or Invasion, Congress, or the Senate, will decide according to circumstances, what is requisite to be done. It will also be for Congress to maintain the good discipline, economy, and regulation of the Army, by means of particular Ordinances; and above all to promote education in Colleges and Military Schools; inasmuch as this Profession cannot be exercised, in an eminent degree, without a competent knowledge of the sciences connected with its Institution, and a mind imbued with those noble sentiments, by which, even in the most barbarous times, Military Men have been characterised. A Soldier is only a Citizen armed for the defence of his Country, which will reward him with distinctions and honours if, faithful to the Laws, he preserve untarnished the National Glory; but should he, on the contrary, lend himself, and the power placed in his hands, to the degradation of the Constitution, in order to raise above it the influence of any Man who might gain him over to his Party, he will be looked upon by his Country and every Citizen as the instrument of tyranny. Wretched is that Republick in which the Military cannot distinguish in what true glory consists, and are not inspired by the splendour of good fame, which exclusively consists in the exercise of virtue, and a strict observance of the sanctity of liberal



**Institutions !** The Soldiers of Peru would tread in the steps of Conquerors if, when armed to destroy the work of Pizarro, they upheld the Protectors of Despotism, at the moment when, in an enlightened age, the most warlike Nations have reversed the system of warfare, which, in former times, was guided only by a martial spirit.

The further means of providing for good government is Education. Without it, Citizens will be unable to distinguish their rights, much less to defend them, for Science, Literature, and the Arts, are derived from Liberty, and can never flourish except in States in which appropriate Establishments exist, as well for the developement of the intellectual faculties as for the perpetuation of talent. An unenlightened Society is like the physical World unaided by the influence of the Sun; it being evident that wherever the progress of learning has been retarded Men have been equally unmindful of the justice and inviolability of their rights. The knowledge of them has been extended by means of scientific intercourse, even to the Nations most distinguished for passive obedience, and the Constitutional System is so generally understood, that the People will never retrograde to absolute Governments. There is no doubt that civilization proceeds from mental acquirements, and is the precious fruit of Instruction given to the mass of the People ; that it has re-established the influence of social prerogatives, and substituted reason in place of force, dissipating prejudices which had been regarded as undoubted truths for many Centuries. The Republick would advance but little, and transitory would be its liberty, did not its Charter contain Articles calculated to form the National mind, in every respect, on the basis of such useful knowledge as gives an impulse to human reason.

Publick Education may be promoted :

1. By Establishments for primary Instruction, the Sciences, Literature, and the Arts ; for without regular method, and an indefatigable assiduity, it is impossible to inculcate proper principles, or diffuse them throughout a State, so that the People may be perfectly conversant with their rights, and civic obligations, and a numerous class of Citizens be instructed in the different branches of learning, the fine arts, and good taste.

2. By giving rewards to those who distinguish themselves by application and improvement ; for without such a stimulus the best talents would seldom exceed mediocrity ; the more particularly as, by a fatality, incident to the Human Species, even mental energy, which should be independent of exterior agency, if not the effect of chance, is always inspired by the expectation of reward.

3. By the formation of Scientifick Institutions endowed with sufficient annual Funds ; for it is certain that knowledge should be rendered independent of every other occupation of life ; and in order to

its more perfect diffusion, it should be imparted by Men who have no occasion to look to other resources for their support. Moreover, is not Education of sufficient importance to States, that its advantages should be recognized, by assigning to the privileged Class connected with it a suitable Income, such as is given to other, perhaps less useful, professions?

4. By the Freedom of the Press; which must not be regarded as a measure of absolute necessity, but as one suited to the actual state of Political Associations. The Press may be considered either as a right or a guarantee. If as the former, every Citizen has the undoubted privilege of proposing reforms, and of suggesting improvements; in a word, of promoting the perfection of the Publick Institutions. A Citizen is a Member of the Social Family, and it behoves him to assist the National Counsels, by every means not inconsistent with the delegation of the Representative Power; amongst others, by the free use of the Press. If considered as a guarantee, how can Individual rights be declared imprescriptible, if the means of claiming them be not at the same time exercised, or rather if the sole safeguard of their inviolability be withheld, viz. that of exposing to the Publick the injustice or the faults of those whom the Law has invested with the Directorial Power of the Nation? Who can deny that the present condition of Social Establishments imperiously require this freedom? Civilization has extended itself to every People; all are engaged in the great contest for Sovereignty, and every Political Question must now be referred to the Social Compact. How can the expansion of liberal ideas be confined, how can their usual channel, the unrestrained freedom of speech, (the want of which for so many ages darkened the faculties of Man) be obstructed; how in short, can the Constitutional System do otherwise than retrograde, unless its natural coadjutor, the Press, be free? It is not, however, to be understood, that its freedom should be unlimited. A Regulatory Law will be necessary, which, on the one hand, should be clear and precise, and, on the other, should subject Offenders to severe punishment, according to legal formalities; the latter being settled on fixed principles, under the direction and aided by the experience of impartial Judges, with respect to which Congress will decide with its usual circumspection.

Unless a property in useful discoveries and inventions be declared inviolable, the most sacred right of the Citizen, viz.: the exclusive enjoyment of that which may properly be called his own, would be invaded; other benefits, the result of bodily labour, although of an ordinary nature, owing to the variety of means by which they may be obtained, are always held sacred; because Man, by his incorporation with Society, cannot renounce that which is inherent in his nature, viz. the industrious aptitude with which he turns human resources to his

advantage: how much more should those properties be respected which emanate from an especial gift which Heaven concedes to those who are endowed with what is called talent.

The Commission is of opinion that general and uniform Plans and Regulations should be prescribed for Education; it being indispensable, that, to all the Inhabitants of the Republick, the means of Instruction be afforded; because such is their indisputable right; and it is equally important to the State, that the Fathers of the Country exert themselves especially towards this object; taking care that Schools of Primary Instruction be established in the smallest Village, and a well organized University, for the study of the Sciences, in the Capital of each Department.

The surest means of establishing a Government is an obedience to the Fundamental Laws, by which it is constituted. All would be useless, and it were better that the People neither dictate their Laws, nor labour to establish Institutions, unless they respect them. On this most important point, the preservation and aggrandizement of the Republick, or its total ruin, depends, without reference to the disgrace which would attach to an unsuccessful attempt to accomplish the wishes of a People, placed in the rank of a free Nation. By lessening the force of any of the Fundamental Laws, the first basis will be laid for the demoralization of the People; it is the duty, therefore, of the National Representatives, to enquire above all into any infractions of the Constitution, and not to suffer Offenders to escape from the responsibility which should attach to them; it is equally the duty of every Citizen to claim the fulfilment of the Charter of his Liberties, as it is that of every Publick Officer to invoke the Supreme Being to witness his fidelity to the Constitution before he enters upon his Functions: but if, unfortunately, in return for the most noble trust confided to Man, we discover in him infamous perfidy, let him at least know, not only that he has forfeited Publick opinion, but that he has insulted the Divinity itself.

We close the Project with this special Declaration of the principal Social and Individual Rights; because, although they are described in the preceding observations, yet it appears proper that they should be collected together, in order that their importance may be the more strongly inculcated; that, by being frequently read, they may excite the meditation of the Citizens; and that the People, being made acquainted with the immediate results of their connection with the social ties, may seek to obtain their Rights: and, as it may be difficult for them to comprehend the Laws which guaranty them, that they may be enabled to distinguish when their Civil Liberty, Security, and Property are attacked.

The Commission has thus concluded the great work which Congress had entrusted to their hands. Any ambiguity which may be found in the Project of the Constitution may be explained by this

Discourse, the true meaning of which is entirely in conformity therewith. In the progress of this Analysis, our fears and distrust have been already indicated, and we now express to Congress the perplexity which has constantly agitated us, being, on the one hand, bound not to depart from its sworn basis, and, on the other, not to withhold our observations on the real situation of the Republic; the essence of the Project being thus directed to a determinate point, the Commission has not been at liberty to propose Regulations which might have been at variance with it, but which, if not the most correct, would at least have hastened the completion of its task.

It is for experience, the instructor of Legislators, to decide on the merits of this Analysis; for which purpose it is declared that the present Constitution shall remain subject to the ratification or amendment of a General Congress, composed of Deputies from all the Provinces already free, and of those which may not be in the occupation of the Enemy at the conclusion of the War. Heaven grant that the People may receive this Code with the same warmth of feeling, as that which has actuated the first Representatives of Peru in the formation of it, in order to ensure that Liberty for which they fight, for which so much blood is now being spilt, with which, in short, the People are as yet unacquainted, but which they desire, and can procure for themselves, despising the semblance of it, which subtle Tyrants would present to them. If the Peruvians, at whose express and spontaneous desire Congress is assembled, for the purpose of constituting and giving to the Nation a form of Government, will recognize its labours, Peru will be then in progress towards a glorious Liberty, for it will have begun to value its own work, the most natural expression of its Sovereign will.

Chamber of the Commission, Lima, 14th June, 1823.

TORIBIO RODRIGUEZ.

HIPOLITO UNANUE.

CARLOS PEDEMONTE.

JUSTO FIGUEROLA.

JOSE SANCHEZ CARRION.

JOSE GREGORIO PAREDEZ.

FRAN. J. MARIATEGUI.

#### POLITICAL CONSTITUTION OF PERU.

*DECREE of Congress, relative to the Publication of the Constitution of Peru.—17th November, 1823.*

(Translation.)

DON JOSE BERNARDO TAGLE, PRESIDENT OF THE REPUBLIC OF PERU, &c. &c.

WHEREAS the Sovereign Congress has been pleased to decree as follows:—

#### THE CONSTITUENT CONGRESS OF PERU.

ART. I. It shall not be lawful for any one to publish the Political



Constitution of the Republick, unless he have previously received from the Government, authority and permission for that purpose, in writing, which shall be stated either in the title-page, or at the end, of all the printed copies of the same.

II. The printed Copies, prior to their being sold or distributed, shall be shewn to the Officer or Officers whom the Government shall have made responsible for examining them, in order to prevent the introduction of any, the least, corruption or alteration in the Text thereof.

III. Any Printer violating the preceding injunctions, shall forfeit all the copies he may have printed, and his Printing-office shall be under sequestration for 3 months.

IV. Any Person importing Copies printed out of the Republick, shall, previous to their sale or distribution, deliver them to the Government, for the purpose specified in Article II. and the permission granted to him for circulating them, if they be found correct, shall be inserted in the Official Gazette.

V. If the Importer, Merchant, or other Person, proceed to sell or distribute Copies, without complying with the Regulations in the preceding Article, he shall forfeit the whole of the Copies, and also be fined at the discretion of the Government.

VI. The Executive Power and the other Authorities of the Cities, Towns, and Communities of the Republick, shall be held responsible for the circulation of Copies of the Constitution, printed out of the Republick, in which the Text shall, in the least, have been corrupted or altered.

VII. The present Decree shall form the Preamble in all the Copies of the first edition of the Constitution, and also in those which may hereafter be printed in the Republick.

You will take notice hereof, and adopt the measures necessary for its fulfilment, by ordering it to be printed, published, and circulated.

Given in the Hall of Congress, Lima, November the 17th, 1823. 4th and 2d of the Republick.

MANUEL SALAZAR Y BAQUIJANO, PRESIDENT.

MANUEL MUELLE, *Deputy Secretary.*

MIGUEL OTERO, *Deputy Secretary.*

Therefore, let it be executed, watched over, and complied with in all its parts, by whomsoever it may concern. The Minister of State of the Department of Government is charged with its fulfilment.

Given at Lima, the 17th November, 1823. 4th and 2d of the Republick.

JOSE BERNADO TAGLE.

By order of His Excellency, JUAN DE BERINDOAGA.

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**DECREE of Congress, relative to the Promulgation of, and Swearing to, the Constitution of Peru.—11th November, 1823.** (Translation.)

DON JOSE BERNARDO TAGLE, PRESIDENT OF THE REPUBLIC, &c. &c. &c.

WHEREAS the Sovereign Congress has been pleased to decree as follows :—

The Constituent Congress of Peru, considering that the promulgation of, and the Oath taken to, the Political Constitution which it has sanctioned, will commence a new epoch in the Annals of the Independence and Liberty of the People, inasmuch as without a Fundamental Law it is impossible to secure these Sacred Rights, and, reflecting that such august Acts ought to be performed with all the solemnity which their importance demands, has thought proper to decree as follows :

I. In the Publick Sitting on the 13th Instant, after the Constitution shall have been sworn to by all the Deputies of Congress, the President of the Republic shall present himself in the Hall of its Sittings, at 10 o'clock in the morning, when the Oath to the Constitution shall be administered to him in the following form :

“ Do you swear, by God, to defend the Roman Catholick, Apostolick, Religion, without admitting the exercise of any other in the Republic ?”—“ YES, I SWEAR IT.”

“ Do you swear to watch over, and cause to be watched over, the Political Constitution of the Peruvian Republic, which has been decreed and sanctioned by the Constituent Congress, as likewise all the Laws of the Senate : and that you will neither encroach upon the National Representation, nor attack the inviolability of its Members, to the insult of the People represented by them ?”—“ YES, I SWEAR IT.”

“ Do you swear to conduct yourself properly and faithfully in the discharge of the trust with which the Nation has invested you, to promote by every means the interests of the Nation, and to respect its Political Liberty, as well as the individual and social rights of all the Peruvians ; that you will not require obedience to be paid to what is in opposition thereto, but, that on the contrary, whatever is at variance with what you have sworn to shall be null and void ?”—“ YES, I SWEAR IT.”

“ If you so conduct yourself, may God reward you, but if you fail, may He call you to account for it, and may the Nation make you responsible in conformity with the Laws !”

II. The Ceremonies which are to precede and follow this Act, will be specified in the particular Order which is to be issued to the Executive Power.

III. On Thursday the 20th instant, the Constitution shall be solemnly proclaimed in this Capital, as the Seat and Residence of the

Supreme Government; and the Executive Power shall see to this Ceremony being performed with all the pomp and majesty which the Act requires, and shall fix upon such spots as are most convenient for its being proclaimed in a clear and audible manner.

IV. The Government and all the Civil, Ecclesiastical, and Military Authorities, as well as all the Corporations of the Capital, shall, in full dress, attend this Proclamation, which shall be made by the Minister of State of the Department of Government.

V. On the day following the Proclamation, the principal Civil and Military Authorities shall present themselves at the Palace of the Government, when the Oath shall be administered to them, respectively, in the following form :

“ Do you swear, by God and by the Holy Gospels, to keep and cause to be kept, the Political Constitution of the Peruvian Republick, sanctioned by the Constituent Congress, and to be true to the Government?”— “ YES, I SWEAR IT.”

“ If you so conduct yourself, &c.”

VI. The Authorities, or Inferior Functionaries of Tribunals, the Ecclesiastical Chapters, Universities, Religious Communities, Colleges, and all the other Corporations of the Republick, shall take the Oath, before the Heads, Prelates, or Superiors of their Departments respectively, in the following form :

“ Do you swear, by God and by the Holy Gospels, to watch over the Political Constitution, &c.”

Those who superintend any Jurisdiction shall be sworn in the form prescribed by the preceding Article.

VII. A Mass of Thanksgiving, and *Te Deum*, shall be performed in the Cathedrals, Universities, Religious Communities, and Colleges, after the Chapters, and the other Bodies abovementioned, shall have been sworn to the Constitution.

VIII. When the Cities, Towns, and Communities, receive the Act of the Constitution, (the Bearer of which must be a Military Officer) such publick demonstration of joy shall be made as may be consistent with the circumstances of the Place, to celebrate the arrival of *The Great Charter, which guaranties the Liberties of the Country*. The Civil Power of each Community shall proceed to the boundary to receive the Act of the Constitution, the Chief Magistrate shall proceed with it to the Town-house, and therein deposit the same, in front of which a Guard shall be placed, wherever a Garrison is stationed.

IX. The Head of the Province shall, without delay, in concert with the Civil Power, fix the day for proclaiming the Constitution in suitable places, agreeably to the Form prescribed in the 3d and 4th Articles, adapting the Ceremony to the particular Place ; after having caused the Act to be verified, in the Capital of the Department, and Province of his Jurisdiction.

X. On the first Sunday after the Oath prescribed in Article V. shall have been administered, the Citizens, headed by the Supreme Political Chief and by the Civil Power, shall assemble in their Parochial Church, respectively, where a solemn Mass of Thanksgiving shall be celebrated; the Act of the Constitution shall be read previous to the Offertory; and, a suitable exhortation having been subsequently pronounced by the Parish Priest, all the Citizens shall, after Mass, take the Oath, in the following form:

“Do you swear, by God and the Holy Evangelists, to observe the Political Constitution of the Peruvian Republic as sanctioned by the Constituent Congress?”—“YES, I SWEAR IT,” &c.

After this Ceremony, *Te Deum* shall be performed.

XI. In Cities or Towns which have more than one Parish Church, the Alcaldes and Regidores shall respectively administer the Oath prescribed in the preceding Article, and the same Oath shall be administered in the subordinate Parishes, in order that the Citizens may be sworn with the least loss of time and trouble; and the Alcalde or Regidores of the Chief Municipality shall repair to such Places as have no Municipality of their own.

XII. A day shall be fixed for the reception of the Act of the Constitution by the Army and Marine, and, the respective Forces being assembled, it shall be read in a loud voice. The Commander, the Officers, and the Men, shall be sworn in front of the Colours, in the following form:

“Do you swear, by God, and by the Cross, that you will defend, and cause to be defended, by means of your Swords, the Political Constitution of the Republic, sanctioned by the Constituent Congress; that you will not misapply the force entrusted to you by the Nation, to subvert the Sacred Rights established by this Constitution; that you will not obey any Leader who should order you to be guilty of transgressing those Rights, of acting contrary to the National Representation, or the inviolability of its Members; but that you will, on the contrary, turn against him as Citizens armed for the purpose of watching over Liberty?”—“YES, I SWEAR IT.”

“If you so conduct yourself, may God reward you; but if you fail, may He call you to account, and may your honour be tarnished.”

XIII. The Parochial Priests shall take their Oaths before their respective Vicars, and the latter before the Chief Notary of the Province, for which purpose all Priests shall attend in their respective Cities, Towns, or Communities.

XIV. The Presidents and Governors of Departments and Districts shall take the Oath before the Municipalities of their respective Capitals; the Oath to the latter being administered by their Secretaries, to enable them, afterwards, to receive the Oaths of their Inferiors.



XV. In the evening of the day on which the Constitution is proclaimed, all the Prisons, throughout the Republick, shall be visited, and liberty shall be given to all who are not imprisoned for disaffection, sedition, or treason, or any crime deserving corporal punishment; those confined for civil debt shall be released on giving security.

XVI. The respective Minutes and Certificates, shewing that the Oath has been administered and the Act of the Constitution proclaimed, as ordered by this Decree, shall be transmitted by Government to the Congress, and Copies of them shall be deposited in the Department of Government.

You are to take notice of the preceding, and adopt the necessary measures for its accomplishment, by ordering it to be printed, published, and circulated.

Given in the Hall of Congress, Lima, 11th November, 1823. 4th, and 2d of the Republick.

MANUEL SALAZAR Y BAQUIJANO, *PRESIDENT.*

MANUEL MUELLE, *Deputy Secretary.*

MIGUEL OTERO, *Deputy Secretary.*

Therefore, let it be carried into effect, observed, and fulfilled in all its parts by those to whose duty it belongs. The Minister of State in the Department of the Government shall present a Report of its having been carried into execution.

Given at Lima, 15th November, 1823. 4th, and 2d of the Republick.

JOSE BERNARDO TAGLE.

By Order of His Excellency, JUAN DE BERINDOAGA.

## ***POLITICAL CONSTITUTION of the Republick of Peru.***

*November 12th, 1823.\**

DON JOSE BERNARDO TAGLE, Grand Marshal of the Armies, and President of the Peruvian Republick, nominated by the Constituent Congress.

Whereas Congress has decreed and sanctioned the following :

### **POLITICAL CONSTITUTION OF THE PERUVIAN REPUBLICK.**

In the name of God, by whose power all Societies are constituted, and whose wisdom inspires all Legislators with Justice.

We, the Constituent Congress of Peru, in exercise of the powers vested by the People in their Representatives, collectively and individually, with a view to secure their Liberties, promote their happiness, and, by means of a Fundamental Law, to establish the Government of the Republick, do, in conformity with the bases recognised and sworn to, decree and sanction the following Constitution :

\* Reprinted in pursuance of the Decree of General Bolivar, Liberator and Supreme Director of Peru, at Lima, 20th March, 1825.

## SECTION I.—OF THE NATION.

## CHAPTER I.—OF THE PERUVIAN NATION.

ART. I. All the Provinces of Peru, united in one Body, form the Peruvian Nation.

II. The Nation is independent of the Spanish Monarchy, and of all Foreign Authority, and cannot be the patrimony of any Person or Famil .

III. The Sovereignty resides essentially in the Nation, and its exercise in the Magistrates to whom the Nation has delegated its Powers.

IV. If the Nation do not preserve or protect the legitimate Rights of all Individuals composing the same, it invades the social compact, in the same manner as he who violates any of the Fundamental Laws withdraws himself from the safeguard of this Compact.

V. The Nation does not possess the power of decreeing Laws which encroach upon Individual Rights.

## CHAPTER II.—TERRITORY.

VI. Congress shall fix the Boundaries of the Republick, in concert with the neighbouring States, as soon as the total Independence of Upper and Lower Peru shall have been accomplished.

VII. The Territory is divided into Departments, the Departments into Provinces, the Provinces into Districts, and the Districts into Parishes.

## CHAPTER III.—RELIGION.

VIII. The Religion of the Republick is the Roman Catholick Apostolick, to the exclusion of the exercise of any other.

IX. It is the duty of the Nation constantly to protect Religion, by all means consistent with the spirit of the Gospel, as it is the duty of every Inhabitant of the Republick, inviolably to respect it.

## CHAPTER IV.—POLITICAL STATE OF PERUVIANS.

X. Are Peruvians :

1. All Men of free condition born in the Territory of Peru.

2. The offspring, though born out of the Country, of a Peruvian Father or Mother, from the moment they legally manifest their intention of settling in Peru.

3. Those who have been naturalized in it, either by Letters of Naturalization, or by having become legitimate Citizens, in consequence of a residence of 5 Years in the Republick.

XI. No Person can be born a Slave in Peru, nor can any one re-enter the Country in that condition. The Slave-trade is abolished.

**XII.** If a Peruvian be convicted of this Traffick, he shall forfeit his rights of Nativity.

**XIII.** A Foreigner engaged in this Trade cannot be naturalized in Peru.

**XIV.** The duties enjoined by natural justice are obligations which it particularly behoves every Peruvian to perform; and he renders himself unworthy of this Name, who is not religious, who does not love his Country, who is not just and beneficent, who is unmindful of the dignity of the Nation, or who fails to fulfil his duty towards himself.

**XV.** Fidelity to the Constitution, obedience to the Laws, and respect for the Authorities, make every Peruvian responsible, so that the least violation of these duties involves delinquency.

**XVI.** The defence and support of the Republick, either by Arms, or Contributions, impose on every Peruvian an obligation commensurate with his ability and means.

**XVII.** To be a Citizen it is necessary :

1. To be a Peruvian.
2. To be either married, or upwards of 25 Years of Age.
3. To be able to read and write; which qualification, however, will not be required till after the Year 1840.
4. To possess property; to exercise some profession, or art, publicly known; or to be engaged in some useful branch of industry, without being subject to any Person in the capacity of Servant or Journeyman.

**XVIII.** Any Foreigner, who has obtained a Letter of Citizenship, is also a Citizen.

**XIX.** To obtain such Letter, he must, in addition to the qualifications specified in Article XVII. have introduced, or established, or taught, in the Country, some invention, branch of industry, science, or useful art; or have acquired landed property which obliges him to pay direct Contributions; or must carry on Trade, Husbandry, or Mining, with a considerable Capital; or, finally, have performed distinguished Services for, or in defence of, the Nation; all subject, however, to the decision of Congress.

**XX.** Married Foreigners who have resided 10 Years, and Bachelors who have resided 15 Years in the Republick, are likewise Citizens; although neither may have obtained a Letter of Citizenship; provided they be true to the Cause of Independence, and possess the qualifications enumerated in Article XVII.

**XXI.** These Regulations shall be modified, in respect of the Natives of other Independent Countries of America, according to the reciprocal arrangements which may be concluded with this Republick.

**XXII.** Citizens alone are eligible to Employments, Offices, or Posts of the Republick, and can exercise the right of Election in the Cases already fixed by the Law. This Regulation does not, however, prevent Peruvians, who have not yet entered upon the rights of Citi-

ship, from holding Employments which do not, in other respects, require a legal Age.

XXIII. All Citizens are equal in the eye of the Law, either as regards reward or punishment. Every hereditary Employment and Privilege is abolished.

XXIV. The exercise of Citizenship is suspended, solely :

1. By physical or moral incapability of acting freely.
2. By being of the condition of a menial Servant.
3. By the ignominy attaching to Bankruptcy, or to dilatoriness in discharging Debts due to the Publick Treasury.
4. By not possessing any known Employment, Office, or means of livelihood.
5. By being under Criminal Prosecution.
6. By the abandonment of a Wife without just cause, or by being notorious'y wanting in the ordinary duties towards Children.
7. By being a Gambler, Drunkard, Vagabond, or addicted to vicious conduct, giving offence to publick morals.
8. By bribery at Elections.

XXV. The right of Citizenship is forfeited, solely :

1. By Naturalization in a Foreign Country.
2. By having suffered a painful or degrading punishment, if the Party be not restored to his former condition ; which restoration, however, is not to extend to Traitors to their Country, unless upon such considerations as shall be deemed satisfactory by Congress.

XXVI. The Conditions set forth in this Chapter, after being legally investigated, shall be observed every 5 Years, in the arrangement of the Constitutional Census ; out of which the Civic Register of the whole Republick shall be formed.

## SECTION II.—OF THE GOVERNMENT.

### CHAPTER I.—FORM OF GOVERNMENT.

XXVII. The Government of Peru is Popular and Representative.

XXVIII. Its exercise consists in the Administration of three Powers, namely ; the Legislative, Executive, and Judicial, into which the Principal Functions of the National Power are divided.

XXIX. Neither of the three Powers shall ever be competent to exercise any of the Attributes belonging to the others.

### CHAPTER II.—ELECTIVE POWER.

XXX. The Nation having to legislate through the medium of its Representatives in Congress, all Citizens are bound to take part in their Election, agreeably to the Regulations prescribed in the Law of Elections, and in conformity with the principles established in the present Act. This is the only function of the National Power which must be exercised without delegation.



**XXXI.** The Election of Deputies shall take place, by means of Electoral Colleges, in Parishes and Provinces. The former shall meet on the first Sunday in May, and the latter on the first Sunday in June; so that all the Deputies may be enabled to assemble, during the month of September, in the Capital of the Republick.

**XXXII.** The Electoral Colleges of Parishes shall be composed of all Citizens who may be resident, and in the actual exercise of Citizenship, under the Presidency of the Alcalde or Regidor who has been appointed, with whom shall be associated the Secretary and the Scrutineers, to be named by the College from among the Individuals present.

**XXXIII.** One Elector shall be named for every 200 Persons, whatever be the number of Parishioners.

**XXXIV.** The qualifications for a Parish Elector are :

1. To be in the exercise of his rights as a Citizen.
2. To be a Parishioner, resident in the Parish.
3. To be possessed of a property yielding at least 300 Dollars, in the exercise of some art or office, or engaged in some useful branch of industry which produces that sum annually, or publickly to profess some science.

**XXXV.** The Parish Electoral Colleges shall send to the Municipality of the Provincial Capital, closed and sealed, the Lists of their Elections, to the end that, in case the identity of the Elected be questioned, the proceedings, hereinafter specified, may be resorted to.

**XXXVI.** The Provincial Electoral Colleges shall be composed of all the Parish Electors, assembled in the Capital of the Province, and presided over by a Citizen to be chosen by themselves, who shall have for his Co-adjutors a Secretary and Scrutineers, elected from amongst their own number.

**XXXVII.** The College being assembled, it shall proceed to elect the Representatives or Deputies for the Province, in a publick and continued Session.

**XXXVIII.** The College shall, likewise, elect a Substitute for every three Proprietary Deputies; but if one Proprietary Deputy only be returned by the Province, it shall, nevertheless, elect one Substitute.

**XXXIX.** The Provincial Electoral Colleges shall transmit to the Conservative Senate, closed and sealed, the Minutes of their Elections, for the purpose stated in Article XXXV.

**XL.** The functions of Elector shall cease on the close of the Elections; but if, in the interval between a Legislature and the renewal of it, there should be occasion for new Elections, the same Electors shall be re-assembled.

**XLI.** The Representative basis for each Deputy is declared to be 12,000 Souls, until the Population have considerably increased.

**XLII.** A Province not possessing this number, but having more than a moiety thereof, shall, nevertheless, elect a Deputy: and a Province inhabited, in addition to the 12,000, by more than a moiety of that number, shall elect two Deputies; and so on progressively.

**XLIII.** The important trust of a Representative requires:

1. That he be in the exercise of Citizenship.
2. That he be upwards of 25 Years of Age.
3. That he be possessed of a Property, or an Income, of 800 Dollars per Annum, at least; in the exercise of some branch of industry producing that sum annually; or publickly profess some science.
4. That he have been born in the Province, or have resided in it 10 Years preceding his Election; which Election may lawfully fall on Persons belonging to the Electoral College.

**XLIV.** On the close of the Election, each Provincial Electoral College shall confer the necessary power upon its Representatives, agreeably to the Forms prescribed by the Law for regulating Elections.

**XLV.** To be either an Elector or a Deputy, it is indispensably necessary that he be chosen by an absolute plurality of Votes.

**XLVI.** The Votes shall be kept secret, the result of them being afterwards registered in the Books of the Publick Archives of the Elections, which shall be deposited in the Capital of each Province.

**XLVII.** All doubts respecting Elections shall be decided by the President, the Scrutineers, and the Secretaries of Electoral Colleges, without the necessity of resorting to any other Authority for such purpose.

**XLVIII.** No Person shall be exempt from the duties of Elector, or Deputy, except in the case of his being again elected before the expiration of 4 Years, subsequent to his having executed those duties.

**XLIX.** The subsistence of the Deputies whilst in Office shall be at the charge of their respective Province, according to the rate of permanent allowance to be fixed by the Law.

**L.** On the day subsequent to the Election of Deputies, the Electoral Colleges of the Provinces shall proceed to the Election of Senators; and, on the day following, to that of Deputies of Departments, observing throughout the same formalities as in the nomination of Deputies to Congress.

#### CHAPTER III.—LEGISLATIVE POWER.

**LI.** The Congress of Peru, to which the exercise of the Legislative Power exclusively belongs, is composed of all the Representatives of the Nation, elected by the Provinces.

**LII.** Previously to the installation of Congress, each Deputy shall be sworn to the faithful discharge of his duties in the following form:

*"Do you swear, by God, to defend the Roman Catholick, Apostolick Religion, without admitting the exercise of any other in the Republic?"*  
*"Yes, I swear it."*

*"Do you swear to keep, and to cause to be kept, the Political Constitution of the Peruvian Republic, sanctioned by the Constituent Congress?"*

*"Yes, I swear it."*

*"Do you swear to conduct yourself properly and faithfully in the discharge of the trust which the Nation has confided to you, and to promote, in every respect, the interests of the Nation?"* *"Yes, I swear it."*

*"If you so conduct yourself, may God reward you; but if you fail, may He call you to account for it."*

LIII. Congress shall meet every year, on the 20th of September, and continue its Session for 3 successive months; it may, however, be extended for another month, if necessary, with the concurrence of two thirds of the existing Deputies.

LIV. The Session shall commence, without fail, on the 21st of September, and its opening shall be attended by the Executive Power; the absence, however, of the latter, from whatever cause, shall not be deemed a sufficient ground for its postponement.

LV. One half of the Congress shall be renewed every 2 years, so that it be changed entirely at the end of 4 years: the lot shall, in the first instance, decide which of the Deputies are to retire.

LVI. The existing regulations, without prejudice to any modifications that may afterwards be introduced, shall direct the internal proceedings of Congress, and the forms which may be expedient.

LVII. The Deputies shall be inviolable in respect of their opinions, nor shall they be responsible in any Court of Justice for what they utter in fulfilling the duties of their Office.

LVIII. No Deputy whilst in Office shall either obtain for himself, or endeavour to procure for another Person, any employment, pension, or distinction, unless it be regular preferment in his profession.

LIX. If a criminal accusation be brought against a Deputy, he shall be amenable to no other Court or Tribunal, than that of Congress, and agreeably to its internal regulations; and, during the Session of Congress, it shall not be lawful to sue a Deputy in a Civil Action, nor to attach his person for debt.

LX. The exclusive powers of Congress are:

1. To decree and sanction the Laws, and to interpret, modify, or repeal them.
2. To grant general or special pardons.
3. To approve the regulations of National Bodies or Establishments.
4. To form a National Militia, and to augment or reduce the Troops of the Line.
5. To decree the augmentation or diminution of the Naval Forces.
6. To declare War, in pursuance of instructions from the Executive Power, and to call upon the latter to negotiate for Peace.
7. To approve Treaties of Peace, and Conventions of every description, respecting foreign relations.

8. To establish the means of providing for the payment of the interest of the Publick Debt, and for its gradual liquidation.

9. To decree the Contributions, Imposts and Duties, for the support and defence of the Republick.

10. To approve the apportionment of the Contributions amongst the Departments and Provinces.

11. To regulate the Publick Expenditure annually, with reference to the Estimates furnished by the Executive Power.

12. To raise Loans, if necessary, in or out of the Republick, on the faith of the National Credit.

13. To examine and approve the application of the Publick Revenue.

14. To settle whatever relates to the Coinage, and to fix and equalize the Weights and Measures.

15. To create or abolish Public Employments, and to assign to them proper Salaries.

16. To grant Letters of Naturalization and Citizenship.

17. To give to Places the appellation of Town or City.

18. To regulate the interior demarkation of the Territory, with a view to its better administration, and to establish new Communities, at the suggestion of the Executive Power.

19. To grant Rewards to those who have merited well of the Country, and to decree honours to their memory.

20. To grant temporary privileges to the Authors of Inventions useful to the Republick.

21. To institute National Festivals, with a view to uphold the Civic Union, to animate patriotism, and to perpetuate the memory of the most celebrated events connected with the National Independence.

22. To decree whatever is necessary for the advancement of Publick Instruction, by means of settled plans and institutions, for the advancement and progress of intellectual powers, and for the encouragement of those engaged in literary pursuits.

23. To form charitable and humane Establishments.

24. To elect the President and Vice-President of the Republick from amongst the Individuals proposed by the Senate.

25. To designate, after a scrutiny, the Senators of each Department, from amongst those elected by the Provinces; taking care that two do not proceed from the same Province.

26. To appoint, every 2 years, the Conservative Junta of the liberty of the Press.

27. To protect the liberty of the Press, so that its exercise be never abolished, nor even suspended.

28. To grant or with-hold its consent to the entrance of Foreign Troops, or the stationing of Squadrons in the Territory and Ports of the Republick, and, in case of granting it, to prescribe, at the same time, the precautions under which they shall be admitted.



29. To give or refuse its consent, in the same manner, to the departure of National Troops out of the Territory of the Republick.

30. To exercise the right of Police within the Chamber of its Sitings, and without the same, in whatever concerns the uninterrupted exercise of its Attributes, and the respectability of its Members; and to inflict the established penalties upon such as are wanting in due respect towards it, who threaten violence against the Body, or the inviolability of the individuals composing it, or who should in any manner disobey or obstruct its Orders and Resolutions.

31. To remove itself to another Place, should important circumstances require it, provided that it be agreed to by two thirds of the existing Deputies.

#### CHAPTER IV.—FORMATION AND PROMULGATION OF LAWS.

LXI. It belongs solely to the Representatives in Congress to propose the Laws.

LXII. The regulations for the debates shall settle the form, intervals, and mode of proceeding, in the discussion of the Propositions of the Deputies.

LXIII. When Projects for Laws shall have been sufficiently discussed, they shall be referred to the Executive Power, which shall forward them to the Senate, accompanied with their observations, within the space of 3 days.

LXIV. The Senate shall deliberate upon them, consultively with the Executive Power, and, within 3 days, they shall be returned to Congress, which, after a fresh discussion, shall give or refuse to them the force of Law.

LXV. If, at the expiration of the time specified in the 2 preceding Articles, the Project shall not have been returned to Congress, the latter shall proceed to a second discussion, and, as the case may be, shall give or refuse to it the force of a Law.

LXVI. Every Project of Law, admitted according to the regulations for the Debates, shall be printed previously to its discussion, which shall take place as soon as the printed Copies shall have been circulated.

LXVII. If a Project of Law be rejected, agreeably to the regulations, it shall not again be presented until the meeting of the Legislature of the following year.

LXVIII. The Executive Power shall cause the Laws and Decrees to be executed, kept and fulfilled, in the following form. "The Citizen, President of the Republick, by the Peruvian Constitution:—Whereas Congress has sanctioned the following: (Insert the Law.) Therefore let it be executed, kept and fulfilled."

LXIX. Congress shall promulgate the Laws or Decrees, in the following form: "The Congress of the Peruvian Republick decrees

and sanctions the following: (Insert the Law or Decree.) Let it be communicated to the Executive Power, in order that it may direct what is necessary for its fulfilment, and for its being printed, published, and circulated."

LXX. In the repeal or amendment of any Law the same formalities shall be observed as in the sanctioning of it.

LXXI. In the passing or sanctioning of a Project of Law, an absolute majority of votes of the Deputies present is necessary, which must not be less than two thirds of the whole of them.

#### CHAPTER V.—EXECUTIVE POWER.

LXXII. The exercise of the Executive Power is vested exclusively in a Citizen, denominated the President of the Republick.

LXXIII. All the Acts of his Administration must be subscribed by the Minister of the respective Department of State, in the absence of whose signature they shall not be deemed official.

LXXIV. The exercise of the Executive Power cannot be for life, much less hereditary. The Office of President is held for 4 years, and no one can exercise the Office a second time but after an interval of 4 years.

LXXV. To be President it is necessary :

1. That he be by birth a Citizen of Peru.
2. That he possess the same qualifications as are required for a Deputy. This Magistrate is moreover expected to be qualified to direct a Republick with ability, prudence, and liberality.

LXXVI. There shall be a Vice-President, who shall possess the same qualifications. He shall perform the functions of President, in the event of the decease, resignation, or removal, of that Officer, or of his taking the command of the Armed Forces.

LXXVII. In default of the Vice-President, the President of the Senate shall execute his functions until the ordinary election of a new President.

LXXVIII. The President is responsible for his Acts of Administration.

LXXIX. The President is Chief of the General Administration of the Republick, and his authority extends both to the preservation of internal publick order and external security, conformably with the Constitution and the Laws.

LXXX. The following are also exclusive attributes of the President:

1. To promulgate, command, execute, protect, and fulfil the Laws, Decrees, and Resolutions of Congress, and to adopt such measures as may be indispensably necessary for that purpose.
2. To hold the chief command of the Armed Force.
3. To give the necessary orders for completing the popular Elections within the period prescribed by the Constitution.

4. To declare War in pursuance of the decision of Congress.
5. To conclude Treaties of Peace and Alliance, and Conventions respecting foreign relations, agreeably to the Constitution.
6. To decree the application of the Funds destined by Congress for the different branches of the publick Service.
7. To appoint the Officers of the Army and Navy, of and superior to the rank of Colonel, with the concurrence and consent of the Senate.
8. To nominate Ministers of State, himself; and Diplomatick Agents, with consent of the Senate.
9. To watch over the pure administration of justice in the Courts and Tribunals, and to see that their Sentences be carried into effect.
10. To report to each Legislature of Congress the political and military situation of the Republick, suggesting such amendments or reforms as it may be proper to adopt in each Department.

**LXXXI. Limitations of the Executive Power :**

1. He cannot command the Armed Force in Person, without the consent of Congress, and, in its recess, of that of the Senate.
2. He cannot remove from the Territory of the Republick without the permission of Congress.
3. He cannot, under any pretext, take part in any judicial affair.
4. He cannot deprive any Peruvian of his liberty ; and, in case the arrest or detention of any Person be found necessary to the publick security, he must of necessity, within 24 hours, be brought before the proper Judge.
5. He cannot, moreover, impose any penalty. The Minister who should sign such an Order, and the Functionary who should execute it, would act in violation of personal liberty.
6. He cannot, under any circumstances, defer or suspend the Meeting of Congress.

**CHAPTER VI.—MINISTERS OF STATE.**

**LXXXII.** There shall be three Ministers of State. One of Government and Foreign Affairs, one of War and Marine, and one of Finance.

**LXXXIII.** The interior organization of the Ministerial Departments shall be regulated by Congress.

**LXXXIV.** The Ministers are responsible, collectively, for measures taken by them in common, and, individually, for acts peculiar to their Department.

**LXXXV.** The Ministers are the organ of the Government for their Department respectively, and must sign the Orders which emanate from that authority.

**LXXXVI.** The same qualifications are required for a Minister as for the Person who exercises the Executive Power.

**CHAPTER VII.—CONSERVATIVE SENATE.**

**LXXXVII.** The Conservative Senate is composed of three Senators for

each Department, elected by the Provinces, and designated by Congress, agreeably to Article LX, § 25.

**LXXXVIII.** Each Province shall elect two Proprietary Senators, and a Substitute, and transmit the Acts of Election to Congress.

**LXXXIX.** The Office of Senator shall last for 12 years, the number of Senators, in order to their renewal in each Department, being divided into three parts. The first shall be renewed at the end of the 4th year; the second at the end of the 8th; and the third at the end of the 12th; so that every 12 years the Senate shall be entirely renewed: the lot to decide who are to be renewed at the two first periods of 4 years.

**XC.** The attributes of the Senate are:

1. To watch over the observance of the Constitution and Laws, and the conduct of the Magistrates and Citizens.

2. To select and present to the Executive Power, the Officers of the Civil List of the Republick, and to elect to Ecclesiastical Preferments those who have been named by the Nation.

3. To convoke an Extraordinary Congress, if necessary, to declare War or conclude Treaties of Peace, or engage in matters of equal importance, at the invitation of the Executive Power.

4. To convoke the Ordinary Congress, should the Executive Power not have so done within the time prescribed by the Constitution.

5. To decree, both on ordinary and extraordinary occasions, that there are grounds for legal proceedings against the Magistrate who exercises the Executive Power, his Ministers, or the supreme Tribunal of Justice.

6. To lend its consultive aid to the Executive Power in important affairs of government, especially in those which affect the particular interests of the Departments, and in those of Peace and War.

7. To contract Loans within the Republick, in case of need.

8. To assist in the formation of Laws agreeably to Article LXIV.

9. To examine Pontifical Bulls, Decrees, and Briefs, and to give them effect, or decree their retention.

10. To watch over the preservation and better administration of the establishments of the Andes, and to promote the civilization and conversion of Infidels in that Territory, conformably to the spirit of the Gospel.

11. To prepare the necessary regulations for that purpose, and present the same to Congress for its approbation.

**XCI.** The Senate cannot prosecute, either by accusation, or officially, but can only submit to the cognizance of the Supreme Tribunal of Justice such Charges as are made against Magistrates; without prejudice, however, to Attribute 5 of Article XC.

**XCII.** To be a Senator it is required:

1. That he be 40 years of age.



2. That he be in the exercise of Citizenship.

3. That he have been born in the Province or Department which elects him, or an Inhabitant of the same during 10 years preceding his election.

4. That he be possessed of an Estate exceeding the value of 10,000 dollars, in real property, in the receipt of an annual rent of 2000 dollars, or profess publickly one of the Sciences.

5. That he be of unimpeachable reputation, and of acknowledged skill, in some branch of publick utility.

XCIH. Only 6 of the Senators shall, for the present, be Ecclesiasticks.

XCIV. The Law for regulating Elections shall settle the mode of nominating those Ecclesiasticks.

#### CHAPTER VIII.—JUDICIAL POWER.

XCV. The exercise of this power is vested exclusively in the Tribunals of justice, and Inferior Courts, in the order appointed by the Laws.

XCVI. No Judges are recognized but those established by the Constitution, nor any forms of trial but those ordinarily appointed by the Laws.

XCVII. The Judges are immoveable, and for life, unless their conduct give occasion for the contrary, conformably to Law.

XCVIII. There shall be a Supreme Court of Justice in the Capital of the Republick, composed of a President, 8 Judges, and 2 Fiscals, divided into convenient Halls.

XCIX. To be a Member of the Supreme Court of Justice, it is necessary:

1. To be 40 years of age.
2. To be in the exercise of Citizenship.
3. To have been a Member of one of the Superior Courts; but, until the latter be formed, Advocates are eligible who have exercised their profession with good repute during 10 years.

C. It belongs to the Supreme Court:

1. To settle all disputes between the Superior Courts, and between them and the other Tribunals of the Republick.
2. To render effectual the responsibility of the Magistrate who exercises the Executive Power, and that of the Ministers of State, when the Senate shall decree that there are grounds for legal proceedings against them.

3. To take cognizance of Criminal Proceedings against Ministers of State, and to render effectual the responsibility of the Superior Courts.

4. To take cognizance of all Criminal Proceedings against its own Members; and, should it be necessary to render effectual the responsi-

bility of the whole Body, Congress shall nominate for that purpose a Tribunal of 9 Judges, drawn by lot, from double that number, and elected by an absolute majority.

5. To take cognizance, in the third instance, of the conduct of every Publick Functionary, amenable to the Laws.

6. To take cognizance of the appeals of nullity against Sentences given, in the last instance, by the Superior Courts, in order to restore the Suits to their original state, and to decide upon them.

7. To hear the doubts of other Tribunals and Courts, on the meaning of any new Law, and to consult definitively thereupon with the Legislative Body.

8. To take cognizance of Causes relating to Diplomatick Affairs, and to differences between Ministers, Consuls, and Diplomatick Agents.

CI. Superior Courts of Justice shall be established in the Departments of Lima, Truxillo, Cuzco, Arequipa, and wherever they may be necessary, composed of the requisite number of Judges and Fiscals.

CII. The attributes of the Superior Courts are :

1. To take cognizance, in the second and third instance, of all Civil Causes, of common Law, Public Finance, Commerce, Mining, Seizures and Confiscations.

2. To take cognizance of Criminal Causes, with reference to the verdicts of Juries.

3. To decide on Questions of competency which may arise between the Tribunals and Inferior Courts.

4. To take cognizance of all Appeals in cases of violence in their particular Department.

CIII. To be a Member of the Superior Courts, it is necessary :

1. To be 35 Years of Age.

2. To be in the exercise of Citizenship.

3. To have been a Judge, or have held a Judicial Office or Employment.

CIV. Judges shall be appointed, and Courts of Law established, in all the Provinces, sufficiently numerous to ensure in each the prompt administration of justice.

CV. To be a Judge it is necessary :

1. To be 30 Years of Age.

2. To be in the exercise of Citizenship.

3. To be an Advocate in some Court of the Republick.

4. To have followed the profession of the Law, with good repute, for 6 Years.

CVI. The Civil and Criminal Codes shall establish the Judicial Forms. No Authority shall have the power of altering or suspending them, on any account.

CVII. In Criminal Cases, Judgment shall be publickly pro-

nounced, and the Jury having tried and convicted the Accused, the Law shall be applied by the Judges.

CVIII. The nomination of Juries, their rank, attributes, and forms of proceeding, shall be prescribed in a Special Regulation. Judgments in Criminal Cases shall, in the mean time, be given in the manner established by Law.

CIX. Judges may be tried at Common Law, for subornation, prevarication, bribery, the alteration or suspension of Judicial Forms, and illegal proceedings against personal liberty, or the security of domicile.

CX. Justice shall be administered in the name of the Nation.

CXI. Judges of the first instance are personally responsible for their conduct to the Superior Courts, and the Members of the latter to the Supreme Court of Justice.

CXII. Civil and Criminal Causes shall be finally decided within the District of the respective Superior Court.

CXIII. Three Courts of Instance only are recognised in Judgments.

CXIV. Appeals notoriously unjust are abolished.

CXV. The confiscation of property, and all cruel and infamy-descending punishments are abolished. The Criminal Code shall limit the application of capital punishment, as much as possible, to those Cases exclusively which merit it.

CXVI. The pain of infamy attaches only to the Individual who has merited it by the application of the Law.

CXVII. The cause of arrest shall be made known to the Person arrested within 24 hours, and any omission in this respect is declared a violation of personal liberty.

CXVIII. The House of a Peruvian cannot be forcibly entered; but should the publick welfare render such a step indispensable, an Order to that effect shall be issued by the Executive Power in writing, and transmitted to the Judge who takes cognizance of the Case, together with an explanation of the grounds for the proceeding, in order that they be produced on the trial.

CXIX. The Agent who shall exceed his duty, in executing the Order mentioned in the preceding Article, by his mode of enforcing it, will violate the authority of the Law, and shall be punished in proportion to his offence.

CXX. Proceedings shall not be commenced in any Civil Action, unless an attempt at reconciliation shall have been made before a Justice of the Peace.

CXXI. All Laws anterior to this Constitution, which are not inconsistent with the system of Independence, and the principles therein established, shall continue in force and effect, until the Civil, Criminal, Military, and Commercial Codes, have been organized.

**CHAPTER IX.—INTERNAL GOVERNMENT OF THE REPUBLIC.**

**CXXII.** The Superior Political Government of the Departments is confided to a Citizen, called the Prefect.

**CXXIII.** The Political Government of each Province to a Citizen, called the Intendant.

**CXXIV.** That of each District to a Citizen, called the Governor.

**CXXV.** The attributes of Prefects, Intendants, and Governors, are: the maintenance of publick order and security in their respective Territories, with subordination to the Supreme Government; and the taking care that the Publick Functionaries of their Departments strictly execute their duty.

**CXXVI.** They are also charged with the economical administration of the Publick Revenue.

**CXXVII.** They are absolutely prohibited from interfering in Judicial proceedings; but, should the Publick tranquillity render the apprehension of any Individual necessary, he shall, within 24 hours, be placed at the disposal of the Judge before whom the accusation shall be brought.

**CXXVIII.** This measure shall, however, be resorted to only when time and circumstances do not permit that the necessity for such apprehension can be, in any shape, made known to the Judge.

**CXXIX.** Prefects, Intendants, and Governors, are liable to an action at Common Law for any abuse they may commit, in the exercise of their functions, against individual security, or domicile.

**CXXX.** The Functionaries mentioned in this Chapter shall continue in Office 4 Years; but may be removed previously, should their conduct render it necessary, agreeably to the Laws.

**CXXXI.** To be a Prefect, Intendant, or Governor, it is necessary:

1. That he be in the exercise of Citizenship.
2. That he be 30 Years of Age.
3. That he be of good reputation.

**CXXXII.** A Departmental Junta shall be appointed in the Capital of each Department, composed of one Member for each Province, elected in the same manner as the Deputies.

**CXXXIII.** This Junta shall form the Council of the Prefect, who shall preside at it, and require its opinion on important matters.

**CXXXIV.** One half of its Members shall be renewed every 2 Years, and the lot shall decide which are to retire on the first occasion.

**CXXXV.** The attributes of this Junta are:

1. To enquire into the conduct of the Municipalities, and to report to the Senate what they may have done in the exercise of their functions in favour of the People, and what they may have omitted to perform.

2. To make a Census, and a Statistical Report of each Depart-



ment, every 5 Years, on the data afforded by the Municipalities, and to transmit the same to the Senate.

3. To promote the interests of the Department in all its branches, and especially those of Agriculture, Industry, and Mining.

4. To superintend Publick Instruction, and Religious and Charitable Establishments.

5. To watch over the application of the Publick Revenue ; and to apportion the Taxes to be levied in the Department.

6. To propose 3 Persons to the Senate for their selection of an Individual for the Political Government of the Districts, and Provinces of the Department.

7. To transmit to the Senate annually, a List of Persons in the Department eligible for Publick Employments.

8. To report annually to the Senate on the means and measures necessary to the prosperity of the Provinces ; rendering an account of what they have done in execution of their functions, and of what remains to be done.

9. To transmit to the Senate the Names of 3 Citizens eligible for the Office of President of the Republick.

CXXXVI. A Member of this Junta must possess the same qualifications as are required for a Deputy.

CXXXVII. The same number of Substitutes and Proprietors shall be elected in each Departmental Junta.

#### CHAPTER X.—MUNICIPAL POWER.

CXXXVIII. Every Community, whatever be its Population, shall have a Municipality, composed of one or more Alcaldes, Regidores, and one or more Syndics ; there shall not, however, be less than 2, nor more than 16 Regidores, nor more than 2 Alcaldes or Syndics.

CXXXIX. These Functionaries shall be elected by Parochial Electoral Colleges, and one half of them renewed annually, according to the respective Regulation.

CXL. The attributes of the Municipal Power extend to :

1. The preservation of tranquillity.
2. Publick Instruction.
3. Charity.
4. Health and Security.
5. Utility, Ornament, and Recreation.

CXLI. It is also the duty of Municipalities :

1. To apportion the Taxes or Loans to be raised within their Territory.

2. To draw up Municipal Regulations for the Inhabitants, and to transmit them, through the medium of the Departmental Junta, for the approval of Congress.

3. To promote Agriculture, Industry, Mining, and whatever may be conducive to the local interests of the Population.

4. To report annually to the Departmental Junta what they shall have done in conformity with their attributes, or what they recommend to be done, with the grounds for that recommendation.

CXLII. Alcaldes are Justices of the Peace in their respective Communities, and in populous Towns the Regidors shall also exercise that Office.

CXLIII. Justices of the Peace shall take cognizance of Oral Complaints, of Civil Causes of small amount, and of Criminal ones relating to trifling injuries or slight offences, which merit only a moderate punishment.

CXLIV. To be an Alcalde, Regidor, or Syndic, it is necessary:

1. To be in the exercise of Citizenship.
2. To be 25 Years of Age.
3. To be a Native of the Place, or to have been established there 10 Years immediately prior to his being elected.
4. To be of good character.

CXLV. No Person employed by the Financial Department can hold a Municipal Office.

CXLVI. No Citizen shall decline such Office.

CXLVII. Each Municipality shall have a Secretary and a Treasurer, elected by an absolute majority, whose Salaries shall be paid out of the Funds at its disposal.

### SECTION III.—ON THE MEANS OF SUSTAINING THE GOVERNMENT.

#### CHAPTER I.—PUBLICK REVENUE.

CXLVIII. The Income and Proceeds which, agreeably to the Constitution and Laws, belong to the State, constitute the Publick Revenue.

CXLIX. The Estimate of the Publick Expenditure shall regulate the ordinary Contributions; in the mean time an Income Tax shall be levied. Care shall always be taken to improve the Revenue by the encouragement of productive resources, in order, as much as possible, to diminish Taxation.

CL. The general Administration of the Revenue belongs to the Minister of Finance.

CLI. The Minister of Finance shall present to the Government, annually, in order to their being submitted to Congress: 1st. The Organic Plans of Finance, generally, and of the Departments in particular. 2d. An Estimate of Expences necessary for the service of the Republick. 3d. The Plan of ordinary Contributions to cover

them. 4th. The Plan of extraordinary Contributions to discharge the National Loans, and the Interest upon them.

CLII. An Accomptant-General's Office, with a Chief, and the necessary Clerks, shall be established in the Capital of the Republick, wherein all the Accounts, relating to the produce and application of the Revenue, shall be examined, explained, and passed.

CLIII. A General Treasury shall also be established, composed of an Accomptant, a Treasurer, and the necessary Clerks, into which Office all the produce of the Revenue shall be paid.

CLIV. A Financial Law shall regulate these Offices, and those which may be necessary under their controul; and shall fix the attributes, preferment, number, and responsibility, of the Persons employed, and the mode of rendering and liquidating the Accounts.

CLV. Monopolies are abolished throughout the Republick.

CLVI. Custom-houses shall be established at the Sea Ports and on the Frontiers, and shall be regulated so as to combine their due administration with the interest of the State, and the Publick Service.

CLVII. Interior Custom-houses shall be abolished so soon as the same shall have been resolved upon by Congress.

CLVIII. A General Bank shall be established in the Capital of the Republick, for the exchange of Gold and Silver, and the business of Mining.

CLIX. Banks of Exchange shall be established in the principal Mining Districts, for the convenience of Miners, and for facilitating the prompt extraction and working of the Metals.

CLX. A special Regulation shall settle all that relates to these Establishments.

CLXI. The Nation recognises the Publick Debt, and the payment of it is pledged on the National Honour, to which end Congress will decree what may appear necessary in this most important matter.

CLXII. The Contributions shall be levied equally and proportionably, without exception or privilege whatever.

CLXIII. The salaries of the Functionaries of the Republick shall be paid out of the Revenue, and shall be regulated by a particular Decree, with reference to the responsibility and nature of their Employments or Stations.

#### CHAPTER II.—ARMED FORCE.

CLXIV. A permanent Armed Force is necessary to the defence and security of the Republick.

CLXV. The Armed Land Force consists of the Troops of the Line, the Civic Militia, and the Police Guard.

CLXVI. The Troops of the Line are to defend the exterior security of the Republick, and shall be employed wherever that may be menaced.

CLXVII. They cannot be employed, in the event of any revolt in the interior of the Republick, without the previous consent of Congress, or, during its recess, of the Senate.

CLXVIII. The Civic Militia is to preserve the Publick tranquillity within the limits of its particular Province.

CLXIX. It cannot proceed beyond those limits, except in the case of a revolt in other Provinces adjoining its Department, or in case of Invasion.

CLXX. The previous consent of Congress, or, during its recess, of the Senate, must in such cases be obtained.

CLXXI. The Duty of the Police Guard is to protect personal safety, to clear the Roads of Robbers, and to pursue Offenders under the Orders of the Local Authorities.

CLXXII. This Guard cannot be employed on any other service, except in the case of open Revolt, or Invasion, when the consent of Congress, or, during its recess, of the Senate, must have been previously given.

CLXXIII. Congress will annually decide upon the Number of Troops of the Line which may be necessary, and on the most convenient mode of raising them.

CLXXIV. The Ordinances to be issued by Congress will settle all that relates to the organization of the abovementioned Bodies, to Military Preferment, and to the discipline and economical regulation of the Army.

CLXXV. The Officers of the Army and Navy shall be educated and instructed in the Military Schools or Colleges to be established for that purpose.

CLXXVI. The Civic Militia shall be organized according to the Population and local circumstances of the Province.

CLXXVII. A Police Guard of sufficient strength shall be raised in the Departments where it may be required.

CLXXVIII. Congress will fix, annually, the number of Ships of War which it may be necessary to keep armed.

CLXXIX. A Soldier is a Citizen armed in the defence of the Republick, and this condition recommends him especially to the gratitude of his Country; the abuse of it, against Liberty, will render him execrable in the eyes of the Nation, and of every Citizen.

CLXXX. No Peruvian can be excused from Military Service, when lawfully required for that duty.

#### CHAPTER III.—PUBLICK EDUCATION.

CLXXXI. Education is necessary to all, and is due, without exception, to every Individual in the Republick.

CLXXXII. The Constitution guarantees that obligation, in favour:

1. Of Establishments of Primary Instruction, the Sciences, Literature, and the Arts.



2. Of Rewards, given on account of industry and extraordinary progress.

3. Of Scientific Institutions, whose Members enjoy competent Salaries for life.

4. Of the Freedom of the Press, which shall be regulated by a particular Law.

5. Of an inviolable property in intellectual discoveries.

CLXXXIII. Publick Education, in all its branches, will depend upon the general plans and regulations to be decreed by Congress.

CLXXXIV. Every Population in the Republick is entitled to the Establishments of Instruction suitable to its wants. Universities shall be established in the Capitals of Departments, and Schools of primary Instruction in the smallest Villages, wherein the catechism of the Catholick Religion shall be taught, and a brief exposition given of moral and civil duties.

CLXXXV. A Board of Education shall be established in the Capital of the Republick, composed of Persons of acknowledged learning, who shall have the superintendence of Publick Instruction, under the authority of the Government and the special inspection of the Senate.

#### CHAPTER IV.—OBSERVANCE OF THE CONSTITUTION.

CLXXXVI. It shall be the first duty of Congress, immediately after the opening of the Session, to enquire into the infractions of the Constitution which may have been committed, in order to decree what shall be necessary to bring the Offenders to justice.

CLXXXVII. Any Peruvian may demand the fulfilment of the Constitution, before Congress, the Executive Power, or the Senate, and may represent the infractions of it which may have come to his knowledge.

CLXXXVIII. All Publick Functionaries, without exception, on entering Office, shall take the Oath of Fidelity to the Constitution, and promise faithfully to perform the duties which devolve upon them in virtue of it.

CLXXXIX. The President of the Republick, of the Supreme Court of Justice, and of the Senate, shall be sworn in the presence of the Congress; and the Bishops in that of their respective Chapters.

CXC. All other Functionaries shall be sworn before the proper Authorities, according to the Department to which they belong.

CXCI. This Constitution shall be subject to the Ratification or Amendment of the General Congress, to be composed of Deputies from all the liberated Provinces, and from those not in possession of the Enemy on the termination of the War.

CXCII. The Powers of the Deputies must contain a special Clause, to authorise them to assist in the Ratification or Amendment mentioned in the preceding Article.

## CHAPTER V.—CONSTITUTIONAL GUARANTEES.

CXCIII. Although the social and individual Privileges of Peruvians are described in the organization of this Fundamental Law, the following are nevertheless declared inviolable :

1. Civil Liberty.
2. Security of Person and Domicile.
3. Property.
4. The inviolability of Letters.
5. The Right of every one to present Petitions or Appeals to Congress, or to the Government.
6. The reputation or fame of every Individual, unless declared a Delinquent by the Law.
7. The Freedom of the Press, as regulated by the Law.
8. The liberty of Agriculture, Industry, Commerce, and Mining, in conformity with the Law.
9. Equality in the eye of the Law, whether it rewards or punishes.

CXCIV. All Peruvians may claim the use and exercise of these Privileges, and it is the duty of the Authorities to respect them, and to cause them to be scrupulously maintained, by every means within the sphere of their attributes.

Given in the Hall of the Sessions, in Lima, the 12th of November, in the Year of our Lord, 1823, 4th of Independence, and 2d of the Republick.

[Signatures of Deputies.]

Wherefore we command all Peruvians belonging to the Republick, of whatever class and condition, to have and to keep the said Constitution as a Fundamental Law of the Republick; and we also command all Tribunals, Justices, Chiefs, Governors, and other Authorities, as well Civil and Military as Ecclesiastic, of whatever class and dignity, that they keep and cause it to be kept, fulfilled, and executed in all its parts. The Minister of State for the Department of Government and exterior Relations shall give all necessary orders for its fulfilment, causing it to be printed, published, and circulated; of which he shall make Report.

Palace of Government, in Lima, 12th November, 1823. 4<sup>o</sup>. 2<sup>o</sup>.

JOSE BERNARDO TAGLE.

By Order of His Excellency,

JUAN DE BERINDOAGA.



***PROCLAMATION on the First assembling of the Constituent Congress of Peru, 20th November, 1823.—(Translation.)***

THE CONSTITUENT CONGRESS OF PERU TO ALL THE PEOPLE OF THE REPUBLIC.

THE day has arrived when, in the enjoyment of the most precious fruit of Independence, you see your wishes accomplished. You are constituted; and every page of the Volume presented to you will afford unquestionable proof of the intentions of its Authors. You will therein discover whether they have exhibited an ardent zeal to establish your liberties, or an ambitious project of turning to their own advantage the Post to which you spontaneously raised them. People of Peru! in whose respected opinion truth and justice only should triumph, it is for you to decide on the conduct of your Representatives, who rely upon your impartial judgment and good faith, in the investigation of their acts, and on your accurate recollection of the circumstances under which they were assembled.

Difficulties and dangers surrounded us on every side. Look back towards the Temple of Janus, which was open nearly throughout the vast extent of the Republic, and you will behold disasters which gave pride and power to the Enemy, but brought constancy to you, and occasion for fresh and continued sacrifices: look towards our Exchequer, and you will find it so exhausted, that it is incredible that, in less than a year, four large Expeditions have been sent to the South, and three others prepared for the interior Provinces, and that an Army has been maintained such as had never before been in Peru. If, in order to console yourselves amidst such an unfortunate state of things, you look back to happiness within your dwellings, desiring to gratify your sight with the virtue, union, and patience, (so intimately connected with their true interests) which reigned amongst the Citizens, you will be shocked to see the torch of discord lighted, the chain of seduction fastened around their necks, and their hands armed with the bloody poniard of Anarchy: if, in short, you expect to find the sanctuary of the Laws inviolate, and tranquillity following its decrees, you will be deceived; for you will then behold that your Majesty was insulted by the dissolution of the Congress, the lips of its members sealed by force, and their privileges treacherously violated, only because they had the courage to be your defenders.

In the midst of these dreadful difficulties, however, the National Representation, like a strong oak, which the most furious tempests are unable to remove, has succeeded in accomplishing its task, and has this day attained the eminent glory of presenting to you a Constitution, which, if not the production of wisdom, is at least the offspring of a most sincere attachment to the preservation of your sacred Rights.

It definitively expounds the great Compact of your Association; and, whilst it establishes the reciprocity of civil obligations, ensures the exercise of your natural prerogatives, and denies the imperative

character of Law to whatever resolutions may be incompatible with them. The power of electing the Supreme Magistrate of the Republick, the almost immediate influence in the appointment of the Members of the Administration, the satisfaction of knowing that the highest Offices are within the reach of Citizens of the smallest Village, and the total extinction of hereditary pretensions and privileged orders, are so distinctly explained in the Act, that no one can confound them without incurring your just indignation. Lastly, the sources of learning and prosperity are opened. All should participate in the rays of light which scientific Establishments diffuse. The advantages of Commerce, Agriculture, and Industry, are withheld from no one: and the innate power of giving utterance to thoughts, of handing them down to posterity, of strengthening thereby the public spirit, and of receiving the praise due to merit, are ensured on such solid bases, that their stability equals the purity of the foundation on which they are erected.

It rests with yourselves, therefore, to render these sources of felicity effectual; which desired object you will attain, by examining with assiduity the Fundamental Catalogue in which they are inscribed; by estimating your Rights according to the exact meaning of the Laws: and by maintaining them with the dignity of Freemen, united against the sacrilegious hands that might dare to subvert them. Is it possible, unless you wish it, that a miserable Tyrant, supported by a few bayonets, can oppress you? As well might it be said that a part is greater than the whole, or that a single soldier is more powerful than an Army. Laws are, nevertheless, necessary; without them the name of a Republick would have no meaning: and, instead of moderation, valour, obedience to the Laws, love of liberal institutions, and a pure and exalted patriotism, your hearts would be divided by a spirit of contention, cowardice, immorality, servility, and indolence, even to the destruction of the Country. Great sacrifices must be made before a Nation can govern itself; and difficult is the path which conducts it to the object of its wishes. All is, however, practicable, if you determine to give the World an example, and to shew it, that although you may have been the last Country of America to declare your Independence, you are not the last in establishing it by your virtues; and the generosity and efforts of powerful Allies, under the direction of the *Genius of America*, will consummate the great work of your emancipation.

If you reap the benefits of this Constitution, the labours of the Congress will be amply repaid, the persecutions endured by your Representatives will have been for a good purpose, and all their wishes will be gratified. The God of truth is witness of these vows!

Hall of Congress in Lima, 20th November, 1823.

MANUEL SALAZAR Y BAGUIJANO, President.

MANUEL MUELLE, Deputy Secretary.

MIGUEL OTERO, Deputy Secretary.

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*CONVENTION between Portugal and Spain, for the mutual Restitution of Criminals, Deserters, and Refugees. Signed at Madrid, 8th March, 1823.*

— (Translation.)

SUA Magestade Fidelissima o Senhor Dom João VI. Rei do Reino Unido de Portugal, Brasil, e Algarves, e Sua Magestade Catholica o Senhor Dom Fernando VII. Rei das Hespanhas, igualmente desejosos de contribuir cada um por Sua parte para o socorro de ambos os Reinos, evitando, que os Criminosos, Dezertores, e Transfugas dos individuos comprehendidos no alistamento Militar, que pertenderem refugiar-se de um para outro Reino, encontrem couro e asylo, aonde postão retirar-se impunemente; Determinarão estabelecer a reciproca entrega dos que assim intentarem subtrair-se ao castigo, ou livrar-se do Serviço Militar: E havendo nomeado Seus Plenipotenciarios *ad hoc*; a saber: Sua Magestade Fidelissima a Jacob Frederico Torlade Pereira de Azambuja, Official da Secretaria de Estado dos Negocios da Marinha, e seu Encarregado de Negocios junto a Sua Magestade Catholica, etc.; E Sua Magestade Catholica, a Santiago Usoz y Mosi, Secretario de Sua Magestade, com exercicio de Decretos, Official Maior da Secretaria do Despacho d'Estado, etc.: os quaes depois de se haverem communicado, em devida forma, os seus Plenos Poderes, convierão e ajustarão entre si os Artigos seguintes:

HIS Most Faithful Majesty Don John VI. King of the United Kingdom of Portugal, Brazil, and Algarves, and His Catholick Majesty Don Ferdinand VII. King of the Spains, being equally desirous, each on His own part, of contributing to the tranquillity of both Kingdoms, by preventing Criminals, Deserters, and Refugees, of the Individuals comprehended in the Military Enlistment, from finding a retreat and an asylum, to which they might retire with impunity by flight from the one Kingdom into the other, have determined to establish the reciprocal giving up of such as shall thus attempt to escape from punishment, or to withdraw themselves from Military Service: And having named Their Plenipotentiaries *ad hoc*; that is to say, His Most Faithful Majesty, Jacob Frederico Torlade Pereira de Azambuja, Secretary in the Department of State for Naval Affairs, and His Chargé d'Affaires at the Court of His Catholick Majesty, &c. And His Catholick Majesty, Santiago Usoz y Mosi, Secretary to His Majesty, with exercise of Decrees, Principal Secretary of the Department of State for the *Despacho*, &c. Who, after communicating to each other, in due form, their Full Powers, have agreed upon, and adjusted between them, the following Articles:

**ART. I. Todos os Desertores, Recrutados, ou Moços alistados para o Serviço Militar de Portugal ou de Hespanha, que forem reclamados como taes pelo seu respectivo Governo, quer seja immediatamente, quer seja pelas Authoridades Supremas das Provincias limitrofes, serão reciprocamente entregues ás Authoridades que os reclamarem.**

**II. Do mesmo modo se entregarão, de parte a parte, todos os Réos processados e condemnados no seu respectivo Paiz, devendo o Governo em cujo territorio elles tiverem vindo procurar asylo, segurar-se delles até verificar a sua entrega: e pelo que respeita aos Réos processados, e não condemnados, que se refugiarem de um a outro Reino, e forem reclamados pelo seu respectivo Governo, deverão estes ser postos em conveniente custodia, até que terminada e decidida a sua causa, se conheça se elles devem ou não ser entregues.**

**III. Por identidade de razão se farão ás pessoas a quem e aonde cumprir os interrogatorios, que os Juizes da Causa deprecarem que se fação aos mesmos Réos, observando-se a todos estes respeito, entre as Authoridades Portuguezas e Hespanholas, a mesma correspondencia, e mutua prestação de officios judiciaes e extrajudiciaes, que pelas Leis de cada um dos Paizes se costumão prestar ás proprias Authoridades.**

**IV. Sendo de recear, que partidas de Facciosos, passando a Raia**

**ART. I. All Deserters, Recruits, or Young Men enlisted into the Military Service of Portugal or Spain, who shall be claimed as such by their respective Government, either directly, or by the Supreme Authorities of the bordering Provinces, shall be reciprocally given up to the Authorities so claiming them.**

**II. In like manner shall be given up on both sides, all Criminals proceeded against and condemned in their respective Country; and the Government within whose Territory they shall have sought refuge, shall secure such Persons until their delivering up shall be effected: And with respect to Criminals proceeded against, but not condemned, who shall fly from the one Kingdom to the other, and who shall be claimed by their respective Government, they shall be placed under proper custody until the completion of their trial shall determine whether or not they are to be given up.**

**III. For identical reasons, Persons becoming subject thereto, shall be made to undergo such interrogatories as the Judges of the Cause shall require to be put to the said Criminals, and in such place as they shall determine; the Portuguese and Spanish Authorities observing amongst themselves, in all respects, the same correspondence and interchange of assistance, judicial and extrajudicial, as by the Laws of each Country is usually afforded to its own Authorities.**

**IV. There being reason to fear that Parties of factious People,**

de um para outro Reino, ponhão em perigo a tranquillidade daquelle mesmo Paiz aonde procurão o azilo e a impunidade, convierão os dous Governos, em que á Força Armada de uma e outra banda seja licito perseguir taes Facciosos, separada ou conjunctamente com a Força Armada do Paiz contiguo, sem que a entrada por similhante motivo se haja de considerar como violação de territorio: antes as Authoridades Civis e Militares de ambos os Reinos, se prestarão em tal caso, todo o adjutorio que preciso fôr, para a destruição de similhantes bandidos, inimigos communs de ambos os Estados.

V. A presente Convenção terá o seu devido effeito, logo que seja ratificada pelas duas Altas Partes Contrahentes, e será trocada a sua Ratificação no mais curto espaço de tempo possivel.

Em fé do que, nós, os abaixo assignados, Plenipotenciarios de Suas Magestades Fidelissima e Catholica, authorizados de nossos Plenos Poderes, firmámos dous Originaes da presente Convenção, e os sellámos com o Sello de nossas Armas.

Madrid em 8 de Março, de 1823.  
JACOB FRED. TORLADE  
PEREIRA D'AZAMBUJA.  
SANTIAGO USOZ Y MOSI.

passing the Frontier, from the one Kingdom to the other, may endanger the tranquillity even of that Country in which they shall seek refuge and impunity, the two Governments have agreed, that it shall be lawful for the Armed Force of either side to pursue such factious People, separately or conjointly with the Armed Force of the contiguous Country; and that their entrance for this purpose shall not be considered as a violation of Territory; on the contrary, the Civil and Military Authorities of both Kingdoms shall in such case afford to each other all the aid that may be necessary for the destruction of such outlaws, the common enemies of both States.

V. The present Convention shall have its due effect as soon as the same shall have been ratified by the two High Contracting Parties, and the Ratifications thereof shall be exchanged within the shortest possible space of time.

In witness whereof, we, the Undersigned Plenipotentiaries of Their Most Faithful and Catholick Majesties, authorised so to do by our Full Powers, have signed two Originals of the present Convention, and have affixed thereunto the Seal of our Arms.

Madrid, the 8th March, 1823.  
JACOB FRED. TORLADE  
PEREIRA D'AZAMBUJA.  
SANTIAGO USOZ Y MOSI.

*SPEECH of the King, on the Opening of the States General of Sweden, 23d January, 1823.*

MESSIEURS,

DEPUIS 14 Ans, que la Suède se donna un nouveau pacte fondamental, ce jour est le premier, où les Représentans de la Nation se réunissent en Diète Ordinaire. Quatre Ans et demi sont écoulés depuis la clôture de vos dernières Séances. Une période aussi longue, au sein du calme intérieur, avec une Constitution nouvelle, adaptée à des Loix anciennes et à des Ordonnances plus anciennes encore, est un exemple rare dans les annales du monde. Les événemens de nos jours fournissent des preuves des malheurs auxquels les Révolutions exposent les Empires. Les fureurs de l'anarchie, les mouvemens convulsifs de la démocratie, ou enfin l'oppression despotique, voilà les fléaux dont peu de Nations ont su se préserver. Ils ont été dissipés, en Suède, par le souffle céleste de la Providence, et votre Constitution rédigée au milieu des orages politiques, a été religieusement maintenue. Tout bon Citoyen jugera que les bienfaits inappréciables de la tranquillité dans l'intérieur et de l'indépendance au dehors, sont les résultats de l'attitude du Gouvernement et de la marche régulière qu'il a suivie. C'est à vous, Messieurs, qui représentez un des Peuples les plus vertueux de ce Globe, à m'aider à lui conserver les biens dont il a joui jusqu'ici, et auxquels il tient par les liens de ses intérêts les plus chers et de ses affections les plus douces. C'est à vous encore à reconnaître qu'un Etat gouverné par des Formes Constitutionnelles ne peut pas jouir de la garantie que ces Formes présentent, si chaque individu ne reste dans les limites qu'elles prescrivent.

L'exposé qui vous sera fait de la situation du Royaume vous donnera une idée juste des soins que le Gouvernement a pris, et des peines qu'il s'est données pour amener des améliorations que la Nation apprécie déjà.

Le Comité secret que je suis dans l'intention de réunir, sera instruit des difficultés qu'il m'a fallu surmonter, et des obstacles que j'ai eu le bonheur d'applanir.

*Messieurs les Membres de la Noblesse,*

Votre ordre a été institué pour la défense de l'Etat; il tire son origine des services que vos Ancêtres ont rendus à leurs Concitoyens. En vous transmettant leurs noms et le souvenir de leurs vertus, ils vous ont aussi légué leurs devoirs. Continuez d'avoir pour devise : *l'honneur, la Patrie, et le Roi.*

*Messieurs les Membres du Clergé,*

Si l'obligation de la Noblesse est de défendre, contre l'ennemi du dehors, les temples de Notre Sainte Religion, le palais du riche et la chaumière du pauvre, si le sacrifice de la vie est le plus léger de ses devoirs, votre vocation est de répandre et de faire germer la doctrine



de Jésus Christ. Ministres d'un Dieu de Paix, prêchez la concorde et l'union, dirigez les esprits vers un centre commun : *l'obéissance aux Lois et à ses Organes.*

*Messieurs les Membres de la Bourgeoisie,*

Faites fleurir le Commerce et l'Industrie; attachez vous à donner du prix à nos produits. Dans un Etat libre, les professions honorables que vous exercez sont au niveau des avantages que donnent les succès des armes, et la gloire qui marche à leur suite.

*Et vous, Bons et Loyaux Paysans,*

Glorifiez vous toujours d'être les pères nourriciers de la génération actuelle et de celles qui lui succéderont. Ne regardez jamais avec dédain cette charrue qui, en attestant vos travaux, vous donne le droit de dire avec une noble satisfaction : " la Force d'un Etat repose dans le nombre de ses Agriculteurs." La Terre que nous cultivons fournit à nos Concitoyens leurs premiers besoins, et les mêmes bras qui cultivent ce sol sont aussi toujours prêts à le préserver des invasions étrangères.

*Messieurs,*

La garantie publique exige que nous nous occupions de donner à la Nation des Lois, en harmonie avec la Constitution qui régit l'Etat. L'administrateur et l'administré méritent également la constance de notre sollicitude. Le Peuple veut connaître, d'une manière claire et précise, ses obligations et ses droits; il veut aussi que ses Représentans et le Gouvernement se prêtent un mutuel appui; il attend, de ce concours de forces, de volontés, et de patriotisme, sa félicité et sa considération; car la loi de la conservation de soi-même est aussi impérieusement imposée, par la nature, aux Nations qu'aux individus.

De longues méditations m'ont convaincu que la Puissance Royale doit être distincte et séparée du Pouvoir Judiciaire, hors le cas de la demande en grâce : la Présidence du Tribunal Suprême, dévolue au Roi par la Constitution, doit cesser, et le Pouvoir Judiciaire être ainsi dégagé de l'influence que peut exercer le Souverain sur la Première Cour du Royaume. Il vous sera fait, d'après les Formes Constitutionnelles, un Message à ce sujet.

Le Signe Monétaire constitue la fortune des Citoyens, puisqu'il représente le prix des Immeubles et celui de toutes les Productions. Le maintien de sa valeur doit être un des principaux objets de la Législature; mais préservez vous, Messieurs, des dangers qui résultent des innovations trop promptes, et évitez de tout perdre en voulant trop réparer.

L'expérience, cette sublime institutrice des hommes, vous guidera dans les résolutions que vous prendrez. La Constitution ne me donnant pas une intervention directe dans le Système Financier du Royaume, je dois me borner à faire des vœux pour que vos mesures

soient de nature à éloigner, de ce Pays, les effets funestes que tant d'états ont eus à déplorer.

Le premier besoin de mon cœur, toujours lié avec l'intérêt du Pays, me portera constamment à diminuer les Charges Publiques ; cependant le sentiment de votre conservation, sentiment qui se rattache à la stabilité de votre indépendance, m'est garant que vous saurez distinguer tout ce qu'exigent les conjonctures actuelles, de ce qui, au premier coup-d'œil, pourrait vous paraître superflu.

Au milieu de l'abondance et de la Paix la plus profonde, la Providence a voulu nous faire connaître qu'il n'existe point, dans cette vie, de bonheur sans mélange. Deux grands incendies ont, le même jour, menacé la Capitale, et détruit les deux tiers de la Ville de Norrköping. Il y a à peine un mois que la ville de Borås a disparu presque en totalité, par un événement semblable. Je me suis empressé de faire parvenir des secours aux victimes de ces désastres. Les pertes en argent sont faciles à réparer, et je compte, avec confiance, sur votre co-opération pour la reconstruction de ces deux Villes, si essentiellement liées avec le bien-être des contrées voisines. Les devoirs des Souverains sont multipliés au point que la compensation de pouvoir soulager le Peuple et l'humanité souffrante, ne doit pas leur être contestée.

Les Ouvrages pour joindre la Baltique avec le Lac de Mälarn, par le Canal de Södertälje, ont été terminés à la fin de 1819. Le Commerce des Provinces d'Upland, de Westmannie, de Sudermannie, et de Néricie doit s'accroître par suite de cette nouvelle communication.

La jonction des Lacs de Wenern et de Wettern, si ardemment désirée par les Provinces Intérieures du Royaume, a été achevée l'Année dernière. Des côtes de la Smalande et de l'Ostrogothie, la Navigation est ouverte, jusqu'à la Mer du Nord ; et les travaux ont été continués depuis le Wettern à la Baltique. Ce grand monument, qui date de l'époque où la Suède était menacée de perdre même son nom, attestera, en passant à la postérité, les conceptions hardies des hommes qui portèrent leur pensée jusqu'à la réunion des deux mers.

Je vous remercie, Messieurs, des moyens que vous m'avez fournis pour l'achèvement de la plus grande moitié de ces Travaux, et j'espère que vous me seconderez pour leur continuation. Les résultats qu'ils doivent amener se lient avec la dignité de la Nation et la persévérance qui la distingue.

Le Pacte d'Union conclu entre la Suède et la Norvège s'est consolidé. La bonne foi réciproque avec laquelle les deux Peuples reconnaissent et respectent leurs droits, garantit la tranquillité de la presqu'île et sa prospérité toujours croissante.

Les relations avec les Puissances Etrangères continuent d'être confiantes et amicales. Le système de mon Gouvernement, purement

conservateur et pacifique, ne peut que maintenir la bonne intelligence qui existe entre la Scandinavie et les Etats de tous les rangs.

Mon Fils, autorisé par moi, a demandé la main de la Princesse JOSEPHINE de Leuchtenberg et d'Eichstedt, Petite-fille du Roi de Bavière; ce Souverain a donné son consentement à cette union. Je n'ai pu résister au plaisir de vous en faire la communication, même avant l'arrivée des Ratifications. Cet événement heureux, en remplissant vos vœux et les miens, assure à la presque île Scandinave la solidité, que l'amour de ses Habitans pour moi et pour mon fils, et nos sentimens réciproques, lui donnent le droit d'attendre.

Je vous renouvelle, Messieurs, l'assurance de tous mes sentimens et de ma bienveillance royale.

*CONVENTION between Austria, Russia, and Prussia, and Sardinia, relative to the cessation of the temporary Military Line of Occupation in the Sardinian States. Signed at Verona, 14th December, 1822.*

LES Cours d'Autriche, de Russie, et de Prusse, ayant pris en considération avec le Plénipotentiaire de Sa Majesté le Roi de Sardaigne, d'après les termes de l'Article 8 de la Convention de Novare du 24 Juillet, 1821, si dans la situation actuelle du Piémont il y avait lieu à prolonger ultérieurement, ou à faire cesser l'occupation d'une ligne militaire par un corps auxiliaire : Et ayant jugé que les soins de Sa Majesté Sarde et les progrès de la réorganisation de Son Royaume offrent des gages suffisans de tranquillité ; Leurs Majestés Impériales et Royales sont convenues d'un commun accord de la retraite du corps auxiliaire ; et afin de régler par une Convention expresse le mode et les termes de cette retraite, ont nommé Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche ; le Sieur Clément Wenceslas Lothaire, Prince de Metternich-Winnebourg, Prince d'Ochsenhausen, Duc de Portella, etc. etc. Chambellan et Conseiller Intime Actuel de Sa Majesté Impériale et Royale Apostolique, Son Ministre d'Etat et des Conférences ; Chancelier de Cour et d'Etat, et de Sa Maison, etc. etc. etc.

Sa Majesté l'Empereur de Russie, Roi de Pologne ; le Sieur Charles Comte de Nesselrode ; Conseiller Privé, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chambellan Actuel de Sa Majesté l'Empereur de Russie, etc.

Sa Majesté le Roi de Prusse ; le Sieur Chrétien-Gouthier Comte de Bernstorff, Son Ministre d'Etat, du Cabinet et des Affaires Etrangères, &c.

Et Sa Majesté le Roi de Sardaigne ; le Sieur Victor Comte Sallier de la Tour ; Général de Cavalerie, Ministre et Premier-Secré-

taire d'Etat au Département des Affaires Etrangères de Sa Majesté le Roi de Sardaigne, &c.

Lesquels, munis de Pleins-pouvoirs, sont convenus des stipulations suivantes :

ART. I. Le Corps Auxiliaire Autrichien stationné en Piémont évacuera, dans le courant du mois de Décembre, les Villes de Verceil et Vigevano, et tous les postes militaires situés sur la rive gauche du Pô ; le nombre des Troupes qui doivent quitter les Etats de Sa Majesté à cette époque est fixé à 4,000 hommes ; leur sortie sera effectuée avant le 1<sup>er</sup> Janvier, 1823.

II. Avant le 1<sup>er</sup> Avril, 1823, le Corps Auxiliaire sera de nouveau diminué de 3,000 hommes : il évacuera à cet effet les Villes de Casal, Voghera, Tortone, Castel-nuovo, ainsi que tous les postes de correspondance militaire sur la rive droite du Pô dans les Etats de Sa Majesté.

III. Les 5,000 hommes restans seront, à l'époque précitée du 1<sup>er</sup> Avril, concentrés à Alexandrie et Valence ; la remise de ces deux Places, et l'évacuation totale du Piémont par les Troupes Autrichiennes, sera effectuée avant le 1<sup>er</sup> Octobre, 1823.

IV. A dater du 1<sup>er</sup> Avril, 1823, la correspondance ordinaire du Corps d'occupation sera établie par la grande route de Valence à Pavie. Les Commissaires respectifs régleront de commun accord les stations des postes, nécessaires à cet effet, jusqu'à l'entière évacuation.

V. Les changemens de garnison, prévus par l'Article 1<sup>er</sup> de la Convention de Novare, se feront par la route de Voghera, Tortone, et Alexandrie.

VI. Afin de concilier les intérêts de Sa Majesté le Roi de Sardaigne avec la latitude qui doit être laissée au Général-en-Chef de l'Armée du Nord de l'Italie, pour fixer la proportion des Troupes des différentes armes qui devront successivement évacuer le Piémont aux époques précitées, il a été convenu, que les 300,000 francs, payables chaque mois, ainsi que le maximum de 13,000 rations en vivres, chauffage, éclairage, etc. et les 4,000 rations de fourrages que Sa Majesté le Roi de Sardaigne s'est engagée à fournir en vertu de la Convention de Novare, seront réduites de quatre douzièmes à partir du 1<sup>er</sup> Janvier, 1823, de trois autres douzièmes à partir du 1<sup>er</sup> Avril, même année, et cesseront tout-à-fait à dater du 1<sup>er</sup> Octobre, 1823.

VII. L'artillerie, les armes, et autres effets militaires, ainsi que les munitions de guerre et de bouche qui existaient dans la Citadelle d'Alexandrie lors de son occupation par les Troupes Autrichiennes, ou qui ont été introduits depuis des Arsenaux ou Magasins de Sa Majesté le Roi de Sardaigne, continueront à rester sous la garde des Employés Sardes. Ces objets seront, ainsi que la Place, remis le 29 Septembre aux Troupes et Commissaires Sardes selon les formes usitées en pareille circonstance.



VIII. Toutes les dispositions de la Convention de Novare du 24 Juillet, 1821, auxquelles il n'a pas été dérogé par la présente Convention, continueront à être exécutées jusqu'à l'entière évacuation du Piémont.

IX. La présente Convention sera ratifiée dans l'espace de 6 semaines, 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 Vérone, le 14 Décembre, 1822.

(L. S.) METTERNICH.

(L. S.) NESSELRODE.

(L. S.) De La TOUR.

(L. S.) BERNSTORFF.

*MESSAGE of the Executive Power, on the Opening of the First Constitutional Congress of Colombia. 17 April, 1823.*

(Translation.)

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF REPRESENTATIVES.

THE solemn installation of the second Congress of Colombia is one of the most happy events of my political life. Its meeting in the manner prescribed by our Fundamental Laws is both an unanswerable testimony of the acquiescence of the Government in the declared will of the Nation, and a motive for consolation to the Republic, and of grief to its Enemies. This most august Body, uniting in it the most enlightened understandings, the purest patriotism, and the most matured experience, its deliberations cannot fail to be the result of the most ardent desire for the publick prosperity. I am convinced that wise laws, salutary reforms, and measures which, by disseminating universal happiness and good-will, shall consolidate the work of 12 years of sacrifices, will result from your deliberations, and be the abundant fruit which the People will receive with joy and gladness. However great were the exertions and labours of the last General Congress, and however laudable the desire by which it was animated, there is a void in the Republic which you are called upon to fill up. The Constituent Congress could scarcely do more than trace out the line by which succeeding Legislatures could proceed with security. The Executive Government will, by means of its respective organs, lay before the Congress all the information and materials which time and circumstances have permitted it to collect: and you, Gentlemen, selecting from amongst them the best and most proper for the happiness of the Nation, will find a vast field open to your deliberations, and to the fulfilment of your duties.

The Government of Colombia has not omitted any step that could bring our Contest with Spain to an end, in a manner honourable to both Powers, and with reciprocal advantages. The Government has not been guided by any apprehension of the uncertain issue of the War, but by the desire of saving humanity from the useless sacrifice of fresh victims, and of establishing Peace between the two Nations.

The Government availed itself of the first favourable moment to send a Commission to Madrid, which, being assisted by the progress of our cause, and the change of principles in the political system of Spain, might obtain by reason that which we were otherwise determined to obtain by arms. Our Agents were not heard; imputations, absolutely false, were made against them; they were despatched from the Court upon dishonourable pretences, and the manner in which we were regarded was such, that conciliation, on the principle of Independence, was impossible. The Government of the Republick was not surprised at this result, for it never had reason to entertain the idea, that the Government of His Catholick Majesty was disposed to renounce the absurd desire of keeping us in subjection: but it was necessary to accede to the wishes of the Spanish Commissioners, and to give to the World a fresh proof, that our perseverance in the present Contest did not proceed from a spirit of revenge or hatred, but from the most sacred duty of a People anxious for the improvement of its condition. The subsequent conduct of His Catholick Majesty's Government, in reinforcing the Armament that attacks our Territories, and that of the General of the Expeditionary Army, in declaring the Treaty of Truxillo void, thus disregarding the Rights of Nations, have finally proved to us that our Enemies will henceforth pertinaciously carry on their system of exterminating Warfare against the Independence of the Republick. The Executive Government is firm in its determination not to listen to, nor admit of, any Negotiation on the part of Spain, which has not for its basis the explicit recognition of our National Sovereignty.

So well convinced was the Government of Colombia of the determination of the Government of Madrid to prolong the War against America, that we hastened to establish solid Relations with the Independent States of the New World, and to fix a secure basis on which, either the continuance of the Contest, or a Negotiation with Neutral Powers, and with Spain, should be conducted. The Government of Colombia has been the first to lay the foundation of an American Confederation, which, uniting the Political Interests of the vast Territory that has separated itself from the Mother Country, mutually guaranteeing and respecting each other, shall reciprocally establish a physical and moral power, capable of arresting and annihilating all the attempts of the Government, our Enemy. The Treaties which have been entered into for that purpose, will be forthwith laid before Congress, but I

take the liberty of offering to it, beforehand, my congratulations on the satisfaction with which it will perceive the solidity and consistency thereby given to the Independence of the New World. Great changes have taken place in the Mexican Empire since the Convention made at Cordova between the Chief of the Independents and the Spanish General O'Donoju. Don Augustin Iturbide has been placed on the Imperial Throne, instead of the Family called to it by the Plan of Iguala and the Treaty of Cordova, in consequence of the Cortes of Madrid having declared the latter to be annulled. The Government of Colombia is not accurately acquainted with the nature and particulars of the events which have placed the Imperial Crown on the head of Iturbide, and has taken measures to procure such information as it deems indispensable to open and cement the Relations between the Republick and that Empire, on the principle of not interfering with its internal arrangements, and of recognising the decided will of the Mexican Nation, so long as it adheres to the determination of remaining independent of Spain.

The Government of The United States has given a sublime example of its justice, in solemnly recognising the Independence and Sovereignty of the States of South America; that Nation, the cradle of the Liberty of the World, has seen with satisfaction that this publick act was due to policy and sound reason; and the illustrious members of its Government have, by this conduct, added fresh lustre to the glory of a free People, and to their own. There is now residing in this Capital a Minister from that Government, by whose means we are informed of the friendly sentiments by which it is animated towards us, and of its disposition to commence and to establish Relations with the Republick. The Executive Power has hastened to manifest the same feelings on its part, by means of a Minister Plenipotentiary, and to prepare the steps which must precede Negotiation.

With some of the European Powers we have succeeded in entering upon Diplomatick Relations, which are at present confined to the obtaining an explicit recognition of our National Sovereignty. Our cause appears to have acquired considerable popularity among certain of the most powerful Nations; and although their Governments have not decided on making the desired declaration, they have not given us any cause for complaint. Their acts, relative to Commerce and Neutrality, have arisen out of the principle of recognising us as Governments *de facto*. That of Colombia has convinced all Nations that good faith and justice are the immutable rules of our conduct, and that we make it our duty to respect the Laws of all States, as well as their rights, and those of their respective subjects. Such will always be the conduct of the Government and Citizens of Colombia, as the means of preserving Peace and good understanding with the rest of the Universe. It is satisfactory to me, that in the course of my adminis-

tration, during the establishment of a new and difficult system, no questions of difficulty have presented themselves, tending to interrupt the harmony subsisting between us and other Nations.

His Faithful Majesty the King of Portugal has opened the way in Europe to the recognition of the American Governments. That of Colombia had sent a Diplomatick Mission to the Court of Lisbon, which, among other things, was to regulate the boundaries of the Republick adjoining Brazil, but the unexpected death of Señor Echeverria, and the late proceedings in the Provinces of Brazil, with a view to shake off their dependence on Portugal, have frustrated our intentions. I have taken steps to arrange with the Court at Rome respecting the administration of Ecclesiastical Affairs, in which so many difficulties have been, and are daily experienced, to the manifest detriment of the prerogatives of the Supreme Civil Authority, and of the spiritual wants of the People. The death of Señor Echeverria interrupted this Negotiation also, but the Government is already prepared to send a fresh Mission to Rome. In the mean time, Congress will be informed of the manner in which this matter is being conducted, trusting that its wisdom will lay down a certain, although provisional, Regulation, that will remove all scruples and difficulties.

The Government has the satisfaction to announce to Congress, that the free Territory of the Republick of Colombia now comprehends that which was fixed by the Fundamental Law of the State. Three new Departments have increased the number of those recognised by the Law of Organization of the 2d of October : one of them having separated itself from the Mother Country by its own exertions ; and the other two having been liberated by the valour of the Army, and the extraordinary ability and success of the President Liberator. Thus, in them, as in the other seven Departments, the political system adopted by the Constituent Congress of Cúcuta has been established with general applause. The People indulge the best hopes of prosperity, from seeing their Political and Civil Liberty secured by the Fundamental Law. Every Colombian has submitted his own will to that of the Law : the glory of the Warrior, the learning of the Philosopher, the prerogatives of the Minister of the altar, the influence of merit, of reputation, and of virtue—all have humbled themselves before the Constitution. With the exception of two or three small bodies of men, who wish to live in the midst of disorder, the Government may assert that no sentiments but those of union and fraternity exist in the bosom of Colombians. The state of order and internal repose which the Republick enjoys, has not been disturbed, either by the arrogant attempts of the Enemy, by evil suggestions, or the frequent difficulties arising from the embarrassed state of the Treasury, which sometimes offer opportunities for disturbance to those who, during the alteration of a system, experience changes of fortune, or are disappointed in their views of



ambition. The Government acknowledges itself indebted for this blessing, first to the mercy of the Supreme Being, who has watched over the fate of Colombia, and next to the efficacious co-operation of all the Citizens, of all the Authorities, and especially of the venerable Clergy, both secular and regular. On so prosperous a basis publick education has begun to spread successfully, information has been diffused by means of the Press, the Citizens have enjoyed the liberty to denounce the abuses of power, and the People have been inspired with a sincere love for their Institutions. The propagation and progress of literary and scientific Establishments, which I anticipate from the new Statutes of the Congress, and the influence of the Local Authorities, will doubtless be the best support which our Code, and the administration of the Government, the security of the Republic, and its future happiness, will henceforward possess. It is a most gratifying duty for me to recommend to you, most ardently, the condition of the Colombian People, whose sacrifices have rendered the entire protection of wise and beneficent Laws indispensable to them. A most exterminating Warfare has reduced its Population, its Agriculture, and its Commerce, and it is the duty of Congress to do its utmost for the revival of those sources of publick and private prosperity. I call the attention of Congress to Agriculture, Commerce, and the Mines: our geographical position will afford it the ready means of placing the heroic People of Colombia in a situation to revive and enrich itself.

With respect to the National Revenue, I regret to disturb the pleasure which Congress must have experienced at hearing the communications I have just made to it. The Publick Treasury is impoverished; the Revenue System requires alteration; and the necessities which it is urgent to provide for are such as not to admit of delay or procrastination. The Government has undergone afflicting struggles in the course of its administration, and Congress cannot but be surprized at the manner in which it has been able to come off victorious in the contest between urgent publick necessities, and the calamities with which the fortunes of the Citizens have been visited. The Congress of Cúcuta passed very beneficial Laws, by which the old Colonial Revenues were diminished, but the arrangement that was adopted to cover the deficit has not at all corresponded with the Estimates. The Army, and the Officers of the Civil Administration, and of the Revenue, desire the return of that part of their Pay which the Government had been obliged to withhold; the Fortifications, the Marine, the Artillery, the Magazines, the Officers, and the National Establishments, all require the consideration of Congress, and so urgently, that, in my opinion, they ought to occupy its first Sitzings; for without pecuniary resources the Government cannot fulfil its duties, nor the Nation enjoy its Independence and Liberty. It is to the Chamber of Representatives that I more especially direct my

observations on this matter: two branches of Revenue appear to me capable of assisting us in providing abundantly the needful supplies; those of Tobacco and the Customs. The first requires Funds to improve it, and to make advances; and the second, well regulated Laws. If to these be added the improvements which I think can be made in the other existing branches, it may be expected that the People, being less burdened, will themselves facilitate the means of improving the National Treasury. The Government is desirous that the exactions from the Clergy, known under the titles of *Mesada-ecclesiastica Annuidades*, and *Media-annata*, may be entirely abolished.

One of the objects to which I must direct the particular attention of the Congress is our Foreign Debt. You, Gentlemen, are aware that the liberality of Foreigners, during calamitous periods, reanimated the spirit of the Colombians, and supplied them with the means of maintaining gloriously the War of Independence; whatever may have been the views and speculations of the Persons who assisted us, the Republick is their Debtor, and we are bound honourably to repay them. The complicated situation in which this business has been placed, by the proceedings of our Agents in Europe, and still more so by the difficult circumstances with which the Republick was surrounded until last Year, has presented to the Government serious obstacles, in adopting a conciliatory and decorous line of conduct. The Congress will be informed of all the details, and will be convinced of the prudence with which a matter of so much delicacy has been conducted. I must, however, declare, that we should prize our national honour above all other considerations, and not look for that regularity and economy which, under other circumstances, we should zealously and rigorously require. We are Debtors, and we must pay at any sacrifice. The Executive Power expects that Congress will pass a Law, by which it will be enabled to provide for the payment of the Interest, and the gradual liquidation of the Principal.

The arms of Colombia have been covered with glory wherever they have proclaimed the Laws and liberty; and, even in their reverses, they have preserved entire the character which they had acquired. At the time when the Congress of Cúcuta closed its Sittings, the important Fortresses of Carthagena and Cumaná were in the hands of the Spaniards; the Isthmus, and the Provinces of the Captain-Generalship of Quito, groaned under the unjust dominion of the Government of Madrid; the Province of Coro had been in a state of Insurrection, fomented by Spanish Agents; the district of Ocaña was under the dominion of a Faction; the Province of Guayaquil, disturbed in the interior, was exposed to the fury of anarchy, and a Maritime Force fearlessly domineered over our Atlantic Coast. Now, all has disappeared, and this immense Territory, once in the possession of Spain, is now under the protection of the Laws and Government of Colombia.

Licentiousness, which generally follows in the train of War, has not stained the reputation of the Defenders of the Republic—the Laws have spoken—their voice has been more tremendous than the clash of arms, and the Conquerors in a thousand battles have never hesitated to obey them with submission. An unexpected movement of the Enemy, which his superior Maritime Force enabled him to make, has roused the publick spirit, and recalled to the Liberating Army its most sacred duty—that of renewing its sacrifices for the Independence of the Country. On the occupation of Maracaibo, by the General of the Expeditionary Army, the Executive Power conceived itself to be in the situation contemplated by Art. 128 of the Constitution, and used the extraordinary powers belonging to it in such manner as will be distinctly explained to Congress. If I have not as yet experienced the satisfaction of learning the complete destruction of the Enemy, I have at least that of knowing that his intentions have been frustrated in the invasion of Merida and Truxillo, and that the Departments of Venezuela and Boyaca are in a state of security, the reinforcements of the Army of the Magdalena having been efficaciously employed, and the Fortresses of Puerto-Cabello and Maracaibo continuing in a state of rigorous Blockade. Had it not been for the unfortunate occurrence of the Insurrection of a few Towns in Santa Martha, the Government would have to announce to Congress the freedom of the Department of Zulia.

The Standing Army and the National Militia require careful regulations and organization; without these, the Government will continue to experience such difficulties and opposition as the enormous difference between the Political System of a free State and the Military System of an Absolute Monarchy necessarily produce. The Fortresses, which come into our possession in a ruinous state, require urgent repairs; the Magazines and Parks of Artillery require Stores and other Warlike Supplies, in order to render the Republic respectable. I recommend to the Congress, with that ardour which it is incumbent on me to feel, the fate of the Widows, and of the Soldiers and Officers disabled in the Service of the Country.

The exertions of the Government have procured for the Republic a sufficient Maritime Force to protect our Coasts and Foreign Trade: without it we should be still apprehensive of the Spanish Squadron; to whose superiority, as I have already said, the Enemy is exclusively indebted for the advantages he has obtained. But this valuable acquisition will be of no use, if Congress do not supply the Government with the means to maintain, increase, and repair, whatever the course of military events, or the accidents of the elements, may render necessary. The Secretary of the Navy will lay before the Congress more detailed information on this head, and will present to it the result of the glorious efforts which our Forces have begun to make, together with the Regulations, Ordinances, and other Provisions, which the Executive

has issued in virtue of the Law, to procure and preserve such a Maritime Force as our geographical position requires.

Gentlemen—I have lived only to contribute to the fulfilment of the will of the Nation: to the rigorous observance of the Laws I have sacrificed projects of utility and convenience, persuaded that submission to them is never more necessary than at the commencement of the establishment of a political system, and that no one ought to bow to them with greater respect than he who is placed at the head of the Government. If circumstances have obliged me to exercise the extraordinary powers which the Constitution permits, it has never been my intention to avail myself of them, either against the political freedom of the Nation, or of the individual liberty of the Citizen. Foreign Enemies and internal tranquillity have been the only objects I have had in view in the exercise of such powers; and in testimony of this truth I can appeal to the whole Population of the Republick. I have endeavoured to employ the Authority which the Representatives of the Nation deposited in my hands to its proper purpose; and if I have not succeeded so far as my desire and expectation led me to wish, Congress must attribute it to the want of means, of time, and of tranquillity, and not to my sentiments. From the moment when I took the reins of Government, I was persuaded that I was placing myself under a load superior to my strength—that I renounced my liberty, and constituted myself the slave of Colombia; and I must frankly confess, that if I did not place my hopes in the labours and assistance of Congress, I should not hesitate a moment in recovering my liberty. In conclusion, Gentlemen, I congratulate the Republick on the installation of the first Constitutional Legislature; and entreat of you, with the most ardent feelings of my heart, that we may unite our exertions, our vigilance, and our sentiments, to labour for the happiness of Colombia, and to preserve entire the precious treasure of its Independence and Liberty.

FRANCISCO DE PAULA SANTANDER.

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*REPORT of the Secretary of State for Foreign Affairs to  
the Congress of Colombia. 17th April, 1823. (Translation.)*

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FROM the moment that the Republick of Colombia attained the degree of power and glory of which she is now in possession, her Government has never ceased manifesting, to other independent Nations, that, amidst the roar of battles and the shouts of victory, she has known how to respect the rights of Foreigners, in the same manner as she wished them to respect her own.



For upwards of 12 successive Years, the Persons and Properties of Neutrals, whether passing through, or domiciled amongst us, have been under the exclusive protection of our Laws; and it must, therefore, be highly satisfactory to learn, that during the whole of that period, few complaints have been made against the conduct of the Subordinate Authorities, and none whatever against the Government. This is the more reputable and honourable to our national character, when we take into consideration, that the acts of some Governments, which declared their Neutrality from the commencement of the struggle, have not been altogether free from blame, and have appeared, in some instances, not to have been strictly conformable with those incontrovertible principles, generally acknowledged and received as reciprocal National Rights.

In this state of things, the first endeavours of the Executive, after the promulgation of our Constitutional Code, were directed to the reducing to a regular system those connections which had been commenced or established by private hands. Until then, Foreign Governments seemed determined not to depart from the line of policy they had adopted; notwithstanding the evident necessity of agreeing on some certain and positive rules, by which our Relations might be cemented on the basis of reciprocity and general good faith, and of not remaining exposed to those changes and variations which the common Law of Nations has undergone, in these latter times of commotion and revolution, or at least within these last 25 Years. The principles recognized, at the several epochs which elapsed between the Treaties of Westphalia and Utrecht, and in the various Conventions and Controversies produced by the French Revolution, up to the General Peace of Paris in 1814, have varied so essentially in many material points, that it has frequently been almost necessary to disregard the respectable authority of the first Writers on Public Laws, and to consult the spirit of existing Treaties, generally considered as impartial.

In all the discussions in which the Executive has been engaged, for our National Honour, or to satisfy the Claims of other Powers, in behalf of their Subjects or Citizens, it has decided, as an invariable rule, not to grant to one what it could not grant to all.

The Department of Foreign Affairs, which has at all times formed the most important branch of Public Administration, has thus received the consistency and uniformity, which is indispensable for preserving us from those evils, which premature and inconsiderate Negotiations have occasioned to other Countries. The Republic of Colombia has an indisputable right to adhere invariably to the maxim she has adopted; for to herself, and to herself alone, does she owe what she is. If the result has not as yet been fully what could have been wished, the Executive has at least the consolation of not having compromised the Nation,—of having made its principles known,—and the

hope that, ere long, its endeavours will be crowned with complete success. This flattering expectation is founded on the close and intimate connections contracted and contracting with the other States of cidevant Spanish America, and the regular progress making in our Political and Commercial Relations with The United States and Europe.

To give a clearer idea of the relative situation of our Foreign affairs, we shall treat first of the States recently formed on the ruins of the Spanish Monarchy in our own Hemisphere, and then of The United States and Europe; the last will naturally lead us to speak of Spain separately, whose vacillating and contradictory Policy merits particular attention. It is not, however, to be expected, that in this summary Report, all that detail will be found, which, on a future occasion, may be laid before the Publick without risk. Secrecy ought to be the leading maxim of diplomacy, and we shall observe it inviolably in all those matters, where the Executive considers it absolutely necessary; but on every thing else we shall speak frankly, avoiding at the same time a redundancy of ideas, which can in no wise contribute to the object we have in view.

The Abdications of the Catholick Kings in favour of the Imperial Family of France, in 1808, paved the way for the dismemberment of the Hispano-American Provinces on this Continent, and the successive usurpations of the Revolutionary Governments which followed those Abdications, consolidated, and irrevocably fixed it. Our America has ever since raised a cry against her Oppressors, and has fought with various success. Soldiers, Politicians, Legislators, Magistrates, Ministers—all have been formed in the school of adversity,—whilst War raged every where, and every where were exhibited prodigies of valour and devotion to the publick cause. Venezuela and New Granada were the first to give the noble example of a permanent Union, and, by that Union, overcame obstacles of the most difficult nature. Our geographical situation rendered our Country the Head-quarters of the Troops destined to re-establish in America the hateful Colonial system of Spain. Circumstances of danger and difficulty pointed out the wisdom and necessity of founding the Republick of Colombia; and the majestic attitude she assumed, under the auspices of her tutelary Genius, terrified and humbled the hordes of Castile, and the power and pride of Spain fled, at length, never to vex us more.

The triumphs of Colombia resounded from one extremity to the other of our Hemisphere, and the rest of the American Family, still bending under the Peninsular yoke, soon recovered their rights. Mexico proclaimed its Empire;—Lima, freed by the Arms of Chili and Buenos Ayres, adhered provisionally to a Protectoral System;—Guatemala declared for a Republican form;—and Colombia, rounding the vast Territory marked out in her fundamental Law, carried the

olive and her victorious arms to our oppressed Brethren of Quito and Guayaquil.

A conjuncture of such fortunate events pointed out to the Executive that the crisis was come for carrying into execution the grand plan of American Confederation, and the following Articles were adopted as the bases of the new Federal System.

I. That the American States be for ever in alliance and confederation, in Peace and War, for the consolidation of their Liberty and Independence, guaranteeing to each other the integrity of their respective Territories.

II. That in order to render this guarantee effective, the *uti possidetis* of 1810, according to the demarkation of Territory of each Captain-Generalship or Viceroyalty, erected into a Sovereign State, be taken as the rule.

III. That, with respect to the personal Rights, Trade, and Navigation of each State, their Citizens and Subjects shall enjoy, indiscriminately, in their Persons, Properties, and Foreign and Domestick Traffick, the same privileges and prerogatives as the Natives of the Country in which they reside, whether domiciled or transient.

IV. That, in order to consummate this Compact of Perpetual Alliance and Confederation, a Meeting be holden in Panamá, of two Plenipotentiaries from each of the Contracting Parties, which might serve as a point of contact in times of common danger, be the faithful interpreter of their Publick Treaties, when difficulties occur, and Judges, Arbiters, and Conciliators, in their disputes and differences.

V. That this Treaty of Perpetual Alliance and Confederation shall not interfere, in any way, with the exercise of Sovereignty of each and all of the Contracting Parties, with respect to their relations with other Independent Powers.

Such are the leading points embraced in the Negotiations concluded or set on foot by the Executive with Mexico, Peru, Chili, and Buenos Ayres: and when they were commenced, we had well-grounded reasons for hoping, that, by the meeting of Congress in 1823, they would have been brought to a successful termination; taking into consideration the activity and superior knowledge of the Envoys Extraordinary and Ministers Plenipotentiary charged with the same. Treaties with Peru and Chili have been concluded, and will, in due time, be submitted for the approval and Ratification of the Legislative Body, and, it is very probable, that we shall receive shortly, by way of the Pacifick, that of the United Provinces of Rio de la Plata. In Mexico, the Negotiation has been interrupted by extraordinary circumstances, which the Executive could not controul: the principal obstacle does not arise from the form of Government adopted there, for that of Colombia has laid it down, as a fundamental principle of its policy, never to interfere in the interior or domestick arrangements of other Nations.

It is easy to acknowledge any Government whatever, knowing the source from whence its authority emanates, and, consequently, that it is susceptible of progressive improvement. The Republic of Colombia has solemnly acknowledged the Independence of the Empire; but for extending that acknowledgment to the Dynasty which has been established there, in the Person of Don Augustin de Yturvide and his Family, data are to this day wanting, notwithstanding the most efficacious means used to procure them. In the interim, the necessary Instructions have been given to the Hon. Miguel Santamaria, whose circumspect conduct has been highly satisfactory; but, unfortunately, when expecting information from that intelligent Envoy, we learn, by the last communications from that Court, that M. Santamaria's conduct had not been acceptable to the new head of the Empire. It has been required there, contrary to all received rules, that our Envoy should forthwith acknowledge the new Dynasty, although he has no Powers to that effect, which acknowledgment he consequently refused, respectfully and decorously, as was his duty so to do. At the same time, symptoms of discontent were perceived in various parts of the Empire, principally in San Salvador de Guatemala, in Nicaragua, and in Veracruz, which Province has declared for a Republican form of Government.

This more than justifies the circumspection with which the Executive has acted in a matter of such transcendent importance.

Whatever may be the result of these extraordinary events, the Government of Colombia will ever take the strongest interest in co-operating for the welfare and prosperity of our Independent Brethren in Mexico, and will not omit seizing the first favourable opportunity which may offer, of drawing closer the bonds of fraternal feeling contracted in unison with the other Co-Belligerents.

In turning our eyes from Nations at war with Spain to The United States and Europe, it will not appear strange, that, notwithstanding the difference of their geographical situation, we place them under one head, in consequence of the identity of principles on which the Executive has acted, indiscriminately, towards them all. The inhabitants of ci-devant Spanish America being left to themselves, it was natural that they should concert together upon the measures of interior and exterior Policy dictated by imperious necessity. Incorporated successively in the great family of Civilized Nations by our own efforts, it was undoubtedly our primary duty to treat all with equal consideration and respect, without shewing predilection for any in particular. The Executive, guided therefore by that salutary maxim, has uniformly adhered to the most liberal principles, and those most generally received in the absence of public Treaties, and by so doing, has promoted a mutual harmony and good understanding; on the same grounds nothing has ever been proffered to one, which could not be granted to



all. Special favours and exclusive privileges would inevitably subject us to evils of the greatest moment. Our ports have been, and are, open and free to the trade of Neutrals; that they may learn by experience the importance of a Country, which the miserable Policy of Spain had kept sealed to the rest of the World. The effect of this reciprocal intercourse between Colombia and other Powers has gradually augmented the persuasion, that some of them would come to a direct understanding with our Government; and that persuasion has been strengthened by the Edicts issued by the Spanish Chiefs at the several epochs of the War, in their anxiety to re-establish their ancient pretensions to the monopoly of our Commerce. The conduct of the Enemy, whenever he thought there was the least probability of his being able to effect our subjugation, forms so striking a contrast with our ingenuousness and liberality, that it may well serve to shew what is to be expected from the one and the other. The Government of Colombia, on that account, regrets exceedingly, that one of our Agents in Europe should have addressed, on his own responsibility, a Circular Note, dated April 8th, 1822, to several Cabinets, intimating that those who did not acknowledge us would be immediately excluded from our Markets. If that Circular has given offence to some, as we understand it has, it ought to be borne in mind, that the principles it holds forth do not form any part of our Policy, and it was so explained to Mr. Zea himself, on the 23d July last. To time, therefore, has been left the developement of that most important fact, that political and commercial connections cannot long exist in a vague and uncertain state, and that it is requisite to come to a direct understanding, to promote, by mutual accord, future well-being and prosperity. It is extremely agreeable to observe the effects already produced, as will be set forth in the simple narrative of facts on which we are about to enter.

The People of The United States, although of a different origin from the other Inhabitants of this Continent, felt, from the commencement of the present War, that sympathy, which was natural, and which would necessarily be excited by vicinity and analogy of circumstances. The new American States, anxious to profit by that friendly feeling, addressed that Government; but all efforts were of no avail, until 1822, when The United States formally acknowledged our Independence. For this we were greatly indebted to the ability and address with which Señor Manuel Torres, our Chargé d'Affaires at Washington, set forth our rights to it. The death of that illustrious Patriot and Statesman, which took place on the 14th July last Year, interrupted the relations, which, in consequence of so frank and just a proceeding, would otherwise have been established. The Hon. José Maria Salazar was immediately appointed to succeed Señor Torres, with the character of Envoy Extraordinary and Minister Plenipotentiary; when, in the

meanwhile, Colonel Charles S. Todd arrived in this City in December last, with the special charge of communicating to the Government the several Acts in which The United States had solemnly acknowledged the Republic of Colombia, and the wishes of their illustrious and venerable President to be informed on what footing our subsequent Negotiations should be conducted. The Executive of Colombia, bearing in mind the state of our Finances, was of opinion, that during the Negotiation, Plenipotentiaries might be appointed, and continued, until the ratification of Definitive Treaties, and that *Chargés d'Affaires* might afterwards remain in Washington and Bogota, for the purpose of forwarding our mutual interests, and maintaining unalterable the harmony and good-will produced by those Conventions. It has been wished also to negotiate a Treaty of Commerce and Navigation in this City, in preference to any other place, for reasons so obvious that they require no explanation. On every point we have acted with our accustomed candour; and it is to be hoped, from the deference shewn on this occasion by the Government of The United States to that of Colombia, that the political views of both will readily meet each other as to the Place where the Negotiation shall be carried on, which is to fix our future relations on a solid and permanent basis.

In Europe, the Court of Lisbon was the first to acknowledge, or manifest its intention of acknowledging, the Independent Governments of the New American States, in a Note which Don Juan Manuel Figueredo, Agent of His Most Faithful Majesty in Buenos Ayres, addressed to the Envoy of Chili, Don Miguel Zañartu, August 11th, 1821. This measure was founded on the just principle of the obedience of the People to their constituted Authorities, and was extended to all Independent America, with the object of entering into Relations of Friendship, Commerce, and Navigation, with the respective Governments. The Executive of Colombia, however, had no direct communication of this disposition of the Court of Lisbon until last Year, when His Excellency Don Silvestre Pinheiro y Ferreira, Minister and Secretary of State of His Most Faithful Majesty, communicated the same to our Agent in London, with a Copy of the Instructions given to M. Figueredo for the said object, dated April 16th, 1821; and in them the political views and favourable disposition of that Government towards the Republic of Colombia are seen. The Executive, anxious to take advantage of such a friendly feeling, appointed the Hon. José Tiburcio Echeverria to Lisbon, with the character of Envoy Extraordinary and Minister Plenipotentiary; but the death of that deserving Member of our Diplomatic Corps deprived us of the benefits which might well have been expected from his tried experience in the management of Publick Affairs.

During this period material changes have taken place in the Portuguese Monarchy, to which we cannot but advert. His Most Faithful

Majesty, on his departure from Brazil, left the Government of that vast Kingdom in the hands of the Prince Royal, Don Pedro de Braganza. It appears, that the People of Brazil saw with discontent the removal of the Court from Rio Janeiro to Lisbon, and almost immediately declared their Independence of the Parent Country. The Prince Royal shewed himself at this crisis the Protector of Publick Opinion; and his conduct gained him such popularity, that he was at last proclaimed Emperor of Brazil, and solemnly crowned at Rio Janeiro the 12th of October last. By the last advices, all Brazil had acknowledged with enthusiasm the new Emperor, with the exception of Bahia de Todos los Santos, where 4,000 European Troops still supported the cause of Portugal. In Monte Video the same appears to have taken place. Amidst these changes a Portuguese Authority of the first order has made proposals, which indicate the wisdom and foresight of the Cabinet of Lisbon, but the Executive has found itself in considerable perplexity how to renew the Negociation with which the deceased Señor Echeverria was charged. Nothing could require greater circumspection and deliberation in an incipient State, than its interference in the family disputes, which have occurred in a Nation to which we owe a debt of gratitude, for its noble, frank, and disinterested Policy towards us. On the one hand we cannot be insensible to the cause of our Brethren of Brazil, and on the other we must feel an interest in the welfare and prosperity of a Government, which has distinguished the first steps of its political regeneration with a declaration so very worthy of the age we live in. We have at present no alternative but to address our vows to that Supreme Being, in whose hands rest the fate of Empires and the destinies of the human race, until future events point out the path we ought to follow.

On the Continent of Europe other Powers have also evinced an inclination to encourage the Trade with Independent America.

As far back as 1811, the Great Chancellor Count Romanzoff communicated to Señor Mendez, Agent of Venezuela, in London, a resolution of His Majesty the Emperor of all the Russias to admit our Flag into the Ports of that vast Empire on the same footing as other Neutrals.

France, The Netherlands, and Sweden, have recently made the same declaration.

The Governor and Rear-Admiral of the Island of Curaçoa addressed a Note with the same view to the Secretary of State for Foreign Affairs, dated October 16, 1822, expressing the wishes of His Majesty the King of The Netherlands to encourage the Relations which were in fact forming.

His Majesty the King of Sweden and Norway has sent to this City his Consul-General to The United States, for the purpose of effecting a Provisional Commercial Arrangement. The Proposals made in

consequence, by the Chevalier Lorch, will in due time be submitted to the Legislative Body, in as far as they may be found to require its concurrence and approbation. Of whatever nature they may be, we think it right to anticipate, that it is only intended to make a short essay, in order to draw the interests of both Countries closer, and to acquire thereby the necessary information for concluding a Definitive Treaty of Commerce and Navigation.

In almost all the other Parts of Continental Europe the Colombian Flag is admitted and respected; or there is at least a disposition to admit and respect it, as appears by various communications lately received. The Laws of our first Congress, held in Cúcuta, respecting the privileges and encouragement of our mercantile Marine, must have powerfully conduced towards producing this desirable effect. They facilitate the nationalization of Foreign Vessels, and protect the direct Trade of Europe with our Ports. In them is also established the difference of the duties of Imports and Exports, on Foreign and National Vessels, although the Cargoes of these latter may be the property of Subjects or Citizens of other Powers. If, to the various principles dispersed in our Trade and Navigation Laws, those wanting were added, and the whole consolidated into one single well-digested Navigation Act, suited to our present situation, our Maritime System would be complete; and by such a measure we should make known the great importance of a Trade, already beginning to emerge from that state of languor in which the present Constitutional Government found it. This would be a fertile source of publick wealth, and the most certain way of forwarding our connections with other Nations.

The relations of friendship and good understanding with the whole of them, are not to be formed on abstract theories or vain speculations, but on the advantages and benefits which must accrue from frequent communication and intercourse.

This consideration would seem to shew, that as the Commerce of Great Britain is the most extensive of any Country with us, it would have been easy to have come to some understanding with that Power, so as not to leave our interest exposed to all the vicissitudes of a Civil War. But, up to this day, nothing that we have done has been sufficient to induce the Government of His Britannick Majesty to enter into direct relations with this Country. Previous to the Union, both New Granada and Venezuela made considerable attempts to bring it about, and the Republic of Colombia has since renewed them with the most lively interest.

Our anxiety to accomplish so desirable a measure has been, and is, proportionate to the high degree of influence acquired by that Cabinet, not only in Europe, but in the whole Universe, and more especially since the events of 1814 placed the British Empire in the first political rank of Nations. The British Marine, the most extensive



in the World, has established every where, and in every clime, a commerce so vast, that there can remain but little to wish for. To us the friendship of Great Britain is of the highest importance; and the goodwill which the People of that opulent Empire have ever professed towards us, is a presage not a little consolatory of what we may hope from its Government. In no Country have we met with friends so constant or so generous in the most calamitous and trying times of our struggle. Many of them, not satisfied with assisting us from afar, have crossed the ocean, and come to participate in our privations, and brave our dangers in the heat of battle. Colombia, in short, owes to various British Subjects an immense debt of gratitude, and has an anxious desire to give them proof of her feelings, if not with a reprehensible profusion, at least with a commendable liberality.

The Merchants and Manufacturers of that Country have shewed themselves equally sensible of the advantages offered by our market. From all parts petitions have been presented to Ministers, setting forth the principal reasons which call for, or recommend, the necessity of a direct communication with us. In Parliament itself most eloquent speeches have been made in favour of the measure. The Government of His Britannick Majesty at length declared, on the 27th of April, 1822, the Trade of Great Britain with the Ports of Colombia to be legal, and it now only remains to fix the mode in which an efficient protection can be given to it. It rests with the wisdom of His Majesty's Counsellors to solve the question; but, in our humble opinion, nothing could so readily or so certainly remove the difficulties which present themselves, as a direct arrangement with our Government, our existence in the rank of Sovereign Nations being previously acknowledged. Then would the Commerce and Agriculture of Colombia soon reach a pitch of prosperity far beyond what the most sanguine calculations have anticipated. Then would the Commerce of the British Empire, by its immense capital and active and enterprising spirit, acquire, in all probability, in our market, an importance, which, it would appear, has not hitherto been estimated as might have been expected.

If we give credit to what has been repeatedly written to us from London, we must admit, that the inconsiderate operations of M. Zea, both in political and financial matters, have essentially conduced to embarrass and perplex. We have already noticed his Circular Note, which, from its style, and the manner in which it was addressed, was certainly seen and received in many quarters with extreme displeasure. His financial transactions were, however, still more arbitrary, and destitute of every reason which could induce the Executive to approve of them, even taking them on the ground of expediency alone; but as we have to treat of this affair separately, we shall refrain from further observations here, having touched on them merely in conse-

quence of the connection they bear to subjects of diplomacy. The good faith and credit of a Nation are objects of such vital importance, that without them every pretension to be held, considered, or respected in point of rank, which might otherwise be claimed with justice, is vain and illusory. The wisdom of the Legislative Body can alone conciliate this apparent contradiction, by virtue of the powers it is invested with by our Constitution, in all affairs of credit. It is of most imperious necessity, and superior to every other consideration, that our Debt should be consolidated, in order to silence at once the clamours of many, and to place our Diplomatick Negotiations on a footing with those of other Nations. Hitherto the Executive has been able only to restrain the progress of evil, and to steer clear of the ruinous consequences which threatened the Republick in future.

Of all civilized Nations on the face of the globe, Spain is the only one which disavows, or appears to disavow, these grand truths;—that a Nation in want of every thing, a Nation which has lost its Manufacturing Industry, whose fields are abandoned and left waste, and which is devoid of the necessary knowledge and experience for bettering its condition, ought to re-organize itself, as the only means of escaping from the fallen and wretched state to which it has been reduced by an arbitrary Government of many Ages; that the extension of the Constitutional System of Cadiz to the vast Possessions of the ancient Spanish Monarchy in Europe, Asia, Africa, and America, is a complete delusion, and a chimera which has never existed, and never can rationally exist; that, without a competent Navy, distant Colonies cannot be preserved; and that the relations of one People with another, founded on good-will and reciprocal convenience, are much more advantageous, and infinitely more lasting, than those established by force.

The Treaties concluded in Truxillo, on the 26th Nov. 1820, after such dreadful scenes of slaughter and desolation, seemed to announce, that Spain was beginning to abandon that ruinous Policy which had rendered miserable all those living under it. On that memorable day, Don Pablo Morillo appeared at Santa Ana, and, invested with the full and unlimited powers conferred on him by his Sovereign, saluted the Republick of Colombia and her illustrious President; when both, by common accord, adjusted and ratified the said Treaties of Armistice for 6 Months, and the regularization of the War. An act so sublime, and which did so much honour to the Contracting Parties, was principally with the intention, that an understanding might be established during the Truce, so as to bring about a Peace. The formalities with which the Negotiation was conducted, the decorous and impartial language used in both Instruments, and the repeated protestations of the Spanish Chiefs, which appeared really to proceed from their hearts, were sufficient to induce a belief that such a happy result was pro-

able. The Government of Colombia immediately appointed Messrs. José Raphael Ravenga and José Tiburcio Echeverría, to the Court of Madrid, with Credentials, Full Powers, and Instructions, signed in the City of Bogota, January 24th, 1821; and, as 2 Months of the Armistice had already elapsed, they had Special Powers for soliciting in Caraccas a prolongation of the time necessary for treating in Madrid with the Government of His Catholick Majesty. The Parties not being able to agree on the conditions of prolongation, our Plenipotentiaries embarked at La Guayra, March 24, on board the Spanish Corvette *Arethusa*, and arrived at Cadiz, May 14th, 1821. What must have been the astonishment of our Messengers of Peace, when, having scarcely reached the Shores of Spain, they began to hear from those initiated in the mysteries of that Cabinet, a very different language from what had been used by its Agent on the Main! The Government of His Catholick Majesty had just granted amnesty to those who had obtained applause from one extremity of the world to the other for their extraordinary exertions in defence of their Liberties. A line of conduct, as absurd as unexpected, was seen, by the reflecting and really liberal minded men in Spain, with a disgust which can neither be explained nor described but by those who have attentively observed the steps of a Government, which, from the first, has never ceased to undermine secretly the edifice raised in the Island of Leon.

Notwithstanding the discouragement excited by such contradictory conduct, our Plenipotentiaries pursued their journey, and reached Madrid the 30th of the same Month of May; and there they had positive proofs, that not only the Ministers of His Catholick Majesty, but the pretended Pacificators of the Main, were not animated with that good faith and sincerity with which we had entered into Negotiations for Peace. The former thought they could induce us to sue for Peace on degrading terms, derogatory to our dignity and National character, and the latter sought numerous pretexts for renewing Hostilities previous to the expiration of the Armistice, as is proved by the Correspondence of General Don Miguel de la Torre, of February and March, with the Minister of Ultramarine Affairs. The Government of Colombia, which, in the very first days of the Truce, had discovered the artifice and duplicity of the Enemy, made preparations to let him feel the weight of its power; but as that Correspondence was then attributed to Men led away by their passions, to Men habituated to the enormities committed during this War of extermination, the resolution was suspended, and it was determined not to act, until it was also evident that no good was to be expected from Madrid. The consequence was, the renewal of Hostilities on our part, on April 28th, 1821, at which time our Plenipotentiaries remained in Madrid, without having been able to advance one single

step in the Negotiation. Their first and last interviews with Señor Bardaxi de Azara did not take place until June 5th, in presence of the other Secretaries of State, and was confined to a conversation of trifling interest. This, together with other circumstances, shewed, that no Negotiation would be entered into with Colombia separately, whilst so many were occupied with forming Plans of General Pacification, with opposite views and interests. The most strenuous Enemies of America had at last learned, that their wretched ridiculous system of amnesty, far from producing any favourable effect, was every day increasing the irritation in the minds of the Inhabitants of this Continent, confirming some in their noble intention of being independent, and inspiring others with the wish of being so. It was, therefore, necessary to set that temporizing Policy aside, and seek more efficacious measures. It was now requisite to examine the question thoroughly, and to remove the obstacles opposed to the Pacification. The Report presented by the Minister, Don Ramon Gil de la Cuadra, to the Ordinary Cortes, on March 1st, 1821, on Ultramarine Affairs, offered no materials which could be made use of in such a discussion. In it Mr. Cuadra speaks diffusely of Lazzarettoes, Hospitals, Schools, the arrangement of his Office, and other minor and irrelevant matters, as if the whole of America were in profound Peace. The Committee of the Cortes, which examined this Memorial, shewed, in their Report of June 4th following, on the Population of the Ultramarine Provinces, what People are capable of doing, who shut their eyes and ears to the causes of the evils with which they are surrounded. The Committee thought of rendering us a great service by their Project for the division of waste lands, because M. Cuadra had asserted in his Memorial, that the measure was of the highest importance to America, as well economically as politically, and in both respects the King expected wonderful results from it. A long period did not, however, elapse before the King and the Cortes discovered, that they were losing their time in extraneous questions, while the real matter was left untouched. The Cortes, on the proposal of M. Paul, appointed on their part a Committee of their own body, to suggest the best means of closing the dissensions with which various Countries of America were unfortunately afflicted. The Committee, after frequent and long Sittings, at which the Ministers and a great number of Deputies attended, presented their Report, June 24th, concluding with an opinion, that the Government should be invited to propose to the Cortes the fundamental measures which the situation of America required. In this it was easily seen, that several, or all, of the Committee, wished to enter into the merits of the Case, but abstained from doing so out of respect to the private opinions of His Catholick Majesty's Ministers. Great hopes were formed from the plan of Regencies, which the major part of the Ultramarine Deputation, and particularly that of Mexico, presented



to the Cortes the same day. Ministers secretly supported the plan, but, as we learn, refused doing so openly, that they might sound public feeling without compromising themselves. Messrs. Ravenga and Echeverria immediately sent a Copy of our Fundamental Laws to the Secretary of State, to shew the incompatibility of the measure proposed, with our Social Organization. The Plan of Regencies was finally given up, Ministers themselves thinking it unconstitutional, and the King finished the Speech, with which he closed the Ordinary Cortes on the 30th June, by saying, that urged to propose the most proper means for the well-being of the Ultramarine Provinces, he would do so with all possible expedition and liberality, but that the Spaniards of both Worlds might be persuaded, that he desired nothing so much as their happiness, founded on the integrity of the Monarchy, and the observance of the Constitution.

This decisive and solemn declaration, together with the false direction given, at the same time, to public opinion, by means of virulent invectives and calumnious Publications against America, caused every shadow of hope for Peace to vanish. Our Plenipotentiaries, however, in spite of all this, determined to remain at Madrid until the 1st September, when they received a Note from the Secretary of State, of the 30th August, in which, after having, amongst other charges, accused the Government of Colombia of the infraction of the most Solemn Compacts and of the Law of Nations, he enclosed their Passports, observing, that they should lose no time in commencing their Journey, as their remaining in Spain might be prejudicial, and was moreover quite useless, from their not being in a condition to be listened to by His Majesty, and for other reasons which he did not think it necessary to explain. This unexpected determination, which had been for some days previously announced in the Publick Papers, together with the irritation excited against Americans in general, in the most scandalous manner tending to implicate them in the tumult of the 20th August preceding, against the person of General Morillo, convinced our Plenipotentiaries that they had not a moment to hesitate as to the part they had to take.

Vain, indeed, would have been all explanations given, at that time, however clear and convincing, against the imputations, and the general and indefinite charges, of the Spanish Government. The resolution was taken not to lend an impartial ear to any thing that might be advanced; and accustomed to decide on the Destinies of America from the interested information of its own Agents, this first instance of respect and consideration towards those hitherto held in degradation, must have been particularly mortifying. Such is the force of habit, that it confounds times and circumstances, and keeps those under its influence in a state of continual delusion most flattering to their self-love. The Plenipotentiaries of Colombia were obliged, in consequence, to content them-

selves, for the moment, with a simple reply to the Note of dismissal, and left Madrid in 36 hours after receiving their Passports, reserving for a more favourable opportunity the vindication of the honour and dignity of their Country, of which they availed themselves at Bayonne, under date of September 14th. In their detailed explanation, the facts are set forth which appear to have given rise to those general and indefinite charges. In it, the Enemy will have seen the Principles on which our Right was founded of protecting Maracaibo, then independent, by the spontaneous declaration of the Spanish Authorities and the People, and in which affair our Chief Magistrate could not have given a stronger proof of his love of justice, than by offering to leave it to the decision of Arbitrators, and by nominating on his part the Spanish Brigadier, Don Ramon Correa. In it will have been seen, that we did not (26 days before the expiration of the term of the Armistice,) renew hostilities, except for our own preservation, the first Law of Nature, when it become unavoidable, and after fulfilling the formalities prescribed by Article XIV. of that Treaty, in the event of such an unfortunate contingency taking place. In it, in short, the Government of His Catholick Majesty will have seen, that if, on their side, they had vague and indefinite accusations against us, we could, on ours, complain of positive infractions by irrefragable acts, which, from the very first, placed beyond a doubt the want of sincerity and good faith with which we were invited to enter into the Negotiation for Peace.

Since the departure of Messrs. Ravenga and Echeverria from Spain, the Government of that Country has, by degrees, been moderating its pretension of addressing America with that decided and imperious tone which it had previously assumed. In the Speech with which the King afterwards opened the Cortes, he slightly noticed the Pacification of America as a point not inseparably connected with the Constitution. The Cortes, after hearing the Reports of the respective Committees, resolved, on the 13th of February, 1822, to recommend to His Majesty, that he should without loss of time appoint fit Persons to present themselves to the Governments established in America, to listen to and receive such proposals as they might have to submit. The King did not order this Decree to be complied with and carried into effect, until the 5th of March; the Minister of Ultramarine Affairs did not transmit it to the Minister of War, until the 31st of the same Month, nor the latter to the Commander-in-Chief of the Expeditionary Army, until the 15th of April, and it was not before the 18th of May that the said General-in-Chief learnt, that His Majesty had appointed Brigadier Don José Sartorio, and Capt. Don Juan Barry, to treat with our Government.

In commencing this extraordinary Negotiation, His Catholick Majesty, in consequence of Article IV. of the Decree of the 13th of February, addressed a Manifesto to the Courts of Europe, protesting

that Spain would consider a partial or entire acknowledgment, by any of them, of the Independence of the Ultramarine Provinces, as an infraction of existing Treaties, whilst discussions with the Mother Country were still pending. This interesting Document, of which Extracts had appeared in Foreign Newspapers, did not reach the Government of Colombia, in an authentic shape, until very lately, when it was authenticated by the signature of M. Clemencin. In it the Spanish Monarch endeavours to employ against the Right of Insurrection in America, the very same principles which, either voluntarily or otherwise, he had acknowledged and recognized in favour of his Subjects in Europe. The Emancipation of America is so clearly demonstrated to be the interest of the whole World, that, in order to oppose it, recourse was had to the sophisms and vague protestations with which that Manifesto most profusely abounds, and the Cabinets of Europe will have bestowed upon it the value and consideration which it merits, its clauses appearing to be directed against the Principles of Disorganization which have for some time past been introduced into Spain. In comparing the Political Institutions and the conduct of the two Countries, the opinion of an impartial World cannot but be in our favour. The Government of Colombia was prepared for so new and singular a Negotiation, and, on the 19th of May last, communicated to the Intendants of the Maritime Provinces the orders it conceived necessary, and which were founded on the information which could be procured of the Character of the Commissioners; the Executive being fully convinced, that Colombia and Spain could not come to a decorous understanding, without mutually observing those usages and customs, which are consecrated by practice amongst civilized Nations; and which absolutely preclude such a mode of negotiating in time of War, as that which was to be expected, from the discussions in the Extraordinary Cortes, from what the Minister of Ultramarine Affairs observed, and from the letter itself of the Decree of the 13th of February. The door, however, has been left open for discussion, which, although probably useless, may conduce indirectly to the termination of the War; and, if there has been any condescension in this, it is a sacrifice to the consideration in which we hold other Nations, to whom we are desirous of giving positive proofs, that passions excited by Civil War, and the irregular conduct of the Enemy, have not shut our ears to the voice of Nature, and that, although we do not fear War, we most anxiously wish for Peace. Convinced of this truth, many of the most illustrious Deputies of the Cortes exclaimed violently, in the preceding Session, against the inefficacy and irregularity of a measure, which, far from being conciliatory, gave strong reason to suspect, that what was proposed to be done was merely meant for the purpose of introducing Spies into these Countries; and the Ordinary Cortes, which subsequently followed, saw this so clearly, that, on the 28 June, they gave



the King ample authority to take such steps, with respect to the Ultramarine Affairs, as might be expedient, and required by the various circumstances of the Places where his influence or authority might be necessary, or for the adoption of more energetic and active means for supporting his measures. The King was moreover charged, among other things, to empower Commissioners to form and conclude Provisional Conventions with the American Governments, in order that, during the negotiations, the reciprocal commerce should not be interrupted.

The Executive of Colombia saw from these Decrees, that the Spanish Government was beginning to know its own interests, and to adopt a more frank and liberal policy; but, remarking on the other hand the silence, which up to this day has been observed with regard to the projected Negotiation, and the assurance given to the Cortes by the Minister of Ultramarine Affairs, that he had put all the elements of discord into motion, it cannot be persuaded, that the Enemy is acting with the good faith he so loudly proclaims.

Nearly about the same time, the Commander-in-Chief of the Expeditionary Army published two Decrees at Maracaibo, in September and October, of consummate importance from their nature and consequences. In one, he abolishes the regularization of the War, thereby opening a field for a repetition of his past excesses; and in the other, condemns to Confiscation, to the Public Works, and to Death, the Subjects and Properties of Neutral Powers, which might be found in the Provinces which his Arms might occupy. The Government of Colombia ought now to resist, with her accustomed energy, the aggressions of that desolating Barbarian, and make him know that none under the Canopy of Heaven can offend, with impunity, the People and Foreigners living under the protection of our Laws. To other Nations, however, it belongs to defend the Persons and Properties of their Subjects, which, by the fortune of War, may fall into the hands of so callous and cruel an Enemy, from his proscriptions and sanguinary Edicts. In like manner they may judge of the sincerity of the protestations of His Catholick Majesty, contained in the Manifesto above-mentioned.

When the History of this 13 Years' War shall be published, into which we at first entered with the view of bettering our domestic condition, and afterwards continued, in defence of our existence, menaced with total destruction by the anathemas of the Court of Madrid, the World will see, with astonishment, that the Enemy has had no other means for restraining the progress of our majestic career, than those of seduction, amnesties, and perfidy. Until February and June, 1822, the Spanish Government would not admit that our Revolution originated otherwise than in an insane love of change, and not in the desire, natural to Man, of promoting his own felicity, excited and put in motion by the stupendous Events which followed the Abdica-



tions of Bayonne. During this period, America has suffered innumerable miseries and calamities, but Spain has also been forced to drink of the cup of bitterness, even to the very dregs, and it would not have been possible to have calculated to what extremity her evils would have reached, had the glorious Insurrection of the Troops, destined to continue the War, not shewn her the dreadful abyss into which she was imperceptibly falling. Spain at length execrated the tyranny with which she had tormented us, and proclaimed the Rights of the People; and the friends of humanity in all Countries accompanied her with their good wishes in her career, undertaken with such ardour, and amidst so many difficulties and impediments.

The Government and People of Colombia participate in this feeling, and even more warmly, from the interest naturally excited for Companions in misfortune. In the meanwhile, Spain will have to suffer all the vicissitudes and caprices of fortune; but the time will come when the conduct of those at the helm of Affairs will be in complete unison with public opinion, and the knowledge and information of the age.—Then Spain, Mexico, Colombia, Peru, Chili, and Buenos Ayres, will present to the World the new and splendid spectacle of 6 free and friendly Nations, speaking the same language, and between which exist an interchange of mutual affections and sentiments, for guaranteeing their future prosperity. To accelerate that period of happiness and satisfaction for both People, the Executive has incessantly laboured to render uniform the political views of the new American States: and it was time to give a strong impulse to our Common Cause, by combining our means of offence and defence, and making the Enemy feel the impotency of those which might be opposed to us. The Federal System we have adopted will undoubtedly produce that desirable result, make us formidable in such Wars as may arise, and give us in Peace an extraordinary importance in the eyes of the Civilized World.

In the United States, and in the whole of Europe, with the exception of Spain, the Executive meets only motives for satisfaction at the impartiality with which the Neutrality declared by the Cabinets of those Countries, at the commencement of the War, has been observed; the importunities of the Government of His Catholick Majesty at various epochs, and particularly at the Congress of Aix-la-Chapelle, to take part in its unjust pretensions, have been insufficient to induce them to deviate from that line of policy. On the contrary, Portugal and the United States have acknowledged our Independence; Great Britain respects our rights as Belligerents, and declares the Trade between her Subjects and the Republick to be legal. Sweden, the Netherlands, and other Free Countries of Europe, admit and respect our Flag in their Ports.

The Executive has thus constructed its system of Foreign Policy on three grand principles, viz.—of perpetual Alliance and Con-

federation amongst the Co-belligerents—uniformity of conduct towards Neutrals—and the application of all our disposable resources of offence and defence against the Enemy, until he be brought to sue for Peace.

When that Event, so much wished for, takes place, the Government of His Catholick Majesty will receive positive proofs of the good disposition with which that of the Republick is animated, for promoting by common accord the mutual interests of both Nations, without failing in the obligations it has contracted, or may contract, with other Powers of Europe and America.

Heaven grant that that Day, fraught with consequences of the highest importance to present and future Generations, may not be far distant!

PEDRO GUAL.

*SPEECH of the King of France, on the Opening of the Chambers, 28th January, 1823.*

MESSIEURS,

LA durée des deux dernières Sessions, le peu de tems qu'elles vous ont laissé de libre, m'auraient fait desirer de pouvoir retarder l'ouverture de celle-ci: mais le vote régulier des Dépenses de l'Etat est un bien dont vous avez senti tout le prix, et j'ai dû compter, pour le conserver, sur le même dévouement qui m'avait été nécessaire pour l'obtenir.

La situation intérieure du Royaume s'est améliorée: l'action de la Justice, loyalement exercée par les jurés, sagement et courageusement dirigée par les Magistrats, a mis fin aux complots et aux tentatives de révolte, qu'enhardissait l'espoir de l'impunité.

J'ai terminé avec le Saint Siège les Conventions nécessaires pour la circonscription des nouveaux Diocèses dont la Loi autorisait l'établissement. Toutes les églises vont être pourvues de leurs Pasteurs: et le Clergé de France, complètement organisé, contribuera à appeler sur nous les bienfaits de la Providence.

J'ai pourvu par des Ordonnances à ce qu'exigeaient l'économie dans les Dépenses et l'ordre dans la comptabilité. Mes Ministres soumettront à la sanction de la Loi le compte des Dépenses de 1821. Ils vous fourniront l'état des Recettes et des Dépenses effectuées en 1822, et celui des besoins et des Ressources présumés pour 1824. Il résulte de ces documens que, toutes Dépenses antérieures soldées, même celles que les préparatifs militaires ont nécessitées jusqu'ici, nous entrons dans l'Exercice de 1823 avec 40,000,000 d'excédant sur les cré-

aits ouverts pour cette année, et que le Budget de 1824 peut offrir la balance des Recettes avec les Dépenses, sans exiger l'emploi de cette réserve.

La France devait à l'Europe l'exemple d'une prospérité que les Peuples ne peuvent obtenir que du retour à la religion, à la légitimité, à l'ordre, à la vraie liberté : ce salubre exemple, elle le donne aujourd'hui.

Mais la Justice Divine permet qu'après avoir long-tems fait éprouver aux autres Nations les terribles effets de nos discordes, nous soyons nous-mêmes exposés aux dangers qu'amènent des calamités semblables chez un peuple voisin.

J'ai tout tenté pour garantir la sécurité de mes peuples, et préserver l'Espagne elle-même des derniers malheurs. L'aveuglement avec lequel ont été repoussées les représentations faites à Madrid, laisse peu d'espoir de conserver la paix.

J'ai ordonné le rappel de mon Ministre : 100,000 Français, commandés par un Prince de ma Famille, par celui que mon cœur se plaît à nommer mon Fils, sont prêts à marcher en invoquant le Dieu de Saint Louis, pour conserver le Trône d'Espagne à un petit fils d'Henri IV., préserver ce beau Royaume de sa ruine, et le réconcilier avec l'Europe.

Nos stations vont être renforcées dans les lieux où notre Commerce Maritime a besoin de cette protection. Des croisières seront établies partout où nos rivages pourraient être inquiétés.

Si la guerre est inévitable, je mettrai tous mes soins à en resserrer le cercle, à en borner la durée. Elle ne sera entreprise que pour conquérir la paix, que l'état de l'Espagne rendrait impossible. Que Ferdinand VII. soit libre de donner à ses Peuples les Institutions qu'ils ne peuvent tenir que de lui, et qui, en assurant leur repos, dissiperaient les justes inquiétudes de la France : dès ce moment les hostilités cesseront : j'en prends devant vous, Messieurs, le solennel engagement.

J'ai dû mettre sous vos yeux l'état de nos affaires au-dehors. C'était à moi de délibérer ; je l'ai fait avec maturité. J'ai consulté la dignité de ma Couronne, l'honneur et la sûreté de la France : nous sommes Français, Messieurs ; nous serons toujours d'accord pour défendre de tels intérêts.

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**ORDONNANCE du Roi de France, relative aux Français qui feraient partie des Corps Militaires destinés à agir en Espagne, contre les Troupes Françaises, ou leurs Alliés.**  
10 Avril, 1823.

LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE;  
A tous ceux qui ces présentes verront, salut :

Vu l'Article 68 de la Charte, l'Article 75 du Code Pénal, l'Article 2 du Décret du 6 Avril, 1809, les Articles 17 et 27 du Décret du 26 Août, 1811, et enfin l'Article 465 du Code d'Instruction Criminelle;

Sur le Rapport de notre Garde-des-Sceaux, Ministre Secrétaire d'Etat au Département de la Justice,

Nous avons ordonné et ordonnons ce qui suit :

ART. I. Tout Français qui, ayant obtenu précédemment notre Autorisation Spéciale pour entrer au Service de Sa Majesté Catholique, aurait été incorporé dans des Corps Militaires destinés à agir en Espagne, contre les Troupes Françaises ou leurs Alliés, est rappelé et devra rentrer immédiatement sur le territoire de notre Royaume.

II. Tout Français qui, n'ayant pas obtenu de nous l'Autorisation d'entrer au Service d'une Puissance Etrangère, ferait néanmoins partie des même corps, est également tenu d'abandonner ce Service et de rentrer en France immédiatement.

III. Le retour de ceux qui seraient dans l'un des cas prévus par les deux Articles qui précèdent, sera constaté, ainsi qu'il est prescrit par les Articles 6, 7, 8 et 9 du Décret du 6 Avril, 1809.

IV. Tout Français qui continuerait, après le commencement des hostilités, à faire partie des Corps Militaires destinés à agir en Espagne contre les Troupes Françaises ou leurs Alliés, sera poursuivi conformément à l'Article 2 du Décret du 6 Avril, 1809, à l'Article 27 du Décret du 26 Août, 1811, et à l'Article 75 du Code Pénal. A l'égard de ceux qui ne pourraient être saisis, il sera procédé contre eux, sans délai, en la forme établie pour la poursuite des contumaces.

V. Il n'est point dérogé par la présente Ordonnance aux Lois et Réglemens relatifs à la Répression de la Désertion à l'Ennemi et des autres Crimes ou Délits Militaires.

VI. Notre Garde-des-Sceaux, Ministre Secrétaire d'Etat au Département de la Justice, et notre Ministre Secrétaire d'Etat au Département de la Guerre, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

Donné à Paris, en notre Château des Tuileries, le 10 jour du mois d'Avril, de l'An de Grâce, 1823, et de notre règne le 28<sup>e</sup>.

Par le Roi,

LOUIS.

Le Garde-des-Sceaux, Ministre Secrétaire d'Etat au Département de la Justice.

COMTE DE PEYRONNET.



**LOI de France, relative à la Fixation du Budget des Dépenses et des Recettes de 1824.—10 Mai, 1823.**

LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE ;  
A tous présens et à venir, salut.  
Nous avons proposé, les Chambres ont adopté,  
Nous avons ordonné et ordonnons ce qui suit :

**TITRE I.—CREDITS VOTES POUR L'EXERCICE 1824.**

*1<sup>er</sup>. Budget de la Dette Consolidée.*

**ART. 1<sup>er</sup>.** Les dépenses de la dette consolidée et de l'amortissement sont fixées, pour l'Exercice 1824, à la somme de 237,086,308fr. conformément à l'état A, ci-annexé.

*II. Fixation des Dépenses Générales du Service.*

2. Des crédits sont ouverts jusqu'à concurrence de 658,776,348fr. pour les dépenses générales du service de l'Exercice 1824, conformément à l'état B, applicables, savoir :

Aux dépenses générales, ci.....	525,982,859
Aux frais de régie, d'exploitation, de perception et non-valeurs des contributions directes et indirectes, et des revenus de l'Etat, ci.....	126,704,489
Aux remboursements et restitutions à faire aux contribuables sur les produits desdites contributions, ci.....	6,089,000
Total égal..... Francs	658,776,348

**TITRE II.—IMPOTS AUTORISES POUR L'EXERCICE 1824.**

3. Continuera d'être faite, en 1824, conformément aux Lois existantes, la perception,

Des droits d'enregistrement, de timbre, de greffe, d'hypothèque, de passe-port et permis de port d'armes ;

Des droits de douanes, y compris celui sur les sels ;

Des contributions indirectes, des postes, des loteries, des monnaies, et de droit de garantie ;

Des taxes des brevets d'invention ;

Des droits établis sur les journaux ;

Des droits de vérification des poids et mesures ;

Du dixième de 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 8 [23 Avril, 1799] et du 6 nivose an 11 [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 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 dessèchement autorisés par la Loi du 16 Septembre, 1807 ;**

**Des droits de péage qui seraient établis, conformément à la Loi du 4 Mai, 1802, 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 ;**

**Des sommes réparties sur les Israélites de chaque circonscription pour le traitement des rabbins et autres frais de leur culte.**

**4. La contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres et des patentés, seront perçues pour 1824, en principal et centimes additionnels, conformément à l'Etat C, ci-annexé.**

**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<sup>os</sup>. 1, 2 et 3, annexés à la présente Loi.**

### **TITRE III.—EVALUATION DES RECETTES DE L'EXERCICE 1824.**

**5. Le budget des recettes est évalué, pour l'Exercice 1824, à la somme de 896,334,190f. conformément à l'Etat E, ci-annexé.**

#### *Dispositions Générales.*

**6. 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 recou-**

vrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant trois 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 22 de la Loi du 17 Août, 1822, et 20 de la Loi du 31 Juillet, 1821, relatifs aux centimes facultatifs que les Conseils-généraux de département sont autorisés à voter pour les dépenses d'utilité départementale et pour les opérations cadastrales, et des Articles 31, 39, 40, 41, 42 et 43, de la Loi du 15 Mai, 1818, relatifs aux dépenses ordinaires et extraordinaires des Communes.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre royaume, terres et pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer partout où besoin sera: car tel est notre plaisir; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, en notre Château des Tuileries, le 10 jour du mois de Mai, de l'An de Grâce, 1823, et de notre règne le 28<sup>e</sup>.

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,

COMTE DE PEYRONNET.

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## BUDGET GENERAL

## DES DEPENSES ET SERVICES POUR L'EXERCICE 1824.

## Etat A.—Budget de la Dette Consolidée et de l'Amortissement.

		Francs.
Intérêts des 5 p. 0/0 Consolidés.	Rentes inscrites au 1 Janvier, 1823 .....	179,859,113
	1.° Sur les Crédits ouverts pour le paiement de l'arriéré des Ministères, antérieurs à l'an 9.....	5,073f.
	2.° 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 Janvier, 1813.) ..	116,116
	3.° Emploi du Crédit ouvert par la Loi du 17 Août, 1822 (Art. 3.) pour compléter les moyens de remboursement des reconnaissances de liquidation.....	13,106,006
	4.° Sur le Crédit ouvert par l'Article 1. de la Loi du 17 Août, 1822, pour compléter l'inscription au grand-livre des créances arriérées antérieures au 1 Janvier, 1810. (400,000 Francs.) .....	Mémoire.
	5.° Rentes créées par la Loi du 17 Mars, 1823, pour Dépenses Extraordinaires de l'exercice, 1823 .....	4,000,000
	Total des Rentes dont les arrérages seront à servir en 1824, pour les deux semestres, aux échéances des 22 Mars et 22 Septembre.....	197,086,308 197,086,308
Dotation de la caisse d'amortissement.....		40,000,000
Total.... Francs		237,086,308



*Etat B,—1. Budget des Dépenses Générales et Services.*

				MONTANT des Dépenses présuées.	
				Francs.	
Liste Civile	-	-	-	25,000,000	
Famille Royale	-	-	-	9,000,000	
MINISTÈRE.					
Justice	{	Service Ordinaire	-	15,925,559	
	{	Frais de Justice (Crédit provisoire)	-	2,520,000	
Affaires Etrangères	-	-	-	-	
Intérieur.	{	Service Ordinaire	-	13,293,000	
		Cultes	-	25,575,000	
		Travaux Publics	-	37,358,194	
		Dépenses Départementales.	{	Fixes (6 c. 9/10 centralisés au Trésor)	12,548,963
			{	Variables (12c. 1/10 dont 5 en Fonds comm.)	22,006,153
			{	Ressources spéciales et produits divers appartenant aux Départemens	Mémoire.
			{	Secours pour grêle, incendies et autres cas fortuits (1 c. sur le Fonds de non-valeurs)	1,818,690
			{	Excédant du Fonds de non-valeurs de la Contribution des Portes et fenêtres	Mémoire.
			{	Dépenses secrètes de la Police Générale	2,200,000
		Guerre	{	Service actif	-
	{	Dépenses temporaires	-	-	
Marine	{	Service général	-	-	
	{	Colonies	-	-	
Finances.	{	Dette viagère	-	9,500,000	
		Pensions.	{	Civiles	1,860,000
			{	Militaires	48,161,050
			{	Ecclesiastiques	8,000,000
			{	Donataires dépossédés	1,640,000
			{	Supplément aux Fonds de Retenues de divers Ministères	1,370,950
		Intérêts de cautionnements	-	-	10,000,000
		Frais de Service et de Négociations.	{	Frais de Service et de Trésorerie	2,800,000
			{	Intérêts de la Dette Flottante, es-compte et frais de Négociations	Mémoire.
			{	Remises extraordinaires aux Receveurs Généraux et particuliers sur leurs versement. par anticipation sur Contributions directes	2,600,000
		Chambre des Pairs	-	-	2,000,000
		Chambre des Députés	-	-	800,000
		Légion d'Honneur. (Supplément à sa dotation.)	-	-	3,400,000
		Cour des Comptes	-	-	1,256,300
		Administration de monnaies (y compris 392,370fr. pour refonte d'espèces)	-	-	1,000,000
		Cadastre.—Fonds commun. (Exécution de l'Art. 21 de la Loi du 31 Juillet, 1821.)	-	-	1,000,000
		Service Administratif du Ministère	-	-	5,797,000
		Total			

*Etat B,—2. Frais de Régie, de Perception, d'Exploitation, Non-valeurs, &c. Remboursements et Restitutions aux Contribuables.*  
(A ordonnancer par le Ministre des Finances.)

FRAIS DE REGIE, DE PERCEPTION, D'EXPLOITATION, NON-VALEURS, &c.				MONTANT des dépenses présumées.
<i>Administrations Financières.</i>				
Enregistrement et Domaines - - - - -				11,376,400f. } Francs.
Forêts -	Frais Administratifs - - - - -	2,980,500f.	} 3,318,000	126,704,489
	Avances à charge de Remboursement. (Frais de Poursuites et frais d'Arpentage.) - -	337,500		
Douanes et Sels.	Frais d'Administration et de Perception -	23,212,300	} 25,556,300	
	Remise de 2 pour 0/10 sur l'Impôt du Sel -	744,000		
	Produit des Amendes et Confiscations attribuées - - - - -	1,600,000		
Contributions indirectes	Frais d'Administration et de perception -	20,000,000	} 47,703,000	
	Exploitation des Tabacs -	24,000,000		
	Exploitation et Vente des Poudres à feu -	2,133,000		
	Prélèvement sur le Produit des amendes -	900,000		
	Avances à charge de Remboursement -	670,000		
Postes - - - - -				11,982,930
Loterie	Frais d'Administration - - - - -	1,495,750	} 4,555,750	
	Remise de 6 p. 0/10 aux Receveurs Buralistes	3,060,000		
Contributions directes.	Non-valeurs des trois Contributions directes - - - - -	5,193,834	} 21,012,109	
	Frais d'Assiette et de Recouvrement - -	15,818,275		
Remises et Taxations aux Receveurs Généraux et Particuliers sur l'Impôt indirect et les Recettes diverses - - - - -				1,200,000
<hr/>				
REMBOURSEMENTS ET RESTITUTIONS POUR TROP PERCU, ET PAIEMENTS DE PRIMES A L'EXPORTATION.				
Ministère des Finances - - - - -				200,000
<i>Administrations Financières.</i>				
Enregistrement, Timbre, Domaines et Forêts - - - - -				1,325,000
Douanes et Sels (y compris 2,500,000fr. pour primes à l'Exportation,)				4,050,000
Contributions indirectes - - - - -				174,000
Postes - - - - -				340,000
Total Francs				132,793,489

**RECAPITULATION DES DEPENSES.**

Etat A.	-   Dette Consolidée et Amortissement	- - - - -	237,086,308
Etat B.	{ 1. Service générale - - - - - 2. Frais de régie, de Perception, d'Exploitation, &c. -	525,982,859 132,793,489	658,776,348
Montant des Dépenses propres à l'Exercice 1824.			895,862,656
<b>DEPENSES POUR ORDRE.</b>			
Ministère. de l'Intérieur.	{ Instruction Publique - - - - - Produit de la Taxe spéciale des Brevets d'in- vention - - - - -	2,386,900 80,000	2,466,900
Ministère de la Guerre	{ Direction générale des Poudres et Salpêtres	- - -	3,142,446
			<b>Total Général. Francs</b>
			<b>901,472,002</b>

Etat C.—Tableau des Contributions directes, d'imposer en principal et Centimes Additionnels, pour l'Exercice 1824.

DESIGNATION		MONTANT DE CHAQUE CONTRIBUTION.										OBSERVATIONS.
DES CONTRIBUTIONS EN PRINCIPAL ET CENTIMES ADDITIONNELS.		Foncier,		Personnelle et Mobilière.		Portes et Fenêtres.		Patentes.		Totaux.		
		Nombre de centimes addition :	Francs.	Nombre de centimes addition :	Francs.	Nombre de centimes addition :	Francs.	Nombre de centimes addition :	Francs.	Francs.		
<b>Produits Généraux.</b>												
Principal des Quatre Contributions		-	154,708,010	-	27,161,020	-	12,812,466	-	(A) 7,507,600	212,189,096	(A.) Le pro-	
{ Sans affectation spéciale		19	29,394,522	29	7,876,696	50	6,406,233	-	-	43,677,451	duit annuel des	
Pour Dépenses Départementales fixes, Communes											patentes est pré-	
à plusieurs Départemens.											sumé de . . .	
Cent lmes } Pour Dépenses variables		19	29,394,522	19	5,160,594	-	-	-	-	34,555,116	Dont à dé-	
additionnels. } des Départemens											duire, pour non-	
{ Pour Fonds commun des											valeurs et at-	
mêmes Départemens		1	1,547,080	1	271,610	-	-	-	-	1,818,630	tributions aux	
Pour Secours, Grêle, Incendies.		-	Mémoire.	-	-	-	-	-	-	Mémoire.	communes, 8 p.	
Centimes additionnels facultatifs à voter par les											cent . . .	
Conseils Généraux (maximum 5 centimes)		-		-		-		-		1,522,400	Reste . . .	
										17,507,600		
<b>Produits affectés aux Non-valeurs, Dépenses des Communes, Réimpositions et Frais de Perception.</b>												
{ Pour Non-valeurs et Degrève-		1	1,547,080	1	271,610	10	(B.) 1,281,247	-	-	3,099,937	(B.) Y compris environ	
ments											380,000 francs pour frais de	
{ Pour Non-valeurs et Attribu-											confection de rôles, ou de	
tions aux communes sur les Pa-											tournées des inspecteurs et	
tentés											contrôleurs chargés d'en	
{ Pour Dépenses ordinaires des											recueillir les éléments.	
communes											(C.) Cette somme de	
{ Pour Dépenses extraordinaires											1,522,400 francs fait partie	
des communes											des patentes, et en a été dé-	
{ Pour Ré-impositions											duite plus haut.	
Totaux (non compris les pour Mémoire.)		40	216,591,214	50	40,741,530	60	20,439,946	5	19,981,500	237,814,190		
Centimes												
{ Traitemens et taxations des Re-												
ceveurs Généraux et particu-												
liers (par évaluation)												
{ Remises des percepteurs												
centimes réunis.												
Totaux généraux		-	225,791,214	-	42,431,530	-	21,309,946	-	20,701,500	310,234,190		

*Etat E.—Budget Général des Revenus de l'Etat pour l'Exercice 1824.*

DESIGNATION DES REVENUS ET IMPOTS.										PRODUITS HAUTS Présumés.			
<b>1. Produits spécialement affectés à la Dette Consolidée.</b>										Francs.			
Enregistrement, Timbre et Domaine, et Produits accessoires des Forêts - -										171,000,000			
Coupes de bois de l'Ordinaire de 1824. (Principal des Adjudications payables en Traites) - -										20,000,000			
Douanes et Sels.	{ Droits de Douanes et de Navigation, et Re- } 84,000,000f. }									138,600,000			
	{ cettes Accidentelles - - - - - } 53,000,000 }										1,600,000		
	{ Droits sur les Sels - - - - - }											138,600,000	
	{ Produits présumés des Amendes et Confiscations Attri- buées - - - - - }												
Total Francs -										329,600,000			
<b>2. Produits affectés aux Dépenses Générales de l'Etat.</b>													
Excédant éventuel des Produits ci-dessus sur le Service de la Dette Consolidée -										Mémoire.			
Contribu- tions indirectes	{ Droits Généraux - - - - - } 133,000,000f. }									203,600,000			
	{ Vente des Tabacs - - - - - } 65,000,000 }										900,000		
	{ Vente des Poudres à feu - - - - - } 3,800,000 }											24,600,000	
	{ Recouvrements d'Avances - - - - - } 900,000 }												17,300,000
	{ Produits des Amendes et Confiscations. (Portion Attribuée) -												
Postes - - - - -										24,600,000			
Loteries - - - - -										17,300,000			
Versement au Trésor par la Ville de Paris, en vertu de la Loi du 19 Juillet, 1820. -										5,500,000			
Produits divers.	{ Salines de l'Est - - - - - } 2,400,000f. }									5,500,000			
	{ Produits de l'Inde - - - - - } 1,000,000 }										297,814,190		
	{ Recettes de diverses origines - - - - - } 2,100,000 }											12,420,000	
Contribu- directes.	{ Principal et Centimes Additionnels - - - - - } 297,814,190 }									310,234,190			
	{ Centimes de Perception - - - - - } 12,420,000 }										566,734,190		
Total Francs -										566,734,190			
<b>Récapitulation des Recettes.</b>													
1. Produits affectés à la Dette Consolidée - - - - -										329,600,000			
2. Produits affectés aux Dépenses Générales - - - - -										566,734,190			
Montant présumé des Produits propres au Budget de l'Exercice 1824 - -										896,334,190			
<b>Recettes pour Ordre.</b>													
Ministère de l'Intérieur.	{ Instruction Publique - - - - - } 2,386,900f. }									2,466,900f.			
	{ Produit de la Taxe Spéciale des Brevets d'Invention - - - - - } 80,000 }										5,609,346		
Ministère de la Guerre.	{ Direction générale des Poudres et Salpêtres - - - } 3,142,446 }									901,943,536			
	{ - - - - - }										901,472,002		
Total général. Francs -										901,943,536			
<b>Résultat.</b>													
Les Recettes présumées sont de - - - - -										901,943,536f.			
Les Dépenses (Etats A. et B.), de - - - - -										901,472,002			
Excédant de Recettes. Francs -										471,534			

Certifié conforme : le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.



*ORDINANCE of the King of France, for the Repression  
of Slave Trade. 13th August, 1823.*

LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE :

Vu notre Ordonnance du 8 Janvier, 1817\*, et la Loi du 15 Avril, 1818†, portant que les Capitaines du Commerce qui se seraient livrés au trafic connu sous le nom de *Traite des Noirs*, seront interdits de tout Commandement ;

Sur le Rapport de notre Ministre Secrétaire-d'Etat de la Marine et des Colonies,

Notre Conseil-d'Etat entendu,

Nous avons ordonné et ordonnons ce qui suit :

ART. I. Lorsque la Commission instituée par notre Ordonnance du 22 Décembre, 1819‡, aura reconnu qu'il y a lieu de saisir les Tri-

\* *Ordinance, 8th January, 1817.*—ART. I. Tout Bâtiment qui tenterait d'introduire dans une de nos Colonies des Noirs de Traite, soit Française, soit Etrangère, sera confisqué ; et le Capitaine, s'il est Français, interdit de tout Commandement.

Sera également confisqué en pareil cas, toute la partie de la Cargaison qui ne consisterait pas en Esclaves ; à l'égard des Noirs, ils seront employés dans la Colonie aux Travaux de l'Utilité Publique.

II. Les Contraventions prévues dans l'Article précédent seront jugées dans la même forme que les Contraventions aux Lois et Règlements concernant le Commerce Etranger.

Quant aux produits des Confiscations prononcées en conformité du même Article, ils seront acquis et appliqués de la même manière que le sont les produits des Confiscations prononcées en matière de contravention aux Lois sur le Commerce Etranger.

III. Notre Ministre Secrétaire d'Etat de la Marine et des Colonies est chargé de l'exécution de la présente Ordonnance.

† *Law, 15th April, 1818.*—ART. I. Toute part quelconque qui serait prise par des Sujets et des Navires Français, en quelque lieu, sous quelque condition et prétexte que ce soit, et par des Individus Etrangers dans les Pays soumis à la domination Française, au Trafic connu sous le nom de la Traite des Noirs, sera puni par la Confiscation du Navire et de la Cargaison, et par l'Interdiction du Capitaine, s'il est Français.

II. Ces affaires seront instruites devant les Tribunaux qui connaissent des Contraventions en matière de douanes, et jugées par eux.

‡ *Ordinance, 22d December, 1819.*—ART. I. Il y aura, près notre Ministre Secrétaire-d'Etat de la Marine et des Colonies, une Commission Spéciale, chargée de donner son avis motivé concernant toutes actions judiciaires que le Département de la Marine et des Colonies aurait à intenter, à suivre, ou à soutenir, en France, dans l'intérêt de l'Administration Publique, en matière de contravention aux Dispositions Prohibitives du Trafic connu sous le nom de Traite des Noirs.

II. Cette Commission Spéciale sera composée ainsi qu'il est dit ci-après, savoir : le Comte Siméon, Conseiller d'Etat, Membre de la Chambre des

\* Repealed by the Law of 25th April, 1827.

bunaux de la poursuite d'un Délit en matière de Traite des Noirs, et qu'un Capitaine de Navire voyageant au long cours sera impliqué dans cette poursuite, notre Ministre de la Marine privera immédiatement ledit Capitaine de la faculté de s'embarquer pour toute destination d'outre-mer, et maintiendra l'interdiction jusqu'au jugement à intervenir.

Les empêchemens d'embarquer qui jusqu'à ce jour ont été provisoirement prononcés par notre Ministre Secrétaire-d'Etat de la Marine et des Colonies, dans les cas spécifiés au paragraphe précédent, sont maintenus.

II. Lorsqu'il aura été définitivement statué sur les poursuites, il sera pourvu par notre Ministre Secrétaire-d'Etat de la Marine et des Colonies, conformément aux Dispositions des Jugemens et Arrêts, soit à la levée de l'empêchement, soit à l'interdiction définitive du Capitaine.

III. Notre Ministre Secrétaire-d'Etat de la Marine et des Colonies est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné en notre Château des Tuileries, le 13 Août, de l'An de Grâce 1823, et de notre Règne le 29<sup>e</sup>.

Par le Roi,

LOUIS.

Le Pair de France, Ministre de la Marine et des Colonies,

MARQUIS DE CLERMONT-TONNERRE.

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*RESOLUTION of the Senate of Bremen, relative to the Abolition of Legacy and other Foreign Duties, in favour of Subjects of The United States.—January 10, 1823.*

(Translation.)

WHEREAS the Legislature of the Free Hanseatic City of Bremen had, on the 22d November, 1822, determined that the tax existing

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Députés, Président; le Baron Mourre, Procureur-Général près la Cour de Cassation; le Comte Daugier, Contre Amiral, Membre de la Chambre des Députés; le Sieur Bretin d'Aubigny, Conseiller à la Cour Royale de Paris; le Sieur Jacquinet-Pampelune, Maître des Requêtes au Conseil d'Etat, Procureur du Roi près le Tribunal de Première Instance du Département de la Seine, Membre de la Chambre des Députés. Un Maître des Requêtes sera désigné par notre Ministre Secrétaire-d'Etat de la Marine pour remplir les fonctions de Secrétaire de la Commission Spéciale. Les fonctions de Rapporteur seront remplies, dans chaque affaire, par celui des Membres de la Commission Spéciale que le Président désignera.

III. Notre Ministre Secrétaire d'Etat de la Marine et des Colonies est chargé de l'exécution de la présente Ordonnance.

here under the denomination of *Abschoss*, to which such Legacies are subject, as are bequeathed or fallen to Foreigners ; as, also, the Property of Citizens and Inhabitants of this Commonwealth, removing from hence to Foreign Parts ; should, from the above-mentioned date, entirely discontinue on all such Moneys and Property thus going to The United States of America ; and that those States should, in this respect, be placed on a perfectly equal footing with the States of The German Confederacy ;

The Senate has resolved—

(a) That an Order be given to the Receivers of Indirect Taxes to act in occurring circumstances conformable to the premises, and not to exact from the Legacies that have fallen to the Inhabitants of The United States since the 22d November, 1822, or that may fall to them hereafter, any other Tax or Duty, but such as, in similar cases, the Citizens of Bremen would be subject to.

(b) The Committee of the Senate for Foreign Relations is directed to communicate the present Resolution to the Government of The United States of America, by an authentic Copy of the same.

Given in the Assembly of the Senate on the 10th day of January, 1823.

The President of the Senate of the Free Hanseatic City of Bremen:  
GRONING.

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***ORDINANCE of the King, prohibiting the Conveyance of Prisoners as Slaves, in the Levant Seas, and on the Coasts of Egypt and Barbary, on board French Vessels.—18th January, 1823.***

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LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE :

NOUS avons été informés que des Capitaines, naviguant dans les Mers du Levant et sur les Côtes de l'Egypte et de la Barbarie, sont véhémentement soupçonnés d'avoir affrété leurs navires pour transporter au lieu où ils doivent être vendus, des individus des deux sexes tombés, par le sort de la guerre, au pouvoir des Belligérans, et traités par eux comme Esclaves.

Par de tels actes, ces Capitaines participent au plus odieux abus des droits de la guerre ; ils manquent à tous les devoirs que la religion et l'humanité imposent ; ils compromettent à la-fois l'honneur du nom et du Pavillon Français, les intérêts de l'Etat, et ceux des propriétaires et chargeurs de navires dont le commandement leur est confié.

En conséquence, et sur le Rapport de notre Ministre-Secrétaire-d'Etat au Département de la Marine et des Colonies,

Nous avons ordonné et ordonnons ce qui suit :

Art. I. Il est défendu à tout Armateur et Capitaine Français, d'employer et d'affréter les navires qui leur appartiennent ou qu'ils commandent, à transporter des Esclaves, quelles que soient l'origine desdits Esclaves et la Nation au pouvoir de laquelle il sont tombés, et pour quelque lieu qu'ils soient destinés.

II. Les Officiers commandant nos bâtimens arrêteront tout navire Français à bord duquel des passagers, traités comme Esclaves, se trouveraient ; ils les feront conduire et débarquer le plus promptement qu'il sera possible, au premier Port où la sûreté et la liberté de ces Individus seront parfaitement garanties.

Lesdits Commandans adresseront à notre Ministre Secrétaire d'Etat de la Marine et des Colonies un Rapport, signé des principaux Officiers de l'Etat-Major, sur les circonstances de l'arrestation du navire et du débarquement des Passagers ; ils joindront à ce Rapport l'interrogatoire qu'ils auront fait subir au Capitaine, aux Officiers, à l'équipage et aux passagers.

III. Si un de nos Consuls, ou un Agent Consulaire de France est en résidence dans le Port où lesdits Passagers auront été débarqués, il sera procédé, par lui, à l'interrogatoire prescrit ci-dessus, en présence d'un ou deux Officiers du bâtiment qui aura arrêté le navire, et de deux ou trois Français immatriculés au Consulat.

IV. Le Capitaine du navire qui aura été arrêté comme étant en contravention à la présente Ordonnance, recevra l'ordre de retourner dans un Port de France, aussitôt après le débarquement des Esclaves passagers.

Le signalement du Capitaine et celui du navire seront adressés, par le Consul qui aura eu le premier connaissance de la contravention, à notre Ministre Secrétaire-d'Etat de la Marine et des Colonies, et à tous nos Consuls en Levant et en Barbarie.

La cause de l'expulsion du navire et du Capitaine sera notée, soit par l'Officier commandant le bâtiment qui aura arrêté le navire, soit par le Consul de France, sur la Commission du Capitaine, sur le rôle d'équipage, l'acte de francisation et le congé de mer.

V. Tout Capitaine qui aura contrevenu à la présente Ordonnance, sera interdit pour toujours, de la faculté de commander aucun navire Français, pour quelque destination que ce soit. Toutes poursuites sont, en outre, réservées aux propriétaires et chargeurs du navire, en raison des pertes et dommages que l'infraction commise par le Capitaine aura pu leur causer.

VI. Si le Capitaine délinquant est en même tems armateur et propriétaire du navire, l'acte de francisation et le congé de mer lui seront retirés, dès qu'il sera arrivé dans un Port de France ; et ni l'Administration de la Marine, ni celle des Douanes ne pourront lui délivrer ultérieurement pour un armement quelconque, aucune des expéditions



qui constituent la nationalité d'un Navire Français, sans préjudice des poursuites qui pourraient être dirigées contre lui.

Les Agens de ces deux Administrations constateront, par un procès-verbal, le retrait desdites pièces, et il en sera fait mention sur le Registres de l'Inscription Maritime.

VII. Nos Ministres Secrétaires-d'Etat des Affaires Etrangères, de la Marine et des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

Donné à Paris, en notre Château des Tuileries, le 18e jour de Janvier, de l'an de grace 1823, et de notre Règne le 28e.

Par le Roi,

LOUIS.

Le Ministre Secrétaire-d'Etat au Département de la Marine et des Colonies.

MARQUIS DE CLERMONT-TONNERRE.

*ACT of the British Parliament, "to regulate the Trade between His Majesty's Possessions in America and the West Indies, and other Places in America and the West Indies \*."*

[3 Geo. 4. Cap. 44.]

[24th June, 1822.]

III. AND be it further enacted, that from and after the passing of this Act, it shall be lawful to import into any of the Ports enumerated in the Schedule annexed to this Act, marked (A.) from any Foreign Country on the Continent of North or South America, or from any Foreign Island in the West Indies, whether such Country or Island as aforesaid shall be under the dominion of any Foreign European Sovereign or State, or otherwise, the Articles enumerated in the Schedule annexed to this Act, marked (B.), either in British-built Ships or Vessels owned and navigated according to law, or in any Ship or Vessel *bond fide* the built of and owned by the Inhabitants of any Country or Place belonging to or under the dominion of the Sovereign or State of which the said Articles are the growth, produce, or manufacture, such Ship or Vessel being navigated with a Master and three-fourths of the Mariners, at least, belonging to such Country or Place; or in any British-built Ship or Vessel which has been sold to and become the property of the Subjects of any such Sovereign or State, such Ship or Vessel last mentioned being also navigated with a Master and three-fourths of the Mariners, at least, belonging to such Country or Place: 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.

IV. And be it further enacted, that it shall be lawful to export in any British-built Ship or Vessel, owned and navigated according to Law

\* Repealed by Act 6 Geo. 4 cap. 105. sec. 359.

or in any Foreign Ship or Vessel as aforesaid, or in any British-built Ship or Vessel so sold as aforesaid, from any of the Ports enumerated in the Schedule annexed to this Act, marked (A.) any article of the growth, produce, or manufacture of any of His Majesty's dominions, or any other article legally imported into the said Ports, provided that the said articles, when exported in any such Foreign Ship or Vessel, or in any British-built Ship or Vessel so sold as aforesaid, shall be exported direct to the Country or State in America, or the West Indies, to which such Ship or Vessel belongs as aforesaid, and before the Shipment thereof, security by bond shall be given to His Majesty, His Heirs and Successors, in a penalty equal to half the value of the said articles; such bond to be entered into by the Master and Exporter before the collector or other chief officer of the customs of such colony, plantation, or island, for the due landing the said articles at the Port or Ports for which entered, and for producing a certificate thereof within 12 months from the date of such bond, under the hand and seal of the British Consul or Vice-Consul resident at the Port or Place where the said articles shall have been landed; but in case there shall not be any such Consul or Vice-Consul there resident, such certificate to be under the hand and seal of the Chief Magistrate, or under the hand and seal of two known British merchants residing at such Port or Place; but such bond may be discharged by proof on oath by credible persons, that the said articles were taken by Enemies, or perished in the Seas: provided always, that nothing herein contained shall be construed to permit or allow the exportation of any arms or naval stores, unless a licence shall have been obtained for that purpose from His Majesty's Secretary of State; and in case any such articles shall be shipped or waterborne for the purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted as herein-after directed.

V. Provided always, and be it further enacted, that for 10 years after the passing of this Act, nothing in this Act contained shall extend or be construed to extend to exclude from the trade allowed by this Act, any Foreign Ship or Vessel which, previous to the passing of this Act, may have been engaged in lawful trade with His Majesty's said Colonies, Islands, or Plantations, on account of such Ship or Vessel not being of the built of the Country to which such Ship or Vessel may belong.

XV. And whereas it is the intention and meaning of this Act, that the privileges hereby granted to Foreign Ships and Vessels shall be confined to the Ships and Vessels of such Countries only as give the like privileges to British Ships and Vessels in their Ports in America and the West Indies; be it therefore enacted, that it shall be lawful for His Majesty, His Heirs and Successors, by Order in Council, from time to time, when and as often as the same shall be judged expedient, to

prohibit trade and intercourse under the authority of this Act, with any Country or Island in America or the West Indies, if it shall appear to His Majesty that the privileges granted by this Act to Foreign Ships and Vessels are not allowed to British Ships and Vessels trading to and from any such Country or Island under the provisions of this Act; and in case such Order of His Majesty in Council shall be issued, then during the time that such Order in Council shall be in force, none of the provisions of this Act, either as respects the Laws herein repealed, or any other provisions of this Act, shall apply or be taken to apply to any Country or State, the trade with which, under the provisions of this Act, shall be prohibited by any such Order of His Majesty in Council; and if any goods whatever shall be imported from or shipped for the purpose of being exported to any such Country or Island in America or the West Indies, in any Foreign Ship or Vessel, after trade and intercourse therewith shall have been prohibited by any such Order of His Majesty in Council, issued under the authority of this Act, all such goods, together with the Ship or Vessel in which the same shall have been imported, or in which the same shall have been shipped for the purpose of being exported as aforesaid, shall be forfeited, with all her guns, furniture, ammunition, tackle, and apparel; and in every such case the same shall and may be seized by any officer of His Majesty's Customs or Navy, authorized or empowered to make seizures in cases of forfeiture, and shall and may be prosecuted in manner as herein-after directed.

XVI. And be it further enacted, that if His Majesty shall deem it expedient to extend the provisions of this Act to any Port or Ports not enumerated in the Schedule marked (A.), it shall be lawful for His Majesty, by Order in Council, to extend the provisions of this Act to such Port or Ports; and from and after the day mentioned in such Order in Council, all the privileges and advantages of this Act, and all the provisions, penalties, and forfeitures therein contained, shall extend and be deemed and construed to extend to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Schedule at the time of passing this Act.

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*ACT of the Congress of The United States, "to regulate the Commercial Intercourse between The United States and certain British Colonial Ports." Approved 1st March, 1823\*.*

SECT. I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, from and after the 3d day of March next, the 1st, 2d, and 3d sections

\* Annulled by Proclamation of 17th March, 1827.

of the "Act concerning Navigation," approved on the 18th of April, 1818\*, and the "Act supplementary to an Act concerning Naviga-

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\* *ACT of Congress "concerning Navigation."* Approved 18th April, 1818.†—  
Sect. I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that from and after the 30th of September next, the ports of The United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannick Majesty, coming or arriving from any port or place in a colony or territory of His Britannick Majesty, that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of The United States; and such vessel, that, in the course of the voyage, shall have touched at or cleared out from any port or place in a colony or territory of Great Britain, which shall or may be, by the ordinary laws of navigation and trade aforesaid, open to vessels owned by Citizens of The United States, shall, nevertheless, be deemed to have come from the port or place in the colony or territory of Great Britain, closed as aforesaid, against vessels owned by citizens of The United States, from which such vessel cleared out and sailed before touching at, and clearing out from, an intermediate and open port or place as aforesaid; and every such vessel, so excluded from the ports of The United States, that shall enter, or attempt to enter, the same, in violation of this Act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to The United States.

II. And be it further enacted, that, from and after the aforesaid 30th of September next, the owner, consignee, or agent, of every vessel, owned wholly or in part by a subject or subjects of His Britannick Majesty, which shall have been duly entered in any port of The United States, and on board of which shall have been there laden for exportation any article or articles, the growth, produce, or manufacture of The United States, other than provisions and sea stores, necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond, in a sum double the value of such articles, with one or more sureties, to the satisfaction of the collector, that the article or articles so laden on board such vessel for exportation, shall be landed in some port or place other than a port or place in a colony or territory of His Britannick Majesty, which, by the ordinary laws of navigation and trade, is closed against vessels owned by citizens of The United States; and any such vessel that shall sail, or attempt to sail, from any port of The United States, without having complied with the provision aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to The United States: provided always, that nothing in this Act contained shall be so deemed or construed, so as to violate any provision of the Convention to regulate commerce between the territories of The United States and of His Britannick Majesty, signed the 3d of July, 1815.

III. And be it further enacted, that the form of the bond aforesaid shall be prescribed by the Secretary of the Department of the Treasury; and the same shall and may be discharged, and not otherwise, by producing, within one year after the date thereof, a like certificate to that required by and under the regulations contained in the 81st Section of the Act "to regulate the collection of duties on imports," passed the 2d day of March, 1799, that the

† Revived by Proclamation of 17th March, 1827.



tion," approved on the 15th of May, 1820\*, shall be, and the same are hereby, suspended, for and during the continuance of this Act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of The United States, and the British colonial ports hereinafter mentioned, to wit:—Kingston, in Jamaica; Savannah Le Mar, do.; Montego Bay, do.; Santa Lucia, do.; Antonio, do.; Saint Ann, do.; Falmouth, do.; Maria, do.; Morant Bay and Annotto Bay, do.; Saint George, in Grenada; Roseau, in Dominica; Saint John's, in Antigua; San Josef, in Trinidad; Scarborough, in Tobago; Road Harbour, in Tortola; Nassau, in New Providence; Pitt's Town, in Crooked Island; Kingston, in Saint Vincent; Port Saint George and Port Hamilton, in Bermuda; any port where there is a custom-house in Bahamas; Bridgetown, in Barbadoes; Saint John's and Saint Andrew's, in New Brunswick; Halifax, in Nova Scotia; Quebec, in Canada; St. John's, in Newfoundland; Georgetown, in Demerara; New Amsterdam, in Berbice; Castries, in St. Lucia; Basseterre, in St. Kitts; Charlestown, in Nevis; Plymouth, in Montserrat.

articles of the growth, produce, and manufacture of The United States, laden as aforesaid, were unladen and landed conformably to the provisions of this Act, or in cases of loss by sea, by capture, or other unavoidable accident, by the production of such other proofs as the nature of the case will admit, according to the provisions of the said 81st section of the Act aforesaid.

IV. And be it further enacted, that all penalties and forfeitures incurred by force of this Act shall be sued for, recovered, distributed, and accounted for, and may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of The United States.

\* *ACT of Congress supplementary to an Act, entitled "An Act concerning Navigation." Approved 15th May, 1820†.*—Sect I. Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that, from and after the 30th day of September next, the ports of The United States shall be, and remain closed against every vessel owned, wholly, or in part, by a subject or subjects of His Britannick Majesty, coming or arriving by sea, from any port or place in the province of Lower Canada, or coming or arriving from any port or place in the province of New Brunswick, the province of Nova Scotia, the islands of Newfoundland, St. John's, or Cape Breton, or the dependencies of any of them, the islands of Bermuda, the Bahama islands, the islands called Caicos, or the dependencies of any of them, or from any other port or place in any island, colony, territory, or possession under the dominion of Great Britain, in the West Indies, or on the continent of America, south of the southern boundary of The United States, and not included within the Act to which this Act is supplementary. And every such vessel, so excluded from the ports of The United States, that shall enter, or attempt to enter the same, in violation of this Act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to The United States.

II. And be it further enacted, that, from and after the 30th day of Septem-

† Revived by Proclamation of 17th March, 1827.

II. And be it further enacted, that, from and after the said 3d day of March next, the Ports of The United States shall be opened to any British Vessel, coming directly from any of the British Colonial Ports above enumerated: and it shall be lawful to import in the said Vessels, being navigated by a Master, and three-fourths at least of the Mariners, British Subjects, any articles of the growth, produce, or manufacture, of any of the said British Colonies, the importation of the like articles, to which, from elsewhere, is not, or shall not be, prohibited by law, and which may be exported from any of the said enumerated British Ports to The United States, on equal terms, in vessels belonging to the said States.

III. And be it further enacted, that, on proof being given to the President of The United States, satisfactory to him, that upon the ves-

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ber next, the owner, consignee, or agent, of every vessel owned, wholly or in part, by a subject or subjects of His Britannick Majesty, which shall have been duly entered in any port of The United States, and on board of which shall have been there laden, for exportation, any article or articles of the growth, produce, or manufacture of The United States, other than provisions and sea stores necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond in a sum double the value of such article or articles, with one or more sureties to the satisfaction of the collector, that the article or articles so laden, on board such vessel, for exportation, shall be landed in some port or place other than a port or place in any province, island, colony, territory, or possession, belonging to His Britannick Majesty, that is mentioned or described in this Act, or in the Act to which this Act is supplementary. And every such vessel that shall sail, or attempt to sail, from any port of The United States, without having complied with the provisions aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to The United States: provided, that nothing herein contained shall be deemed or construed so as to violate any provision of the Convention to regulate commerce between the territories of The United States and of His Britannick Majesty, signed the 3d day of July, 1815.

III. And be it further enacted, that from and after the 30th day of September next, no goods, wares, or merchandize, shall be imported into The United States of America from the province of Nova Scotia, the province of New Brunswick, the islands of Cape Breton, St. John's, Newfoundland, or their respective dependencies, from the Bermuda islands, the Bahama islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island or place, under the dominion of Great Britain, in the West Indies, or on the continent of America, south of the southern boundaries of The United States, except only such goods, wares, and merchandize, as are truly and wholly of the growth, produce, or manufacture, of the province, colony, plantation, island, possession, or place aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandize, shall be directly imported into The United States; and all goods, wares, and merchandize, imported, or attempted to be imported, into The United States of America, contrary to the provisions of this Act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to The United States.

sels of The United States admitted into the above enumerated British Colonial Ports, and upon any goods, wares, or merchandize, imported therein, in the said Vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British Vessels, or upon the like goods, wares, and merchandize, imported into the said Colonial Ports, from elsewhere, it shall and may be lawful for the President of The United States to issue his Proclamation, declaring that no other or higher duty of impost or tonnage, and no other or higher duty or charge of any kind, upon any goods, wares, or merchandize, imported from the above-enumerated British Colonial Ports, in British Vessels, shall be levied or exacted in any of the Ports of The United States, (excepting the Ports in the Territory of Florida) than upon the Vessels of The United States, and upon the like goods, wares, or merchandize, imported into the Ports of The United States, in the same :—Provided, always, that until such proof shall be given, British Vessels coming from the said British Colonial Ports, and the goods, wares, and merchandize, imported in the same into The United States, shall continue to pay the Foreign Tonnage Duty, and the additional duties upon goods, wares, and merchandize, imported in foreign Vessels, prescribed by the “Act to regulate the Duties on Imports and Tonnage,” approved the 27th April, 1816.

IV. And be it further enacted, that no articles whatsoever, specie and bullion excepted, other than articles of the growth, produce, or manufacture of the British Colonies, to which the said enumerated Ports belong, shall be imported into The United States, in British Vessels, coming from any of the said enumerated Ports; and that no articles whatsoever, being of the growth, produce, or manufacture of the British Colonies, to which the said enumerated Ports belong, shall be imported into The United States, in any British Vessel, other than a Vessel coming directly from one of the said enumerated Ports, on pain of forfeiting all such articles, together with the Ship or Vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

V. And be it further enacted, that it shall be lawful to export from The United States, directly to any of the above enumerated British Colonial Ports, in any Vessel of The United States, or in any British Vessel; navigated as by the 2d section of this Act is prescribed, and having come directly from any of the above enumerated British Colonial Ports, any article of the growth, produce, or manufacture of The United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law; provided, that when exported in any such British Vessels, before the shipment of any such articles, security by bond shall be given to The United States, in a penalty equal to half the value of the said Articles; such bond to be taken of the owner, consignee, or agent, by the collector of



the Port at which the said British Vessel shall have entered, for the due landing of the said articles, at the Port or Ports, being of the British Colonial Ports hereinabove enumerated, for which the said Vessel shall clear out; and for producing a certificate thereof, within 12 months from the date of said bond, under the hand and seal of the Consul or Commercial Agent of The United States, resident at the Port where the said articles shall have been landed; or if there shall be no Consul or Commercial Agent of The United States residing there, such certificate to be under the hand and seal of the Chief Officer of the Customs, at such Port, or under the hand and seal of two known and reputable Merchants residing at such Port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from The United States, any article whatsoever, to any of the above-enumerated British Colonial Ports, in any British Vessel, other than such as shall have come directly from one of the said Ports to The United States; nor shall it be lawful to export from The United States any article whatsoever, in any British Vessel, having come from any of the said enumerated Ports, to any other Port or place whatsoever, than directly to one of the said Ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of The United States.

VI. And be it further enacted, that this Act, unless repealed, altered, or amended by Congress, shall be and continue in force so long as the above enumerated British Colonial Ports shall be open to the admission of Vessels of The United States, conformably to the Provisions of the British Act of Parliament of the 24th of June last, being the 44th Chapter of the Acts of the 3d Year of George the IV.; but if at any time the trade and intercourse between The United States and all or any of the above enumerated British Colonial Ports, authorized by the said Act of Parliament, should be prohibited by a British Order in Council, or by Act of Parliament, then from the day of such Order in Council, or Act of Parliament, or from the time that the same shall commence to be in force, Proclamation to that effect having been made by the President of The United States, each and every provision of this Act, so far as the same shall apply to the intercourse between The United States and the above enumerated British Colonial Ports, in British Vessels, shall cease to operate in their favour; and each and every provision of the "Act concerning Navigation," approved on the 18th of April, 1818, and of the Act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force.



VII. And be it further enacted, that if any British Colonial Port in the American hemisphere, other than those herein-above enumerated, should, by virtue of a British Order in Council, be opened to Vessels of The United States, conformably to the provisions of the said Act of Parliament of the 24th of June last, each and every provision of this Act shall extend to the same, from the time when it shall be so opened to the Vessels of The United States.

VIII. And be it further enacted, that the form of the Bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures incurred under this Act shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner, and according to the provisions, of the Revenue Laws of The United States.

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BRITISH ORDER IN COUNCIL, *for levying countervailing Duties on Vessels of The United States, and their Cargoes, in the British Possessions in America and the West Indies.*

*At the Court at Carlton-House, the 21st of July, 1823.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by an Act, passed in the 3d Year of His Majesty's Reign, [Cap. 44\*.] intituled, "An Act to regulate the Trade between His Majesty's Possessions in America and the West Indies, and other places in America and the West Indies," certain articles enumerated in the Schedule B, annexed to the said Act, are permitted to be imported into certain Ports in His Majesty's said Dominions: and whereas some of the said articles are subject, on importation into the said Ports, to the payment of certain duties, according to the rates set forth in Schedule C, annexed to the said Act; and whereas, by an Act passed in the 4th Year of His Majesty's Reign, [Cap. 77.] intituled, "An Act to authorise His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage," His Majesty is authorised, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, whenever it shall be deemed expedient, to levy and charge any additional duty, or duties of customs, or to withhold the payment of any drawbacks, bounties, or allowances upon any goods, wares, or merchandize imported into or exported from the United Kingdom, or imported into or exported from any of His Majesty's Dominions, in Vessels belonging to any Foreign Country, in which higher duties shall have been levied, or smaller

\* Repealed by 6 Geo. 4. Cap. 105. Sect. 359.

drawbacks, bounties, or allowances granted upon goods, wares, or merchandize, when imported into or exported from such Foreign Country in British Vessels, than are levied or granted upon similar goods, wares, or merchandize, when imported or exported in Vessels of such Country, provided always that such additional or countervailing duties so to be imposed, and drawbacks, bounties, or allowances so to be withheld as aforesaid, shall not be of greater amount than may be deemed fairly to countervail the difference of duty, drawback, bounty, or allowance paid or granted on goods, wares, or merchandize, imported into or exported from such Foreign Country in British Vessels, more or less than the duties, drawbacks, bounties, or allowances there charged or granted upon similar goods, wares, or merchandize, imported into or exported from such Foreign Country in Vessels of such Country; and whereas British Vessels entering the Ports of The United States, from the Ports of His Majesty's Possessions in America, or the West Indies, with Cargoes consisting of articles of the growth, produce, or manufacture of the said Possessions, are charged with a duty of one Dollar per ton for tonnage duties and light money, and a discriminating duty of 10 per cent. is charged on the cargoes of such Vessels, to which Vessels of The United States, and cargoes of the same description, entering the Ports of those States from the Ports of the said dominions are not subject; His Majesty, by virtue of the power vested in him by the said last recited Act, and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that from and after the date of this Order, there shall be charged on all Vessels of The United States which shall enter any of the Ports of His Majesty's Possessions in America, or the West Indies, with articles of the growth, production, or manufacture of the said States, a duty of 4s. 3d. sterling for each and every ton burthen of such Vessels, equal (as nearly as may be) to 94 cents of the money of The United States, and being the difference between the tonnage duty payable by Vessels of The United States, and British Vessels entering any of the Ports of the said United States, from any Ports of His Majesty's dominions in America or the West Indies above enumerated, and further an addition of 10 per cent. upon the duties set forth in Table C, above referred to, on any of the articles therein enumerated, which may be imported in any such Vessel of the said States; such duties to be levied, collected, and applied in the same manner, and to the same purposes, as the duties levied under the authority of the said Act of the 3d Year of His Majesty's Reign.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

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*ACT of the British Parliament "to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council;" and to amend an Act "for authorizing His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels."*

[5 Geo. 4. cap. 1.]

[5th March, 1824.]

WHEREAS by an Act passed in the last Session of Parliament, intituled "An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in Foreign Vessels, and to exempt certain Vessels from Pilotage," His Majesty is authorized, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, whenever it shall be deemed expedient, and under the provisions in the said Act contained, to levy and charge any additional duty or duties of customs upon any goods, wares, or merchandize, imported into the United Kingdom, or into any of His Majesty's Dominions, in Vessels belonging to any Foreign Country, in which higher duties shall have been levied upon goods, wares, or merchandize, when imported into such Foreign Country in British Vessels, than are levied or granted upon similar goods, wares, or merchandize, when imported in Vessels of such Country; provided that such additional duties shall not be of greater amount than may be deemed fairly to countervail the difference of duty paid or granted on goods, wares, or merchandize, imported into or exported from such Foreign Country in British Vessels, more than the duties there charged upon similar goods, wares, or merchandize, imported into or exported from such Foreign Country in Vessels of such Country: And whereas His Majesty, by and with the advice of His Privy Council, since the passing of the said recited Act, has been pleased to order\*, that there should be charged on all Vessels of The United States of America, which should enter any of the Ports of His Majesty's Possessions in America or the West Indies, with articles of the growth, production, or manufacture of the said States, a tonnage duty equal (as nearly as may be) to the difference between the tonnage duty payable by Vessels of The United States, and the higher tonnage duty payable by British Vessels entering any of the Ports of the said United States from any Ports of His Majesty's Dominions in America or the West Indies; and by the said Order in Council, the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland were required to give the necessary directions accordingly: And whereas such tonnage duty hath been, and may be levied

\* See Order in Council, 21st July, 1823, Page 781.

and paid upon and in respect of such Vessels accordingly: And whereas doubts have arisen how far the provisions of the said recited Act extend to the levying, by the authority of the said Order in Council, additional tonnage duties upon the Vessels aforesaid; and it is expedient that all proceedings under the said Order in Council should be sanctioned by Parliament; and that all persons concerned in advising, issuing, or carrying the same into execution, should be respectively indemnified: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that such Order in Council, and any directions or warrants of the said Commissioners of His Majesty's Treasury accordingly, shall be deemed and taken to be good and valid in Law, to all intents and purposes whatever, as if the same had been specifically authorized by the said recited Act; and that all persons concerned in advising, issuing, or carrying into execution such Order in Council, or in issuing, giving, or advising any such directions or warrants, and also all persons having acted, or who may act under, or in pursuance of, or in obedience to, any such order, direction, or warrant, shall be, and they are hereby respectively indemnified for and on account of the same, and of any act or thing done in pursuance of, or in obedience to, or in conformity with, any such order, direction, or warrant as aforesaid, as fully and effectually, to all intents and purposes whatsoever, as if any such order, direction, or warrant had been given, and such acts, matters, and things had been done, in pursuance of any Act or Acts of Parliament; any thing in the said recited Act, or in any other Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, (whenever it shall be deemed expedient) to levy and charge any additional or countervailing duty or duties of tonnage, upon or in respect of any Vessels which shall enter any of the Ports in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Dominions, and which shall belong to any Foreign Country in which any duties of tonnage shall have been or shall be levied upon or in respect of British Vessels, entering the Ports of such Country, higher or greater than are levied or granted upon or in respect of the Vessels of such Country: Provided always that such additional or countervailing tonnage duties, so to be levied and charged as aforesaid, shall not be of greater amount than may be deemed fairly to countervail the difference of duty paid in such Foreign Country upon or in respect of the tonnage of British Vessels, more than the duty there charged or granted upon or in respect of the Vessels of such Country.



IV. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to permit and authorize the entry in any Port or Ports of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's Dominions, of any Foreign Vessels, upon payment of such and the like duties of tonnage only as are or may be charged or granted upon or in respect of similar British Vessels: Provided always, that before any such Order or Orders shall be issued, satisfactory proof shall have been laid before His Majesty and His Privy Council, that Vessels of the Foreign Country, in whose favour such permission shall be granted, are charged with no other or higher tonnage duties on their entrance into the Ports of such Foreign Country, than are levied on the entry into such Ports upon the Vessels of such Country.

VI. And be it further enacted, that His Majesty, by and with the advice of His Privy Council, or by any Order or Orders in Council, as aforesaid, is hereby empowered to remove, or again to impose any such additional or countervailing tonnage duties, whenever it shall be deemed expedient so to do.

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*DOCUMENTS accompanying the Message of the President  
of The United States to Congress.—December 3, 1822.*

THE ARMY.

SIR,

*Department of War, November 27, 1822.*

IN compliance with your directions, I herewith transmit statements from the Major General of the Army, and the several subordinate branches of this Department, which give in detail the information requested.

In order to render the Military Organization more complete, the Major General, after the late reduction of the Army, under the Act of 2d March, 1821, was stationed at the seat of Government, thus bringing the Military Administration of the Army, as well as its pecuniary, through the several subordinate branches, under the immediate inspection and control of the Government. There is reason to believe that the arrangement will be highly useful.

The Report of the Major General, herewith transmitted, marked (1.) exhibits the present organization, strength, and distribution of the Army. In the distribution, both in relation to the positions occupied, and the number at each post, regard has been had to the protection of important points, and the discipline of the Troops. The Artillery, with the exception of 4 Companies on the Lakes, and the one at West Point, has been assigned to the garrisoning of the various Fortresses along the Line of the Sea Coast, and the important Ordnance Depots

in the interior; while the Infantry, with the exception of a Regiment at Pensacola, has been stationed at the important points in the interior, principally on the Upper Lakes, and the Western Frontier.

No change has been made in the course of the Year in the distribution of Troops, with the exception of transferring one Company of Artillery from Fernandina to Charlestown Harbour, one Battalion of the 2d Regiment of Infantry from Sackett's Harbour to the Sault of St. Marie, at the outlet of Lake Superior, and the whole of the 7th Regiment from Fort Scott and Bay of St. Louis to the Arkansaw and Red Rivers, to each of which one Battalion has been assigned.

The Inspector Generals (one of whom has been assigned to the Artillery and the other to the Infantry) have, in the performance of their duty, visited all of the posts and Military Depots in the course of the Year, with the exception of the posts on the Arkansaw and Red Rivers, the inspection of which was prevented by the Inspector being severely attacked by a fever while on his Tour of inspection. In addition to the inspection by the Inspector Generals, the Generals commanding the Departments have inspected, or are in the course of inspection, of the whole of their respective commands.

The various articles which constitute the supplies of the Army, have been, during the Year, regularly issued, and of a good quality.

The Report of the Chief of Engineers, marked (2.) exhibits the progress which has been made in the course of the Year in the erection of Fortifications, also the operation of the Board of Engineers, and the Corps of Topographical Engineers, and the present condition of the Military Academy; by reference to which it will appear that the important duties assigned to that Department have been performed in a very satisfactory manner.

The Report of the Colonel of Ordnance, marked (3.) contains an exhibit of the operations in that branch of service during the last Year, comprising the operations of the Armories, the Ordnance Depots, and the measures which have been taken in relation to the Lead Mines, the superintendence of which has recently been annexed to the Ordnance Department. The Report satisfactorily shows, that this important Department is gradually attaining a state of high perfection. The rigid inspection of the various Ordnance Depots, which has lately been made the Duty of the Inspector of Artillery, will, it is believed, greatly contribute to improve this important branch of service.

The Reports of the Quartermaster General, Paymaster General, Surgeon General, and the Commissary Generals of Provision and of Purchases, herewith transmitted, marked D, E, F, G, and H, exhibit a very satisfactory view of the condition of their respective Departments. On the 4th of March, 1817, there remained unsettled on the books of the 2d and 3d Auditors, of the Sums disbursed through this Department previous to that date, 45,111,123, 01 dollars, which, on the 30th of

September last, was reduced to 4,689,292 95 dollars. Since the former period, there has been disbursed, through this Department, 40,887,772 83 dollars, of which, on the 30th of September last, there remained to be settled 6,290,110 60 dollars, the greater part of which consist of accounts in the ordinary and due course of settlement. Of the Sums advanced in the Year ending the 30th of September, 1821, to the Officers under the controul of this Department, but 30,657 48 dollars remained to be accounted for at the commencement of this Quarter.

By reference to the Statements in the Reports of the subordinate branches of this Department, already referred to, it will appear that there was drawn from the Treasury, in the three first Quarters of this Year, on account of the Army, Military Academy, Fortifications and Ordnance, 1,930,464 59 dollars, and that Accounts, amounting to 1,737,072 30 dollars have been rendered for settlement, leaving but 193,392 29 dollars to be rendered, all, or nearly all, of which, it is believed, will be accounted for before the termination of the Quarter; and there are reasonable grounds to believe that the disbursements of the Year will be made without any loss to the Government. Nearly the whole amount which is outstanding of the disbursements of the three first Quarters of the Year has been prevented from being accounted for, either by the sickness of the disbursing Agents, or the very great distance of the posts at which the disbursements have been made.

Great reductions have been made in the amount of Expenditures in every branch of service, as will appear by reference to the Reports already referred to, which contain comparative statements of the present and former rates of Expenditure.

All which is respectfully submitted.

J. C. CALHOUN.

(1.)—*Head-Quarters of the Army,*

SIR,

*Washington, 25th November, 1822.*

IN compliance with your Instructions of the 6th instant, I have the honour to enclose the Returns and Statements following, viz:

A. A Statement of the Organization of the Army, agreeably to the Act of Congress of the 2d March, 1821.

B. A Return of the strength of the Army, from the last Regimental and other Returns received at Head-quarters.

C. A Statement of the distribution of the Troops in the Eastern Department.

D. A similar Statement of the Troops in the Western Department.

E. A Statement showing the number of Men enlisted since the 1st of January last, the amount of Moneys advanced since that date for the purposes of recruiting, and the amount to which recruiting Accounts have been rendered for settlement.



In connection with the Document last mentioned, I have the honour to state that, of 12,256 35 dollars, advanced for the Recruiting Service, the sum of 3,500 dollars was remitted, on the 22d of May last, to the most remote Posts on the Lakes, the Upper Mississippi, Missouri, &c. for the re-enlistment of Men whose terms of service were expiring, and sufficient time has not yet elapsed for the receipt of Accounts of Disbursements. The remainder of the advance has been made, since the date above-mentioned, to Commanding Officers of Regiments and to the Superintendents of rendezvous, and from the promptitude with which these Officers have rendered their Accounts, there is every reason to believe that nearly the whole amount advanced will be accounted for by the 31st of December next.

In reply to that part of your Communication directing a Report of the Inspections which have been made since the 1st of January, I have the honour to state that Brevet Major General Scott inspected in person, in the months of January, February, March, and April, all the Posts on the Atlantic Frontier South of New York.

Brevet Major General Gaines, during about the same time, inspected the Posts of St. Marks and Pensacola, and Baton Rouge, with those on the Red River and Arkansaw, and was, at the date of the last Advices from him, on a tour of inspection, embracing the Posts on the Missouri and the Upper Mississippi.

Colonel Wood commenced a tour of inspection in June last, to embrace the Troops and Posts upon the Northern, Western, and Southern lines of Frontier. After passing from Green Bay, on Lake Michigan, to the falls of St. Anthony, on the Upper Mississippi, and from thence to Council Bluffs, he descended the Missouri, on his way to the Red River, and was left by the last advices convalescent of a dangerous illness, contracted by exposure in his efforts to accomplish the laborious services which had been assigned to him.

Colonel Archer has been engaged, since the 1st of January, in an inspection of the Posts of Baton Rouge, Pensacola, Mobile, and all the Posts within the Eastern Department, garrisoned by the Artillery. This inspection has also embraced the Ordnance, Ordnance Stores, &c. at those Posts, as well as at the different Arsenal.

In this branch of service, so vital to the mechanical discipline and moral efficiency of the Army, I owe it in justice to those concerned in its performance, to say, that every possible exertion has been made to accomplish it effectually.

The Commanding Officers of the Regiments of Artillery within the Eastern Department were directed, by Major General Scott, in the month of August, to inspect their respective Regiments; but no report has yet been received as to the execution of the order.

I have the honour to be, Sir, very respectfully, your obedient servant,  
*Hon. J. C. Calhoun, Secretary of War.* JACOB BROWN



## Document A.

Commissioned Officers..... 541

Non-Commissioned Officers and Privates ..... 5642

Grand Aggregate..... 6183

B. Latest Return of the actual Force; the Aggregate of which is 5211.

C. and D. Distribution of Force in the Eastern and Western Departments, under the command of Major General Winfield Scott and Major General E. P. Gaines.

E. Enlistments made in the Army since January 1, 1822—total 641.

SIR, *War Department, Pension Office, November 8, 1822.*

IN conformity with your order of yesterday I have the honor of informing you, that the following sums have been transmitted to the Agents for paying the United States' Pensioners during the present Year:

Revolutionary Pensioners..... Dollars 1,353,308 58

Invalid Pensioners..... 303,094 24

Half Pay, or Commutation ..... 12,689 30

I have the honour to be, very respectfully, your obedient servant,

J. L. EDWARDS.

*Hon. J. C. Calhoun, Secretary of War.*

SIR, (2)—*Engineer Department, November 14, 1822.*

I HAVE the honor to submit the following Report, in compliance with your order of the 6th instant, viz.: "You will report, as early as practicable, the application of the appropriation of last Session for Fortifications to the several Works, and the expenditure necessary for their completion. The Works remaining to be commenced according to the Plans of the Board of Engineers; the Estimate of the Board for those Works; the progress of the Board of Engineers in its labours; comprehending the operations of the Topographical Engineers, from the commencement of this Year; the condition of the Military Academy, including its present number, and the number which graduated last Year; the amount drawn for the three first quarters of this Year, under the several heads of appropriation; and the amount of Accounts rendered and settled in the same period."

So much of the information above required, as can be exhibited in tables, will be found in those accompanying, marked A, B, and C; and the residue, relating to the Board of Engineers, the Topographical Engineers, and the Military Academy, is stated herewith.

Table A exhibits the sums appropriated at the last Session, and their application to the several Fortifications; and, also, those necessary for their completion. Of those appropriated, amounting to

350,000 dollars, the proportion applied in the three first Quarters of the Year is shewn to have been 221,154 dollars and 23 cents, and that applicable to the fourth Quarter to be 128,845 dollars and 67 cents. These amounts indicate that the appropriations have been in a regular course of application.

Table B exhibits the Works remaining to be commenced, according to the Plans of the Board of Engineers, and the Estimates of the Board for them arranged into three classes, in the order of their efficiency to meet the earliest probable emergency.

Table C exhibits 274,665 dollars and 43 cents, as the aggregate of amounts drawn for the three first Quarters of this Year, under the several heads of appropriation; deducting from which 62,484 dollars and 84 cents, the amount unexpended in the hands of Agents, at the expiration of the third Quarter, there will remain to be accounted for, 212,180 dollars and 59 cents. The Accounts rendered for settlement, as shewn in the Table, amount to 190,477 dollars and 50 cents, which, being deducted from the last stated sum, will reduce the amount to be accounted for to 21,703 dollars and 5 cents, and this sum, with the exception of a trivial amount for Contingent Disbursements, not yet completed, will be covered by the Accounts of Captain De Russy for Disbursements at Mobile Point, the rendition of which has been delayed in consequence of the sickness of Captain De Russy.

The labours of the Board of Engineers commenced this Year on the Gulf of Mexico, where, at the close of last Year, they had arrived, on the completion of an examination of the Ohio and Mississippi Rivers, with a view to the improvement of their Navigation, from the Falls of Ohio to the Balize. Having inspected and reported upon the condition of the Rigolets; re-examined the Localities of Mobile Bay, and reported the result, which confirmed and strengthened their previous Reports on the propriety of fortifying the East end of Dauphine Island, and reconnoitered Pensacola and its vicinity, they returned to New York, and shortly after repaired to this Place. On their return to New York, they commenced immediately their Report on the Improvement of the Navigation of the Ohio and Mississippi Rivers, and at the same time, resumed the prosecution of their projects for the defence of Narraganset and Boston Bays. In June, besides the foregoing, they inspected and reported on the condition of Fort Diamond, and attended the examination at the Military Academy. In July, they commenced the projects for the defence of Salem and Marblehead; in August completed those for Narraganset Roads, and in September completed their Report, &c. respecting the Ohio and Mississippi Rivers. The projects for Boston, Salem, and Marblehead, being still under prosecution at the close of the month.

The operations of the topographical Engineers embraced surveys at Mobile and Pensacola Bays, and the contiguous Coast; at Savannah

River and at the Coast adjoining; at Fort Royal and St. Helena Sounds, Charleston, Georgetown, and their vicinities, in South Carolina; at Ocracock inlet, harbour and bar, in North Carolina; at Marblehead and Salem, in Massachusetts; at Kennebeck and Sheeps-cut rivers, and Mount Desert Bay and Island, in Maine; also, Roads in Michigan, and the Lead Mines on the Upper Mississippi; besides plotting and drawings relating to the Surveys just mentioned, and others previously made, and the preparation for publication of an Account of an Expedition on the Western waters.

The number of Cadets belonging to the Military Academy amounted, on the 31st ult., to 248, and the number which graduated last Year to 40. The condition of that Institution is now, in every respect, more flourishing than it has been at any other period heretofore. This is manifest, equally, in the extent and value of attainment, as in subordination and cheerful observance of Police Regulations, and may be attributed, in a great measure, to the operation of the excellent Rules and Regulations adopted last Year and now in force, together with the zeal and ability with which the duties of the Superintendent and Officers of the Academy have been performed. The additional Studies in the higher branches of Mathematics and Philosophy, although not long since introduced, have now become familiar, and are prosecuted with a zeal worthy of their importance.

Respectfully submitted,

ALEXANDER MACOMB,

Major-gen. Brevet, Chief Engineer.

Hon. J. C. Calhoun, Secretary of War.

#### TABLE A.—(Abstract.)

The appropriations were :	Dollars.
Fort Delaware .....	20,000
Washington .....	25,000
Monroe .....	75,000
Calhoun .....	50,000
At Mobile Point, (collecting Materials) .....	50,000
Rigolets and Chef Menteur .....	100,000
Opposite St. Philip, on the Mississippi, (collecting Materials) .....	30,000
	<hr/>
	Dollars...350,000

On these Works 221,154 dollars 33 cents had been expended in the three first Quarters of the Year, leaving 128,845 dollars 67 cents for those of the last Quarter. In no case had the appropriation been exceeded, and, as to two or three items, the Balance in hand was large, for the reason that the appropriation could not be profitably expended, on account of the season, &c. as is set forth.

The following shews the balance of the appropriations remaining on hand, and the amount estimated as necessary to complete the Works—that on hand to be deducted from the whole sum given:

	On hand.	To complete the Works.
Fort Delaware .....	6,600 00	57,899 80
Washington .....	6,181 14	46,077 98
Monroe .....	14,821 37	175,560 86
Calhoun .....	12,600 00	530,554 32
At Mobile Point .....	30,000 00	547,065 94
Rigolets, &c. ....	29,443 16	362,189 53
Opposite St. Philip .....	29,200 00	392,127 40
	<u>Dollars 128,845 67</u>	<u>2,111,475 83</u>

(B.)—Exhibiting the Works remaining to be commenced, according to the Plan of the Board of Engineers, and the Estimates of the Board for those Works :

*First Class, to be commenced as soon as possible.*

Designation of the Works.	Estimate of the Board.
Fort St. Philip, Louisiana .....	77,810 79
Battery at Bayou, Bienvenue .....	94,582 30
Fort at Soller's Point Flats, (Patapsco River) .....	673,205 44
Fort at New Utrecht Point Narrows, New York Harbour .....	371,970 60
Redoubt in advance of Ditto .....	53,024 72
Fort Tompkins, New York .....	420,826 14
Redoubt in advance of Ditto .....	65,162 44
Fort at Wilkin's Point, New York .....	456,845 51
Fort at Throg's Point, New York .....	471,181 53
Fort at Brenton's Point, Rhode Island .....	575,514 10
Redoubt in advance of Ditto .....	154,652 42
Fort at Dumpling's Point, Rhode Island .....	579,946 56
Fort at Rose Island, Rhode Island .....	82 411 74
Dyke across West Passage Narraganset Roads .....	205,000 00
	<u>Dollars 4,282,134 30</u>

*Second Class, to be commenced at a later Period.*

Designation of the Works.	Estimate of the Board.
Fort at Grand Terre, Louisiana .....	264,517 52
Tower at Pass au Heron, Mobile Bay .....	16,677 41
Tower at Bayou Dupre .....	16,677 41
Fort at Hawkin's Point, Patapsco River ..	244,337 14
Fort at St. Mary's, Potomac River .....	205,602 33
Fort opposite Pea Patch, Delaware River .....	347,257 71



Designation of the Works.	
Fort at Middle Ground, Outer Harbour, New York.....	1,681,411 66
Fort at East Bank, Ditto .....	1,681,411 66
Fort Hale, Connecticut .....	31,815 83
Fort Wooster, Do. ....	27,793 34
Fort Trumbull, Do. ....	77,445 21
Fort Griswold, Do. ....	132,230 41
	<hr/>
	Dollars 4,727,177 63

*Third Class, to be commenced at a remote Period.*

Designation of the Works.	Estimate of the Board.
The Rafts to obstruct the Channel between Forts —Monroe and Calhoun.....	240,568 00
Fort on Craney Island Flats.....	258,465 00
Fort on New Port News .....	244,337 14
Fort on Naseway Shoal .....	673,205 44
	<hr/>
	Dollars 1,416,575 58

## RECAPITULATION.

First Class, 14 Works .....	4,282,134 30
Second Class, 12 Works.....	4,727,177 63
Third Class, 4 Works.....	1,416,575 58
	<hr/>
	Dollars 10,425,887 51

*Remarks.* The classification in this Table, distinguishing three periods, exhibits the Works enumerated in the order of their efficiency to meet the earliest possible emergency.

(C.)—This Table gives only the Amounts drawn and Accounts rendered, and is not important except to shew a careful disbursement—unless on account of those on the Southern Coast, the one agrees with the other with remarkable accuracy; the Accounts of the Disbursements at the Rigolets, Chef Menteur, Mobile, &c. have not been rendered as yet, in consequence of the sickness with which the Officer, charged with them, had been, and yet was afflicted, at the date of his last Report.

From the 1st January to the 30th October, 1822, 16,800 Muskets had been manufactured at the Armories at Springfield and Harper's Ferry; 25,792 ditto cleaned and repaired at different Arsenals.

The Funds remitted during the same period amount to 311,347 dollars 15 cents, for which Accounts are rendered to the amount of 297,852 dollars 16 cents—leaving only 13,494 dollars 99 cents to be

accounted for by the disbursing officers, who, it is estimated, have not more than 2,000 dollars in their hands.

The average cost of Muskets in 1817 was 13 dollars 90½ cents; in 1821, 12 dollars 51½ cents,—difference 1 dollar 39 cents. It is expected that the cost of a Musket will not exceed 12 dollars in the present year.

Difference in the Expenditures in the Quarter Master General's Department.

1817.....	460,000 00
1822.....	351,325 41
	<hr/>
	Dollars..108,674 59

The Surgeon General reports that, in 1806 and 1807, the appropriation to the Medical Department amounted to 4 dollars per man; in 1810 and 1811, to 5 dollars; in 1816, 1817 and 1818, to 7 dollars; in 1819 and 1820, after the organization of the present system, to 3 dollars; but, in 1822, the cost will only be at the rate of 2½ dollars per man.

The Commissary General of Subsistence shews a saving of *one-third* in favour of the present Commissariat System, and the troops better provided.

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*DOCUMENTS accompanying the Message of the President  
of The United States to Congress, December 3, 1822.*

THE NAVY.

SIR,

*Navj Department, Nov. 30th, 1822.*

IN compliance with your request, I have the honor to transmit to you, herewith, sundry Papers, numbered 1 to 5, inclusively, which contain the information desired.

No. 1. List of Piratical Vessels, &c. captured by Vessels of the Navy of the United States.

No. 2. List of Vessels of the Navy of the United States, in actual service.

No. 3. List of Vessels of the Navy of the United States in ordinary.

No. 4. List of Vessels built and building, under the Act for the "Gradual Increase of the Navy;" and, also, a general view of improvements at the several Building-yards.

No. 5. Copies of Correspondence between the Commanders of our Cruising Vessels and the Spanish Authorities. All which is respectfully submitted.

SMITH THOMPSON.

*The President of The United States.*

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**No. 2.—List of Vessels of the United States' Navy, now in Service.***In the Pacific Ocean.*

Ship <i>Franklin</i> ,.....	74 Guns,
Schooner <i>Dolphin</i> ,.....	12 “

*In the Mediterranean.*

Frigate <i>Constitution</i> ,.....	44 Guns,
Sloop of War <i>Ontario</i> ,.....	18 “
Schooner <i>Nonsuch</i> ,.....	12 “

*On the Coast of Africa.*

Corvette <i>Cyane</i> ,.....	24 Guns.
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*In the West Indies.*

Frigate <i>Congress</i> ,.....	36 Guns,
Corvette <i>John Adams</i> , .....	24 “
Sloop of War <i>Peacock</i> , .....	18 “
Brig <i>Spark</i> , .....	12 “
Schooner <i>Alligator</i> , .....	12 “
“ <i>Grampus</i> , .....	12 “
“ <i>Shark</i> , .....	12 “
“ <i>Porpoise</i> ,* .....	12 “

Gun Boat, No. 158, .....	1 “
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Sloop of War *Hornet*, 18 Guns, preparing for a Cruise in the West Indies, at Norfolk, Virginia.

Brig *Enterprise*, repairing at New York, for a Cruise in the West Indies.

\* And on Survey Coast Florida.

**No. 3.—List of Vessels of the United States' Navy, in Ordinary, exclusive of Ships on the List of the Navy Commissioners; exclusive of List No. 4.**

Ship <i>Independence</i> ,.....	74 Guns,
Ship <i>Washington</i> ,.....	74 “
Frigate <i>United States</i> , .....	44 “
“ <i>Guerrière</i> ,.....	44 “
“ <i>Java</i> ,.....	44 “
“ <i>Constellation</i> , .....	36 “
“ <i>Macedonian</i> ,.....	36 “
Steam Frigate <i>Fulton</i> , .....	30 “
Sloop of War, <i>Erie</i> .....	18 “

**No. 4.—Vessels built and building under the Law for the Gradual Increase of the Navy; with a general view of Improvements completed at the several Building-yards.**

<i>Colombus</i> .....	74	Launched, in ordinary, at Boston, with a roof over her, to protect her from the rain, sun, &c.
<i>Ohio</i> .....	74	Launched, in ordinary, at New York, with a roof over her, to protect her from the rain, sun, &c.
<i>North Carolina</i> .....	74	Launched, in ordinary, at Norfolk, and now covering with roofs, to protect them.
<i>Delaware</i> .....	74	
One .....	74	At Boston, nearly finished; house over her, and perfectly protected.
One .....	74	At Boston, frame raised; under a house, perfectly protected.
One .....	74	At Portsmouth, Portsmouth, N.H., nearly finished; under a house, perfectly protected.
One .....	74	At Norfolk, Virginia, about half finished; house over her; perfectly protected.
One .....	74	At Philadelphia; keel laid; frame nearly out; house now building over, and probably raised by this time.
<i>Potomac</i> .....	44	Launched, and hauled up on the inclined plane, at Washington, where she now lies, under a house, perfectly protected from the sun, rain, &c.
One .....	44	At Washington, about half finished.
One .....	44	At Philadelphia, nearly finished, house over her; perfectly protected.
One .....	44	At New York; frame getting out, and nearly ready to raise.
One .....	44	At Portsmouth, N.H., in forwardness; house over her; perfectly protected.



The frames of the other Frigates authorized to be built, excepting a few pieces yet to be delivered by the Contractors, and nearly all the other materials, excepting the iron, are procured, and placed in situations where they will probably not sustain any immediate material injury.

Two Steam Battery Frames are securely deposited under cover at Washington Navy-yard.

One Steam Battery Frame is securely deposited under cover at New York.

Two Engines are put up, and in a state of preservation, at New York.

The Building-yards are in as good a state as the means placed at the disposal of the Department would allow; but to erect the necessary Warehouses, repair Wharfs, cover some of the Vessels now building, and to erect suitable sheds over the timber, for its preservation, there will be required for the year 1823, the sum of 150,000 dollars.

*General View of Improvements completed at the several Building-yards, in 1821 and 1822.*

At Norfolk, Timber Dock filled-up, and House built over a new Ship of the Line.

At Washington, Inclined plane, with a house over it; large warehouse; sail-loft and rigging-loft.

At Philadelphia, Foundation of a new Ship laid; house built over a Frigate, and house now raising over a Ship of the Line.

At New York, Foundation of a new Ship laid; house built over a Frigate; low ground filled up to an extent to afford sufficient room to work on.

At Boston, Foundation of a new Ship laid; a house built over a Ship of the Line; a Blacksmith's shop erected; the Timber-dock piled and improved; cover placed over the frame of a 44, about two acres of ground levelled.

At Portsmouth, N. H., Foundation of a new Frigate laid, and a house erected over it.

**LETTER from the Secretary of the Treasury, transmitting Statements shewing the Commerce and Navigation of The United States, for the Year ending the 30th September, 1822.**

SIR, *Treasury Department, January 18, 1823.*

IN conformity with the Provisions of the Act of the 10th January, 1820, entitled "An Act to provide for obtaining accurate Statements of the Foreign Commerce of the United States," I have the honour to submit the following Statements of the Commerce and Navigation of the United States, during the Year ending on the 30th of September, 1822, viz. :—

- 1st. A general Statement of the quantity and value of merchandise imported into The United States.
- 2d. A summary Statement of the same.
- 3d. A general Statement of the quantity and value of domestick articles exported.
- 4th. A general Statement of the quantity and value of Foreign articles exported.
- 5th and 6th. Summary Statements of the value of domestick and foreign articles exported.
- 7th. A general Statement of the amount of American and foreign tonnage employed in the foreign trade of the United States.
- 8th. A general statistical view of the Commerce and Navigation of the United States; and
- 9th. A statement of the tonnage entered and cleared in and from the several States.

From these Statements it appears, that the Imports during the Year ending on the 30th of September, 1822, have amounted to 83,241,541 dollars, of which amount 76,984,331 dollars were imported in American Vessels, and 6,257,210 dollars, in Foreign Vessels; that the Exports have, during the same period, amounted to 72,160,281 dollars, of which 49,874,079 dollars were Domestick, and 22,286,202 dollars, were Foreign Articles; that, of the Domestick Articles, 39,931,913 dollars were exported in American Vessels, and 9,942,166 dollars in Foreign Vessels; and, of the Foreign Articles exported, 20,783,655 dollars were exported in American, and 1,502,547 dollars in Foreign Vessels; that 787,961 tons of American Shipping entered, and 813,748 cleared from the Ports of The United States; and that 100,541 tons of Foreign Shipping entered, and 97,490 cleared from, the Ports of The United States, during the same period.

I remain with respect, &c.

Hon. P. P. Barbour,

WM. H. CRAWFORD.

*Speaker of the House of Representatives.*

## (1).—General Statement of the Quantity and Value of Merchandise imported into The United States, during the Year ending 30th September, 1822.

Imports from	VALUE OF MERCHANDISE IMPORTED.					TOTAL VALUE OF IMPORTATIONS.	
	Free of Duty.	Paying ad valorem rates of Duties.	Paying specific rates of Duty.	In American Vessels.	In Foreign Vessels.	From each Country.	From the Dominions of each Power.
Russia	27,878	161,803	3,117,647	3,232,678	74,650	3,307,328	3,307,328
Prussia	19,007	37,594	1,095,187	942,563	209,225	1,151,788	
Sweden	62,159	7,298	303,662	377,065	16,054	393,119	1,544,907
Swedish West Indies	—	9,047	12,185	21,232	—	21,232	
Denmark and Norway	299,274	96,330	2,118,570	2,489,654	24,520	2,514,174	
Danish West Indies	—	—	—	—	—	—	2,535,406
Danish East Indies	166,613	319,382	358,000	822,988	41,657	863,995	
Holland	698,265	31,777	760,981	1,473,840	17,183	1,491,023	
Dutch West Indies and American Colonies	3,783	1,681	347,680	353,144	—	353,144	2,708,162
Dutch East Indies	580,513	29,219,665	2,308,769	29,227,672	2,881,275	32,108,947	
England, Man, and Berwick	4,202	1,807,782	79,332	887,233	1,004,083	1,891,316	
Scotland	6,723	713,885	85,416	591,528	214,496	806,024	
Ireland	—	—	—	—	—	—	
Guernsey, Jersey, Sark, and Alderney	56,508	129,687	304,183	490,378	—	490,378	
Gibraltar	—	—	—	—	—	—	
British African Ports	54,709	1,502,242	1,715,266	3,272,217	—	3,272,217	
British East Indies	179,417	10,634	145,486	302,292	33,245	335,537	
British West Indies	—	—	—	—	—	—	
Newfoundland, and the British Fisheries	387,897	58,403	80,517	495,737	31,080	526,817	
British Amer. Colonies	93,899	2,982	9,712	23,593	83,000	106,593	39,537,829
Other British Colonies	131,376	1,321,311	126,070	894,568	684,189	1,578,757	1,578,757
The Hanse Towns, and Ports of Germany	117,640	4,476,038	1,094,957	5,268,797	420,038	5,688,835	
French European Ports on the Atlantic	17,199	130,477	253,322	335,623	65,375	400,998	
French European Ports on the Mediterranean	33,091	9,001	927,417	969,509	—	969,509	
French West Indies and American Colonies	—	—	—	—	—	—	
French East Indies	—	—	—	—	—	—	
Bourbon and Mauritius	—	—	—	—	—	—	7,059,342
Other French Afric. Ports	378,128	109,705	1,853,984	2,292,172	49,645	2,341,817	2,341,817
Hayti	8,510	25,638	54,392	322,535	—	322,535	
Spanish European Ports on the Atlantic	2,908	18,374	482,374	503,656	—	503,656	
Spanish European Ports on the Mediterranean	2,836	4,156	284,203	241,195	—	241,195	
Teneriffe and the other Canaries	5,173	54,263	175,182	234,568	—	234,568	
Manilla & Philippine Isl.	232,476	27,352	27,082	266,431	20,479	286,910	
Honduras, Campeachy, and Musquito shore	713,660	427,748	6,157,914	6,967,054	332,268	7,299,322	
Cuba	111,450	8,544	815,673	935,667	—	935,667	
Other Spanish W. Indies	1,658,243	355,817	539,428	2,526,149	26,839	2,552,988	12,376,841
Spanish South American Colonies	5,784	136,417	300,465	432,969	9,697	442,666	
Portugal	6,097	4,825	177,835	188,757	—	188,757	
Madeira	1,083	38,312	163,050	197,800	4,645	202,445	
Fayal & the other Azores	39,228	803	7,891	47,422	—	47,422	
Cape de Verd Islands	—	—	—	—	—	—	
Other Portuguese Afric. Ports	642,616	66,768	777,183	1,472,574	13,993	1,486,567	2,367,857
Coast of Brazil & other Portuguese American Colonies	307,246	1,022,856	231,931	1,562,033	—	1,562,033	1,562,033
Italy and Malta	33,933	162,060	78,882	274,375	—	274,375	
Trieste & other Austrian Ports on the Adriatic	22,024	312,717	29,936	364,677	—	364,677	364,677
Turkey, Levant, Egypt, Mocha, and Aden	7,191	5,193	51,491	63,875	—	63,875	63,875
Morocco & Barb. States	1,067	3,243,968	1,997,501	5,242,536	—	5,242,536	5,242,536
Cape of Good Hope	8,879	1,154	161,858	171,891	—	171,891	171,891
China	—	—	1,590	1,590	—	1,590	1,590
Asia, generally	48,856	49,520	17,139	115,370	174	115,544	115,544
West Indies, generally	85,938	—	—	86,024	—	86,024	86,024
Europe, generally	—	—	—	—	—	—	
Africa, generally	—	—	—	—	—	—	
South Seas	—	—	—	—	—	—	
Northwest coast of America	—	—	—	—	—	—	
Uncertain	—	11	739	750	—	750	750
Total . Dollars	7,298,708	46,361,215	29,581,618	76,984,331	6,257,210	83,241,541	83,241,541

Treasury Department, Register's Office, January 16, 1823.

JOSEPH NOURSE, Register.

(2.)—*Summary Statement of the Quantity and Value of Goods, Wares, and Merchandize, imported into The United States in American and Foreign Vessels, during the Year ending 30th September, 1822.*

SPECIES OF MERCHANDIZE.	In American Vessels.	In Foreign Vessels.	Total.
Value of merchandize free of duty:			
Copper, brass, and tin, in pigs or bars	581,964	16,420	598,384
Bullion	296,372	115,072	411,444
Gold and silver coin	2,619,354	339,048	2,958,402
Dye woods	288,075	19,936	308,011
Raw hides	2,028,891	12,572	2,041,463
Brimstone and sulphur	58,831	697	59,528
Furs, undressed	265,560	30,779	296,339
Plaster of Paris	116,051	4,492	120,543
Bur stones, unwrought	7,492	3,475	10,967
All other articles free of duty	468,533	25,094	493,627
	6,731,123	567,585	7,298,708
Value of merchandize paying duties ad valorem :			
Manufactures of woollen piece goods, cloths, and cassimeres	8,112,518	379,417	8,491,935
Worsted and stuffs	2,205,668	63,845	2,269,513
Blankets and rugs	859,382	131,765	991,147
Cotton, piece goods, printed and coloured	5,295,909	560,854	5,856,763
White	2,716,427	235,200	2,951,627
Nankeens	823,365		823,365
Woollen and cotton hose	794,365	72,253	866,618
Cotton twist, yarn, and thread	172,945	8,898	181,843
Linens, bleached and unbleached	3,005,373	1,127,374	4,132,747
Silk goods	6,629,877	211,051	6,840,928
Hempen goods	138,942	193,900	332,842
Brass	335,805	16,737	352,542
Copper, or of which copper is the material of chief value	142,486	18,449	160,935
Iron and steel, other than that paying a specific rate of duty	2,526,834	240,923	2,767,757
Wares, glass do. do.	193,332	123,826	317,158
China	45,844	11,501	57,345
Earthen and stone	816,781	290,483	1,107,264
Tin and pewter	15,736	2,415	18,151
Paper, writing and wrapping	88,946	5,793	94,739
Gold, silver, and precious stones	141,632	12,394	154,026
Hats, caps, and bonnets	692,905	30,507	723,412
Unmanufactured raw wool	370,806	16,506	387,312
Copper, subject to a duty of 15 per cent.	47,844	16,788	64,632
Tin, in sheets or plates	194,819	24,367	219,186
All other articles paying an ad valorem rate of duty	5,586,593	610,835	6,197,428
Total	41,955,134	4,406,081	46,361,215
Grand Total - Dollars	48,686,257	4,973,666	53,659,923



## STATEMENT—Continued.

Species of Merchandize.	In American Vessels.		In Foreign Vessels.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Quantity and Value of Merchandize paying specific rates of Duty, viz.		Dollars.		Dollars.		Dollars.
Duck & sheetings <i>pieces</i>	142,644	1,519,701	316	4,785	142,960	1,524,486
Wines <i>gallons</i>	2,805,769	1,741,094	262,453	123,533	3,068,216	1,864,627
Spirits, from grain <i>do</i>	781,697	278,429	15,110	6,692	796,807	285,121
other materials <i>do</i>	4,219,968	2,128,669	72,214	36,471	4,292,182	2,165,140
Molasses <i>do</i>	11,904,254	2,381,748	86,315	16,607	11,990,569	2,398,355
Beer, ale, & porter <i>do</i>	60,370	54,294	58,221	42,612	118,591	96,906
Oil, fish and olive, in casks <i>do</i>	57,707	49,380	—	—	57,707	49,380
Teas <i>pounds</i>	6,639,426	1,860,761	8	16	6,639,434	1,860,777
Coffee <i>do</i>	25,527,840	5,497,837	254,550	54,812	25,782,390	5,552,649
Cocoa <i>do</i>	1,350,011	245,432	—	—	1,350,011	245,432
Chocolate <i>do</i>	1,216	450	35	19	1,251	469
Sugar, brown & wh. <i>do</i>	87,061,566	4,966,170	1,244,104	68,259	88,305,570	5,034,429
candy, loaf & lump <i>do</i>	4,628	539	988	35	5,016	574
Fruits <i>do</i>	5,989,819	363,617	9,977	899	5,999,796	364,516
Candles, cheese, soap, and tallow <i>do</i>	4,156,786	344,198	213,718	16,661	4,370,504	360,859
Spices <i>do</i>	4,469,198	503,414	16,694	1,926	4,485,892	505,340
Indigo <i>do</i>	1,123,150	1,758,980	3,778	3,778	1,126,928	1,762,758
Cotton <i>do</i>	223,554	27,184	16,597	3,022	240,151	30,206
Tobacco and snuff <i>do</i>	4,029	1,058	111	149	4,140	1,207
Gunpowder <i>do</i>	81,094	21,581	23,701	4,551	104,795	26,132
Bristles and glue <i>do</i>	249,019	84,295	26,238	5,748	275,257	90,043
Paints, ochre, &c. <i>do</i>	4,619,337	172,744	1,985,419	110,991	6,604,756	283,735
Lead, pig, bar, & shot <i>do</i>	1,608,338	198,836	1,297,897	67,605	2,906,235	266,441
Ordage <i>do</i>	1,554,282	125,863	170,860	21,458	1,725,142	147,321
Copper & composition rods and spikes <i>do</i>	68,988	15,029	2,661	3,778	71,049	18,807
Iron and steel wire <i>do</i>	708,011	92,562	76,480	9,799	784,491	102,361
Iron, tacks, nails, anchors, and sheet <i>do</i>	4,929,838	170,112	1,059,736	42,910	5,389,574	213,022
Iron in bars and bolts, rolled <i>cwt</i>	73,620	1,575,863	27,714	289,005	101,334	1,864,868
Do, hammered <i>do</i>	467,576		65,229		532,805	
in pigs <i>do</i>	9,163	42,948	14,451	29,487	23,614	72,435
castings <i>do</i>	8,530		2,133		10,663	
Steel <i>do</i>	14,125	171,202	1,973	18,411	16,098	189,613
Temp <i>do</i>	167,169	1,000,068	11,334	54,696	178,503	1,054,764
Alum <i>do</i>	2,629	8,278	716	2,323	3,345	10,601
Copperas <i>do</i>	6,138	5,473	4,554	7,141	10,692	12,614
Alt. <i>bushels</i>	3,480,228	522,196	607,153	103,736	4,08,381	625,932
Coal <i>do</i>	675,776	105,899	295,052	33,891	970,825	139,790
Fish, dried <i>quintals</i>	595		117		712	
pickled <i>barrels</i>	1,718	18,990	8	265	1,726	19,255
Glass, black quart <i>do</i>	3,932		11,215		15,147	
bottles <i>do</i>	4,405	46,164	2,440	87,983	6,845	134,147
window <i>100 sq. ft.</i>	11,321	3,610	3,839	2,582	15,160	9,192
Boots and shoes <i>pairs</i>	19,028	190,374	2,185	6,918	21,213	197,282
Gars <i>do</i>	576	32	—	—	576	32
Playing Cards <i>packs</i>						
Value of Merchandize paying specific rates of duty		28,298,074		1,283,544		29,581,618
free of duty		6,731,123		567,585		7,298,708
paying ad valorem rates of duty		41,955,134		4,406,081		46,361,215
Total value. Dollars		76,984,331		6,257,210		83,241,541

Treasury Department, Register's Office, January 16, 1823.

JOSEPH NOURSE, Register.

(3).—General Statement of the Quantity and Value of Domestick Articles exported from The United States, during the Year ending 30th September, 1822.

EXPORTED TO.	VALUE.		TOTAL VALUE.	
	In American Vessels.	In Foreign Vessels.	To each Country.	To the Dominion of each Power.
Russia .....	177,261	—	—	177,261
Prussia .....	—	—	—	—
Sweden .....	117,899	62,512	180,411	180,411
Swedish West Indies .....	547,299	22,267	569,566	569,566
Denmark and Norway .....	92,023	—	92,023	92,023
Danish West Indies .....	1,598,032	5,462	1,603,494	1,603,494
Danish East Indies .....	7,344	—	7,344	7,344
Holland .....	2,001,061	76,307	2,077,368	2,077,368
Dutch West Indies, & American Colonies .....	908,122	12,950	921,072	921,072
Dutch East Indies .....	121,441	—	121,441	121,441
England, Man, and Berwick .....	17,239,445	3,832,950	21,072,395	21,072,395
Scotland .....	816,614	798,951	1,615,565	1,615,565
Ireland .....	630,079	140,097	770,176	770,176
Guernsey, Jersey, Sark, and Alderney ..	—	—	—	—
Gibraltar .....	525,708	—	525,708	525,708
British African Ports .....	—	—	—	—
British East Indies .....	67,979	—	67,979	67,979
British West Indies .....	446,640	2,961	449,601	449,601
Newfoundland and British Fisheries .....	213	1,101	1,314	1,314
British American Colonies .....	1,875,807	5,466	1,881,273	1,881,273
Other British Colonies .....	4,850	—	4,850	4,850
The Hanse Towns, and Ports of Germany ..	1,277,222	367,004	1,644,226	1,644,226
French European Ports—Atlantic .....	385,104	4,176,195	4,561,299	4,561,299
French European Ports—Mediterranean ..	93,698	89,493	183,191	183,191
French West Indies, and American Col. ..	917,992	707	918,699	918,699
French East Indies .....	—	—	—	—
Bourbon and Mauritius .....	17,952	—	17,952	17,952
Other French African Ports .....	—	—	—	—
Hayti .....	1,711,054	35,053	1,746,107	1,746,107
Spanish European Ports—Atlantic .....	108,626	7,644	116,270	116,270
Spanish European Ports—Mediterranean ..	25,200	—	25,200	25,200
Teneriffe and the other Canaries .....	85,937	—	85,937	85,937
Manilla and Philippine Islands .....	—	—	—	—
Honduras, Campeachy, & Musquito Shore ..	114,086	9,029	123,115	123,115
Cuba .....	2,934,911	266,134	3,201,045	3,201,045
Other Spanish West Indies .....	150,435	—	150,435	150,435
Spanish South American Colonies .....	1,581,083	11,684	1,592,767	1,592,767
Portugal .....	102,935	—	102,935	102,935
Madeira .....	186,952	—	186,952	186,952
Fayal and the other Azores .....	31,960	1,200	33,160	33,160
Cape de Verd Islands .....	34,941	—	34,941	34,941
Other Portuguese African Ports .....	—	—	—	—
Coast of Brazil and other Portuguese ..	—	—	—	—
American Colonies .....	1,200,412	16,999	1,217,411	1,217,411
Italy and Malta .....	560,714	—	560,714	560,714
Trieste, and other Austrian Ports .....	38,752	—	38,752	38,752
Turkey, Levant, Egypt, Mocha, and Aden ..	6,124	—	6,124	6,124
Cape of Good Hope .....	6,150	—	6,150	6,150
China .....	429,230	—	429,230	429,230
Asia, (generally) .....	74,346	—	74,346	74,346
West Indies do. ....	515,729	—	515,729	515,729
Europe, do. ....	58,575	—	58,575	58,575
Africa, do. ....	71,968	—	71,968	71,968
South Seas .....	37,209	—	37,209	37,209
North-west Coast of America .....	54,799	—	54,799	54,799
Total Dollars....	39,931,913	9,942,166	—	49,874,079

Treasury Department, Register's Office, January 16, 1823.

JOSEPH NOURSE, Register.

## (4.)—General Statement of the Quantity and Value of Foreign Articles exported from The United States, during the Year ending 30th September, 1822.

Exported to	VALUE OF MERCHANDISE.					TOTAL VALUE.	
	Free of Duty.	Paying ad valorem rates of Duty.	Paying specific rates of Duty.	In American Vessels.	In Foreign Vessels.	To each Country.	To the Dominions of each Power.
Russia - Dollars	42,363	20,875	288,582	351,820	-	-	351,820
Prussia -	-	-	-	-	-	-	-
Sweden -	29,657	1,170	49,383	42,277	37,933	80,210	171,457
Swedish West Indies -	-	83,457	7,790	89,546	1,701	91,247	-
Denmark and Norway -	4,957	1,632	154,168	160,757	-	160,757	-
Danish West Indies -	14,767	428,804	184,685	628,256	-	628,256	791,185
Danish East Indies -	-	-	2,172	2,172	-	2,172	-
Holland -	45,858	75,713	1,403,112	1,523,863	820	1,524,683	-
Dutch West Indies and American Colonies -	22,955	88,843	45,906	153,247	4,457	157,704	2,681,758
Dutch East Indies -	883,204	53,211	63,156	999,571	-	999,571	-
England, Man, and Berwick -	848,220	82,388	98,616	901,236	127,988	1,029,224	-
Scotland -	-	1,273	9,714	-	10,987	10,987	-
Ireland -	-	-	-	-	-	-	-
Guernsey, Jersey, Sark, and Alderney -	-	-	-	-	-	-	-
Gibraltar -	23,267	228,967	372,840	625,074	-	625,074	-
British African Ports -	-	-	-	-	-	-	3,652,476
British East Indies -	1,944,887	12,042	11,436	1,968,365	-	1,968,365	-
British West Indies -	2,200	-	340	2,540	-	2,540	-
British Amer. Colonies -	511	1,767	14,008	14,392	1,894	16,286	-
Other British Colonies -	-	-	-	-	-	-	-
Newfoundland, &c. -	-	-	-	-	-	-	-
The Hanse Towns and Ports of Germany -	40,900	55,269	764,620	720,822	139,967	-	860,789
French European Ports on the Atlantick -	542,789	70,942	596,802	155,341	1,055,192	1,210,533	-
French European Ports on the Mediterranean -	1,464	3,766	65,107	771	69,566	70,337	-
French West Indies and American Colonies -	4,800	18,904	18,599	42,303	-	42,303	1,767,895
French East Indies -	-	-	-	-	-	-	-
Bourbon and Mauritius -	56,000	7,963	7,055	71,018	-	71,018	-
Other French Afri. Ports -	-	-	-	-	-	-	-
Hayti -	1,879	319,477	52,357	354,851	18,853	373,704	-
Spanish European Ports on the Atlantick -	7,111	6,798	53,833	67,742	-	67,742	-
Spanish European Ports on the Mediterranean -	1,114	-	240	1,354	-	1,354	-
Teneriffe and the other Canaries -	6,077	18,631	4,432	29,140	-	29,140	-
Manilla and the Philippine Islands -	-	1,065	10,734	11,799	-	11,799	3,143,443
Honduras, Campeachy, and Musquito Shore -	-	93,681	34,262	124,490	3,453	127,943	-
Cuba -	241,866	565,067	262,640	1,052,879	16,694	1,069,573	-
Other Spanish W. Indies -	-	5,176	2,430	7,606	-	7,606	-
Spanish South American Colonies -	64,986	1,448,622	314,678	1,815,244	13,042	1,828,286	-
Portugal -	14,000	77	4,478	18,555	-	18,555	-
Madeira -	-	2,361	2,301	4,662	-	4,662	-
Fayal, and other Azores -	67	5,385	5,002	10,454	-	10,454	-
Cape de Verd Islands -	-	27,487	8,345	35,832	-	35,832	316,021
Other Portuguese African Ports -	-	-	-	-	-	-	-
Coast of Brazil and other Portuguese American Colonies -	99,356	87,078	60,084	246,518	-	246,518	-
Trieste, &c. (Austria.) -	18,128	70,742	348,098	436,968	-	-	436,968
Italy and Malta -	21,543	224,223	643,704	889,470	-	-	889,470
Turkey, Levant, & Egypt -	158,686	2,420	244,091	405,197	-	-	405,197
China -	5,081,620	356,623	67,895	5,506,138	-	-	5,506,138
Asia (generally) -	949,633	111,171	27,185	1,087,989	-	-	1,087,989
West Indies, do. -	5,375	10,214	8,742	24,331	-	-	24,331
Europe, do. -	708	-	6,223	6,931	-	-	6,931
Africa, do. -	168	37,730	31,512	69,410	-	-	69,410
South Seas -	400	6,573	4,961	11,934	-	-	11,934
Northwest Coast of America -	3,389	62,257	45,144	110,790	-	-	110,790
Total - Dollars	11,184,896	4,699,844	6,401,462	20,783,656	1,502,547	-	22,286,202
Exported, entitled to drawback -	-	3,955,305	6,041,291	9,157,243	839,353	-	9,996,596
Exported, not entitled to drawback -	11,184,896	744,539	360,171	11,626,412	663,194	-	12,289,606

Treasury Department, Register's Office, January 16, 1823.

JOSEPH NOURSE Register.

(5.)—Summary Statement of the Value of the Exports of the Growth, Produce, and Manufacture, of The United States, during the Year ending 30th September, 1822.

THE SEA, .....	1,384,539		
Fisheries:			
Dried fish, or cod fisheries.....	—	666,730	
Pickled fish, or river fishery, (herring, shad, salmon, mackarel) .....	—	249,108	
Whale (common) oil .....	311,415		
Spermaceti oil and candles.....	157,286	468,701	
THE FOREST, .....	3,815,542		1,384,539
Skins and furs .....	—	501,302	
Ginseng .....	—	313,943	
Product of wood:			
Lumber, (boards, staves, shingles, hewn timber, &c.).....	1,307,670		
Oak bark and other dye.....	145,705		
Naval Stores, (tar, pitch, rosin, & turpentine) .....	447,869		
Ashes, pot and pearl .....	1,099,053	3,000,297	
			3,815,542
AGRICULTURE, .....	41,272,379		
Product of animals:			
Beef, tallow, hides, live cattle, .....	844,534		
Butter and cheese .....	221,041	1,065,575	
Pork, (pickled) bacon, lard, live hogs.....	1,357,899		
Horses and Mules.....	93,753		
Sheep .....	12,276	1,463,928	
Vegetable food:			
Wheat, flour, and biscuit.....	—	5,287,286	
Indian corn and meal.....	—	900,656	
Rice .....	—	1,553,482	
All other, (rye, oats, pulse, potatoes, &c.)..	—	233,825	10,501,752
Tobacco .....	—	—	6,222,838
Cotton .....	—	—	24,035,038
All other agricultural products.....			
Flax seed .....	—	392,772	
Hops .....	—	23,025	
Wax .....	—	93,129	
Brown Sugar .....	—	805	509,751
MANUFACTURES, .....	2,483,052		
Domestick materials:			
Soap and tallow candles.....	788,946		
Leather, boots, shoes, saddlery.....	385,086		
Hats .....	86,007		
Grain, spirits, beer .....	124,140		
Wood, (including coaches & other carriages) .....	487,141		
Cordage .....	33,807		
Iron .....	132,727		
Snuff and tobacco .....	157,182		
Various items, (lead, linseed oil, spirits of turpentine) .....	34,628	2,229,664	
Foreign materials:			
Spirits from molasses.....	60,045		
Sugar, refined .....	26,320		
Chocolate .....	3,391		
Gunpowder .....	82,947		
Brass and copper .....	36,974		
Medicinal drugs .....	43,711	253,388	2,483,052
UNCERTAIN, .....	918,567		
Articles not distinguished in Returns:			
Manufactured .....	—	637,978	
Raw produce .....	—	280,589	918,567
Total, Dollars..	—	—	49,874,079



(6.)—*Summary Statement of the Value of the Exports of the Growth, Produce, and Manufacture, of Foreign Countries, during the Year ending 30th September, 1822.*

VALUE OF MERCHANDIZE, FREE OF DUTY.		VALUE OF MERCHANDIZE PAYING SPECIFIC RATES OF DUTY, VIZ.	
Copper, brass, and tin, in pigs or bars	26,170	Duck and Sheetings	423,365
Bullion	28,248	Wines	197,394
Gold and Silver Coin	10,781,932	Spirits from Grain	26,709
Dye Woods	233,782	other Materials	149,551
Raw Hides	36,416	Molasses	4,410
Brimstone and Sulphur	703	Beer, Ale, and Porter	2,912
Furs, undressed	1,105	Oil, Olive, in casks	13,927
Plaster of Paris	35	Teas	700,198
All other free Articles	76,505	Coffee	1,659,607
		Cocoa	201,953
Total. Dollars	11,184,896	Sugar, brown and white	1,059,459
		Chococate	198
		Fruits	24,881
		Candles, Cheese, Soap, and Tallow	65,628
		Spices	454,654
		Indigo	1,158,663
		Cotton	56,983
		Snuff	103
		Gunpowder	5,964
		Glue	10
		Paints	11,711
		Lead	23,673
		Cordage	21,607
		Copper and composition, rods and bolts, nails and spikes	2,054
		Iron and steel wire	268
		Iron, nails, spikes, anchors, and sheet	27,252
		in bars and bolts, rolled and hammered	51,376
		pig and castings	3,182
		Steel	5,966
		Hemp	4,297
		Alum	214
		Copperas	22
		Salt	12,391
		Coal	1,078
		Fish, dried and smoked	1,463
		Glass	2,279
		Boots and Shoes	1,526
		Cigars	26,286
		Wax Candles	1,248
		Value of Merchandize paying specific rates of Duties	6,401,462
		Do. do. free of duty	11,184,896
		Do. do. ad valorem rates of Duties	4,699,844
		Total Value of Foreign Produce	22,286,202
		Do. Domestick do.	49,874,079
		Total Value of Domestick and Foreign Produce.. Dollars	72,160,281

(7.) *General Statement, exhibiting the Quantity of American and Foreign  
the 1st day of October, 1821, and ending*

FROM	TONNAGE ENTERED INTO THE UNITED STATES.														
	Ameri- can Vessels.	FOREIGN VESSELS.												Total Foreign.	
		British.	Russian.	Prussian.	Swedish.	Danish.	Dutch.	French.	Spanish.	Portuguese.	Italian.	Hanse Towns.	Haytien.		Uncertain.
Russia - - - - -	22,761	-	290	610	-	-	-	-	-	-	-	299	-	-	1,199
Prussia - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweden - - - - -	14,506	-	-	-	2,910	-	-	-	-	-	-	-	-	-	2,910
Swedish West Indies - - -	10,123	-	-	-	1,051	-	-	-	-	-	-	-	-	-	1,051
Denmark and Norway - - -	651	-	-	-	-	369	-	-	-	-	-	-	-	-	369
Danish West Indies - - -	36,924	294	-	-	-	553	-	-	-	-	-	-	-	-	847
Danish East Indies - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Holland - - - - -	18,397	-	-	-	-	-	1,168	-	-	-	-	-	-	-	1,168
Dutch West Indies and Ame- rican Colonies - - - -	28,148	-	-	-	-	-	575	-	108	-	-	-	108	-	791
Dutch East Indies - - -	2,472	-	-	-	-	-	-	-	-	-	-	-	-	-	-
England, Man, and Berwick -	119,202	45,768	-	-	-	243	-	-	-	-	-	-	-	-	46,011
Scotland - - - - -	6,179	10,622	-	-	-	-	-	-	-	-	-	-	-	-	16,801
Ireland - - - - -	9,694	3,163	-	-	-	-	-	-	-	-	-	-	-	-	12,857
Guernsey, Jersey, Sark, and Alderney - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gibraltar - - - - -	8,160	-	-	-	-	-	-	-	-	-	-	-	-	-	-
British African Ports - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
British East Indies - - -	5,736	-	-	-	-	-	-	-	-	-	-	-	-	-	-
British West Indies - - -	33,719	715	-	-	-	-	111	-	-	-	-	-	99	-	35,644
British American Colonies -	92,025	4,056	-	-	-	-	-	-	-	-	-	-	-	-	96,081
Newfoundland and British Fisheries - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other British Colonies - - -	1,798	-	-	-	-	-	-	-	-	-	-	-	-	-	-
The Hanse Towns and Ports of Germany - - - - -	6,208	-	-	-	-	347	-	-	-	-	-	4,566	-	-	4,913
French European Ports on the Atlantick - - - - -	14,667	5,239	-	-	221	923	326	582	-	-	-	1,985	-	-	8,075
French European Ports on the Mediterranean - - - -	4,819	-	-	-	-	1,341	-	-	-	-	-	-	-	-	1,341
French West Indies and Ame- rican Colonies - - - -	37,753	-	-	-	-	-	-	-	-	-	-	-	-	-	-
French East Indies - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bourbon and Mauritius - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other French African Ports -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hayti - - - - -	42,975	134	-	-	-	312	-	-	68	-	210	-	504	97	1,225
Spanish European Ports on the Atlantick - - - - -	3,186	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spanish European Ports on the Mediterranean - - -	9,770	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Teneriffe and the other Cana- ries - - - - -	1,941	304	-	-	-	-	-	-	-	-	-	-	-	-	2,245
Manilla and Philippine Islands -	1,752	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Honduras, Campeachy, and Musquito Shore - - - -	6,082	-	-	-	-	-	-	-	414	-	-	-	-	-	6,496
Cuba - - - - -	118,405	165	-	-	-	253	-	-	6,693	-	-	-	-	579	125,995
Other Spanish West Indies -	16,136	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spanish South American Co- lonies - - - - -	22,512	209	-	-	-	136	-	-	45	-	-	-	133	-	23,035
Portugal - - - - -	17,803	-	-	347	-	-	-	-	-	-	-	1,132	-	-	1,479
Madeira - - - - -	2,398	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fayal and the other Azores -	3,297	-	-	-	-	-	-	-	-	321	-	-	-	-	3,618
Cape de Verd Islands - - -	2,320	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Coast of Brazil and other Por- tuguese American Colonies -	18,529	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Italy and Malta - - - - -	12,857	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trieste and other Austrian Ports on the Adriatic - -	2,670	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Turkey, Levant, Egypt, Mo- cha, and Aden - - - -	1,290	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Morocco and Barbary States -	405	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cape of Good Hope - - -	9,622	-	-	-	-	-	-	-	-	-	-	-	-	-	-
China - - - - -	1,984	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Asia (generally) - - - -	992	-	-	-	-	-	-	-	-	-	-	-	-	-	-
West Indies, do. - - - -	397	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Europe, do. - - - - -	1,516	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Africa, do. - - - - -	14,308	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South Seas - - - - -	62	-	-	-	-	-	43	-	-	-	-	-	-	-	105
Northwest Coast of America Uncertain - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Tons	787,961	70,669	290	957	4,182	4,477	2,223	582	7,328	321	210	7,982	736	584	100,541

tonnage employed in the Foreign Trade of The United States, commencing on the 30th day of September, 1822.

TONNAGE DEPARTING FROM THE UNITED STATES.													
TO	Ameri- can Vessels.	FOREIGN VESSELS.										Total Foreign.	
		British.	Russian.	Prussian.	Swedish.	Danish.	Dutch.	Hanse Towns.	French.	Spanish.	Italian.	Haytian.	
Asia	4,325												
Asia													
den	2,231	206			1,002								1,208
ish West Indies	16,282				697					383			1,080
mark and Norway	1,243												
ish West Indies	43,288					220							220
ish East Indies	178												
land	28,683	39					442						1,281
ch West Indies and Ame- can Colonies	25,642					136	691						827
ch East Indies	5,286												
land, Man, and Berwick	151,030	30,238											30,238
land	7,207	5,079											5,079
and	13,153	2,047											2,047
rnsey, Jersey, Sark, and lderney													
raltar	15,347												
ish African Ports													
ish East Indies	3,347												
ish West Indies	28,720	101											101
ish American Colonies	90,977	11,846											11,846
foundland and British sheries	20	95											95
er British Colonies	1,805												
Hanse Towns and Ports Germany	15,750	152	290		859								5,157
ch European Ports on the Antick	3,638	18,963		349	1,159	2,395	963	3,856	738				27,380
ch European Ports on the editerranean	833	858						3,413					858
ch West Indies and Ame- can Colonies	45,229								94				94
ch East Indies													
rbon and Mauritius	777												
er French African Ports													
ish European Ports on e Atlantick	43,167										210,736		946
ish European Ports on e Mediterranean	3,079									177			177
erife and the other Cana- s	2,489												
illa and Philippine Islands	2,843												
uras, Campeachy, and quito Shore	370												
	5,447									479			479
er Spanish West Indies	99,888					78				6,908			6,986
ish South American Co- nies	10,650												
ugal	31,747									364			364
aira	3,498												
	5,699												
land and the other Azores	2,558												
de Verd Islands	1,049												
t of Brazil and other Por- tuguese American Colonies	28,301	549											549
and Malta	10,056												
te and other Austrian ports on the Adriatic	2,351												
ey, Levant, Egypt, Mo- and Aden	1,418												
occo and Barbary States													
of Good Hope	138												
	8,185												
(generally)	6,199												
Indies, do.	17,243												
pe, do.	1,018					243							243
a, do.	2,323												
Seas	16,809												
west Coast of America	2,282												
rtain													
Total Tons	813,748	70,373	290	349	3,717	3,072	2,207	7,393	832	8,311	210,736	97,490	

(8.)—*Statistical View of the Commerce of The United States, exhibiting the Articles of every description of Exports to, each Foreign Country; also the to, each Foreign Country, and the Tonnage belonging to each Foreign ending on the 30th day of September, 1822.*

COUNTRIES.	COMMERCE.					
	VALUE OF IMPORTS.		VALUE OF DOMESTIC EXPORTS.		VALUE OF FOREIGN EXPORTS.	
	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.
1 Russia - - - - - Dollars	3,232,678	74,650	127,261	—	351,820	—
2 Prussia - - - - -	—	—	—	—	—	—
3 Sweden - - - - -	942,563	209,225	117,899	62,512	42,277	—
4 Swedish West Indies - - - - -	377,065	16,054	547,299	22,267	89,546	—
5 Denmark and Norway - - - - -	21,232	—	32,023	—	160,757	—
6 Danish West Indies - - - - -	2,489,654	24,520	1,698,032	5,462	628,256	—
7 Danish East Indies - - - - -	—	—	7,344	—	2,172	—
8 Holland - - - - -	822,938	41,057	2,001,061	76,307	1,523,868	—
9 Dutch West Indies and American Colonies - - - - -	1,473,840	17,183	908,122	12,950	153,247	—
10 Dutch East Indies - - - - -	353,141	—	121,441	—	998,571	—
11 England, Man, and Berwick - - - - -	29,227,672	2,881,275	17,239,445	3,832,950	901,236	—
12 Scotland - - - - -	887,233	1,004,083	816,614	798,951	—	—
13 Ireland - - - - -	591,528	214,496	690,079	140,097	—	—
14 Guernsey, Jersey, Sark, and Alderney - - - - -	—	—	—	—	—	—
15 Gibraltar - - - - -	490,378	—	525,708	—	625,074	—
16 British African Ports - - - - -	—	—	—	—	—	—
17 British East Indies - - - - -	3,272,217	—	67,979	—	1,968,365	—
18 British West Indies - - - - -	302,292	33,245	446,640	2,961	2,549	—
19 Newfoundland and British Fisheries - - - - -	—	—	213	1,101	—	—
20 British American Colonies - - - - -	495,737	31,080	1,875,807	5,466	14,332	—
21 Other British Colonies - - - - -	23,593	83,000	4,850	—	—	—
22 The Hanse Towns and Ports of Germany - - - - -	894,568	684,189	1,277,222	367,004	720,822	—
23 French European Ports on the Atlantick - - - - -	5,265,797	420,038	389,104	4,176,195	155,341	—
24 French European Ports on the Mediterranean - - - - -	335,623	65,375	93,698	89,493	771	—
25 French West Indies and American Colonies - - - - -	969,509	—	917,992	707	42,303	—
26 French East Indies - - - - -	—	—	—	—	—	—
27 Bourbon and Mauritius - - - - -	—	—	17,952	—	71,018	—
28 Other French African Ports - - - - -	—	—	—	—	—	—
29 Hayti - - - - -	2,292,172	49,645	1,711,054	35,053	354,851	—
30 Spanish European Ports on the Atlantick - - - - -	322,585	—	108,626	7,644	67,742	—
31 Spanish European Ports on the Mediterranean - - - - -	503,656	—	25,200	—	1,334	—
32 Teneriffe and the other Canaries - - - - -	241,195	—	89,937	—	29,140	—
33 Manila and Philippine Islands - - - - -	234,568	—	—	—	11,799	—
34 Honduras, Campeachy, and Musquito Shore - - - - -	266,431	20,479	114,086	9,029	124,490	—
35 Cuba - - - - -	6,967,054	332,268	2,934,911	266,134	1,052,879	—
36 Other Spanish West Indies - - - - -	935,667	—	150,435	—	7,606	—
37 Spanish South American Colonies - - - - -	2,526,149	26,839	1,561,083	11,684	1,815,244	—
38 Portugal - - - - -	432,969	9,697	102,935	—	18,555	—
39 Madeira - - - - -	188,757	—	186,952	—	4,662	—
40 Fayal and the other Azores - - - - -	197,800	4,645	31,960	1,200	10,454	—
41 Cape de Verd Islands - - - - -	47,422	—	34,941	—	35,832	—
42 Other Portuguese African Ports - - - - -	—	—	—	—	—	—
43 Coast of Brazil and other Portuguese American Colonies - - - - -	1,472,574	13,993	1,200,412	16,999	246,518	—
44 Italy and Malta - - - - -	1,562,033	—	1,560,714	—	889,479	—
45 Trieste and other Austrian Ports on the Adriatic - - - - -	274,375	—	83,752	—	436,968	—
46 Turkey, Levant, Egypt, Mocha, and Aden - - - - -	364,677	—	6,124	—	403,197	—
47 Morocco and Barbary States - - - - -	—	—	—	—	—	—
48 Cape of Good Hope - - - - -	63,875	—	6,150	—	—	—
49 China - - - - -	5,242,536	—	429,230	—	5,506,138	—
50 Asia, (generally) - - - - -	171,891	—	74,346	—	1,087,889	—
51 West Indies do. - - - - -	1,590	—	515,729	—	24,331	—
52 Europe, do. - - - - -	—	—	58,575	—	6,931	—
53 Africa, do. - - - - -	115,370	174	71,968	—	65,410	—
54 South Seas - - - - -	86,024	—	37,209	—	11,934	—
55 North-west Coast of America - - - - -	—	—	54,793	—	110,799	—
56 Uncertain - - - - -	750	—	—	—	—	—
Total Dollars - - - - -	76,984,331	6,257,210	39,931,913	9,942,165	20,783,653	1,523,868
Foreign - - - - -	6,257,210	Foreign	9,942,166	Foreign	1,523,547	
Grand Totals - - - - -	83,241,541		49,874,079		22,286,302	



*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*

NAVIGATION.

Total Value of Domestic and Foreign Produce exported.	AMERICAN TONNAGE.		FOREIGN TONNAGE.		Foreign Tonnage entered into The United States belonging to each Foreign Power.	Foreign Tonnage departing from The United States belonging to each Power.	
	Entered into The United States.	Departing from The United States.	Entered into The United States.	Departing from The United States.			
529,081	22,761	4,325	1,199	—	Russian 290	290	1
200,621	14,373	2,231	2,910	1,208	Prussian 957	349	2
660,813	10,023	16,282	1,051	1,080	Swedish 4,182	3,717	3
192,780	651	1,243	369	—	Danish 4,477	3,072	4
2,231,750	86,924	43,288	847	220	—	—	5
9,516	—	178	—	—	—	—	6
3,602,051	19,397	28,683	1,168	1,281	Dutch 2,223	2,207	7
1,078,776	28,148	25,642	791	827	—	—	8
1,121,012	2,472	5,286	—	—	—	—	9
22,101,619	119,202	151,080	46,011	30,238	British 70,669	70,373	10
1,626,552	6,179	7,207	10,622	5,079	—	—	11
770,176	9,694	13,153	3,163	2,047	—	—	12
1,150,782	8,160	15,347	—	—	—	—	13
2,036,344	5,736	3,347	—	—	—	—	14
452,141	33,719	28,720	925	101	—	—	15
1,314	—	20	—	95	—	—	16
1,897,559	92,025	90,977	4,056	11,846	—	—	17
4,850	1,798	1,805	—	—	—	—	18
2,505,015	6,208	15,750	4,913	5,157	Hanseatic 7,982	7,393	19
5,771,832	14,667	3,638	9,276	27,380	French 582	832	20
253,528	4,819	833	1,341	858	—	—	21
961,002	37,806	45,229	—	94	—	—	22
88,970	—	777	—	—	—	—	23
2,119,811	42,975	43,167	1,325	946	Haytian 736	736	24
184,012	3,186	3,079	—	177	Spanish 7,328	8,311	25
26,554	9,770	2,489	—	—	—	—	26
115,077	1,941	2,843	304	—	—	—	27
11,799	1,752	370	—	—	—	—	28
251,058	6,082	5,447	414	479	—	—	29
4,270,618	118,405	99,838	7,490	6,986	—	—	30
158,041	16,136	10,650	—	—	—	—	31
3,421,053	22,512	31,747	523	364	—	—	32
121,490	17,803	3,498	1,479	—	Portuguese 321	—	33
191,614	2,398	5,699	—	111	—	—	34
43,614	3,297	2,558	321	124	—	—	35
70,773	2,320	1,049	—	—	—	—	36
1,463,929	18,529	28,301	—	549	—	—	37
1,450,184	12,857	10,056	—	—	Italian 210	210	38
475,720	2,670	2,351	—	—	—	—	39
411,321	1,290	1,418	—	—	—	—	40
6,150	405	138	—	—	—	—	41
5,935,368	9,622	8,185	—	—	—	—	42
1,162,335	1,984	6,199	—	—	—	—	43
540,060	992	17,243	—	—	—	—	44
65,506	387	1,018	—	243	—	—	45
141,378	1,516	2,323	—	—	—	—	46
49,143	14,308	16,809	—	—	—	—	47
165,589	—	2,282	—	—	—	—	48
—	62	—	43	—	Uncertain 584	—	49
72,160,281	787,961	813,748	100,541	97,490	100,541	97,490	50

Treasury Department, Register's Office, January 16, 1823.

JOSEPH NOURSE, Register.

(9.)—*Statement exhibiting the Quantity of Tonnage entered and cleared in and from the respective States and Territories, during the Year ending on the 30th of September, 1822.*

STATES, &c.	TONNAGE.			
	American Vessels.		Foreign Vessels.	
	Entered.	Cleared.	Entered.	Cleared.
Maine.....Tons	60,766	105,880	4,087	4,452
New Hampshire.....	11,952	8,840	440	—
Massachusetts.....	176,627	135,834	7,943	5,297
Vermont.....	854	854	40	40
Rhode Island.....	30,671	24,480	194	—
Connecticut.....	18,516	17,422	—	—
New York.....	217,538	185,666	22,478	17,784
New Jersey.....	1,042	2,302	—	—
Pennsylvania.....	78,049	70,846	7,377	5,745
Delaware.....	3,643	4,032	145	145
Maryland.....	56,537	58,790	8,558	9,469
District of Columbia.....	11,988	15,025	346	173
Virginia.....	16,301	30,122	4,332	7,413
North Carolina.....	23,760	30,360	1,208	1,208
South Carolina.....	31,900	48,524	14,436	15,237
Georgia.....	12,782	33,860	7,429	9,745
Mississippi.....	4,193	2,090	—	35
Louisiana.....	29,947	37,888	21,357	20,716
Territory of United States.....	895	933	171	31
Tons.	787,961	813,748	100,541	97,490

***REPORT of the Ordnance Department, on the subject of establishing a National Armory on the Western Waters.***

SIR, *Ordnance Department, January 8th, 1823.*

IN answer to the Resolution of the Senate, of the 23d ultimo, I have the honour to report, that “the number of Arms required annually to supply the Militia of the West, is estimated at 3,500 Muskets. This Estimate is founded upon the following considerations, viz.: The annual appropriation of 200,000 dollars, for arming and equipping the Militia, it is estimated, will insure a product of 14,000 Muskets annually, and defray all the incidental expenses of inspecting, Packing Boxes, Carriage to the Arsenals, and transportation to the respective States and Territories. That number of Muskets, or other Arms equivalent thereto, is therefore required for annual distribution to the whole body of the Militia of The United States; and it is estimated that one-fourth of that number, 3,500, will be required for the Militia of the West. This proportion is founded upon the consideration, that such of the Western States and Territories, which would be supplied from the Western Armory, contain one-fourth of the entire population of the United States.

To ascertain "the probable number of Arms necessary to be placed in the Military Deposites located on the Western Waters," the following facts and views are respectfully submitted.

The total number of Arms, in good order for Service now deposited in the several Depots of The United States, is as follow, viz.:

Muskets.....	268,890
Rifles .....	20,689
Pistols .....	34,859
Cavalry Sabres .....	25,062
Artillery Swords.....	7,762

Total Number in all the Depots	357,262
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Of the foregoing, the following are deposited in the Depots of the West, including Pittsburg, viz.:

Muskets.....	35,968
Rifles.....	6,201
Pistols .....	10,654
Cavalry Sabres .....	10,567
Artillery Swords.....	2,464

Total Number in the Western Depots	65,854
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If the principle assumed with respect to Arms for the Militia be taken in this case also, viz.: that the general stock of Arms in the Country should be distributed to the Principal Sections of it, in a ratio proportionate to the Population of each, it will appear, that the Western Depots now require about 23,500 Stands, to give them a due proportion of the General Stock. If this Calculation be applied to Muskets alone, which are the Principal Arms, the deficiency in the Western Depots will appear to be about 31,000.

The average number of Arms which are manufactured Annually, under the Provisions of Existing Laws, may be estimated as follows, viz.:

The Product of the two National Armories .....	24,000
Made by Individuals, on Contracts for supplying the Militia, under the Law of 1808.....	14,000

Total Number now made Annually.....	38,000
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One-fourth of which is 9,500, which number, it is conceived, should be transported to the West, and deposited in the Western Depots annually.

There has been transported, from the Atlantick States to the Western States and Territories, from 1812 to 1822, both years inclusive, the following number and description of Arms, viz.:

Muskets .....	49,500
Rifles .....	6,878
Pistols .....	13,990
Cavalry Sabres.....	12,200
Artillery Swords .....	2,350
Carbines.....	500

Total No. transported to the West, during 11 Years, 85,418

Equal to an annual average number of 7,765.

From the foregoing Statements, it results, that between 7 and 8,000 Stands of Arms have been annually transported to the West, since the commencement of the late War: that about 25,000 Stands are now necessary to be transported thither, in order to give the Western Depots a due supply, and that, to keep up that supply, nearly 10,000 Stands must be annually sent there hereafter.

The amount which has been paid, for transporting Arms to the West, cannot be accurately ascertained. Heretofore, the cost of transportation has been estimated at one dollar per Stand, which was probably correct. But it is believed, that, owing to the present improved state of the roads, and the general reduction of prices, Arms can now be transported for 75 cents each.

“The probable cost of manufacturing Arms in the West,” may be stated to be the same as the cost of the arms made at the Armories now established. Iron, from the same works which supply the Armory at Harper’s-Ferry, can be delivered at any point on the Ohio, for the same prices which are paid at Harper’s-Ferry. Pit-coal, charcoal, and Gun Stocks, can be procured in the West upon much better terms than at either of the present Armories. Other articles would cost more in the West than in the Atlantick States.

The wages of workmen, which forms about two-thirds of the cost of the Arms, may be stated to be as low, at least, in the West, as on the seaboard; for it may be presumed that labour will eventually be cheapest where subsistence is the most abundant and cheap.

The probable cost of erecting, at this time, on the “Western waters, such an Armory as that at Harper’s-Ferry or Springfield,” may be estimated at 200,000 dollars, including the purchase of Sites, Mill-seats, and the erection of Mill-dams, Buildings, and Machinery. This cost, however, will depend materially upon the convenience and fitness of the Sites which may be selected.

It would require about three years to erect such an establishment. During the first year, little more could be done than to select the posi-



tion, and to make preparatory arrangements for a supply of building materials. The Sites could not be examined advantageously until late in the summer, when the waters are low; the season would then be too far advanced to commence building. It is estimated that 30,000 dollars would be sufficient for the expenditures of the first year.

In reference to the expediency, or inexpediency, of establishing an additional Armory, it may be proper to state, that Muskets belonging to The United States, at the commencement of the late War, have been estimated at upwards of 200,000 Stands, and that the number of Muskets manufactured during the War was about 60,000. At the close of the year 1814, scarcely 20,000 Stands remained in the Armories, and great efforts were made to procure an additional Supply. Had the War continued another Year, the deficiency of Arms would have occasioned the most embarrassing consequences.

From this Statement it appears that at least 240,000 Muskets were expended during the late War; a quantity nearly approaching the number now on hand, as stated in a former part of this Report. Thus it is seen, that nearly Eight Years of Peace have been required to make good losses occasioned by a War of less than Three Years' duration.

The great extent of Sea Coast, and Inland Frontier, necessary to be defended in time of War, will render large Distributions of Arms, to the Militia and other new raised Troops, indispensable; and it is reasonable to presume, as well from past experience, as from the nature of the case, that our resources will sooner fail in this respect, than in any other of our military supplies. And, as so much time is required to put into full operation an establishment for the Manufacture of Arms, upon a large scale, it will not be in the power of the Government, on a sudden emergency, to increase very materially the supply.

If it should be decided to establish an Armory in the Western Country, it would be advisable to advance it gradually, until it reached the extent of the present National Armories. Five or six years would be required for this purpose, because a sufficient number of experienced workmen could not be procured in a shorter period, without materially deranging the operations of the Armories now established.

The total annual product of Arms, with an additional Armory upon a scale equal to the present, may be estimated as follows, viz.

Three National Armories, 12,000 each.....36,000

The appropriation for arming and equipping the Militia, 14,000

Total.. .....50,000

I have the honour to be, &c.

*The Hon. J. C. Calhoun.*

GEORGE BOMFORD.

*MESSAGE from the President of The United States to Congress, transmitting a Report of the Secretary of War, of the Expenses of the Ordnance Department, for the Years 1817, 18, 19, 20, 21, and part of 1822, &c.*

*To the House of Representatives of The United States.*

IN compliance with the Resolutions of The House of Representatives of the 8th of January, 7th of May, and 17th December, 1822, requesting the President of The United States to cause to be laid before that House a detailed Statement of the current expenses of the Ordnance Department, for the Years 1817, 18, 19, 20, and 21, and as much as can be shewn for the Year 1822; and also the number and local position of each of the Armories, Arsenals, and Magazines, of The United States; the total expense of constructing and repairing the same, up to the Year 1821; the number of Cannon, and other Arms annually made at each; and the expenses of each Armory and Arsenal for each Year, from 1816 to 1821, inclusive; I herewith transmit a Report from the Secretary of War, accompanied by such Documents as will be found to contain the desired information.

*Washington, January 3, 1823.*

JAMES MONROE.

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*Department of War, December 30th, 1822.*

THE Secretary of War, to whom was referred the Resolution of the House of Representatives of the 8th of January, 1822, requesting the President of The United States "to cause to be laid before the House, a Statement, shewing the amount expended for the current expenses of the Ordnance Department during the Years 1817, 1818, 1819 and 1820, and as much as can be shewn of said Expenditures for the Year 1821; with the particular items for which the Money was expended; the place where, and the Persons to whom, paid, what quantity of Timber has been procured for Gun Carriages and Caissons, its Cost annually, and where deposited; the quantity of Ordnance, of every kind, that has been provided during those Years, or paid for; the sums expended in the purchase of Sites for Arsenals since the Peace; the Cost of the Buildings erected thereon; and whether all those Arsenals are necessary for the Service of The United States;" and that of the 7th of May, 1822, requesting the President of The United States "to cause to be laid before the House, a Report, shewing the Number and local position of each of the Armories, Arsenals, and Magazines, of The United States; the time at which each was established, and the total Expense of constructing and repairing the same, up to the end of the Year 1821; also, the whole number of Cannon, and other Arms, made annually at each Armory and Arsenal, from its Establishment to the end of the said Year; also an exhibit, in detail, of the Expenses of each Armory and Arsenal, for each Year,

from 1816 to 1821, inclusive, shewing, 1st, the gross amount of Money expended at each, within each Year; 2d, the separate object to which the Expenditure was applied; 3d, the contracts and purchases made at each within each Year, by whom and with whom, whether publickly or privately, with or without Publick notice, for what articles or materials, the amount of each Contract for all purchases, and the amount given therefor, the names of all concerned as Principals, Agents, and Securities, their places of Residence, and the failures which may have occurred in any Contract; 4th, the whole number of Arms and Equipments transmitted to each State and Territory in the Union, under the Act of Congress for arming the whole body of the Militia of The United States; 5th, the whole number of Cannon, Arms, Equipments, and Munitions of War, of every kind, distinguishing the different kinds, now belonging to The United States, and where placed; 6th, the Annual Expense of transporting Ordnance and Ordnance Stores from the places at which they were made or purchased, in the Atlantick States, to the places at which they were to be delivered or used, in the Western States or Territories, specifying the several descriptions of Arms and Munitions so transported, and the cost thereof when purchased. The whole so arranged as to exhibit clearly the annual expenditure of the annual appropriation for each specific object:”—As well as the Resolution of the 17th of December, 1822, requesting the President of The United States “to cause to be laid before this House, a Statement, shewing the amount expended for the Current Expenses of the Ordnance Department during the Years 1817, 1818, 1819, 1820, and 1821, and as much as can be shewn of said Expenditure for the Year 1822; with the particular items for which the Money was expended, the place where, and the persons to whom paid; what quantity of Timber has been procured for Gun Carriages and Caissons, its cost annually, and where deposited; the quantity of Ordnance of every kind that has been procured during those years, or paid for, and the whole amount of the Arms, of every description, now belonging to The United States; the sums expended in the purchase of Sites for Arsenal since the Peace; the cost of the buildings erected thereon; and whether all those Arsenal are necessary for the Service of The United States;” has the honour to transmit herewith the Report of the Lieutenant Colonel of Ordnance, and those of the Second and Third Auditors of the Treasury; which contain the information required, with the exception of the “expenditure of the Ordnance Department for the Year 1822,” which will be transmitted as soon as prepared.

All of which is respectfully submitted.

*The President of The United States.*

J. C. CALHOUN.

SIR,

*Ordinance Department, December 30, 1822.*

IN answer to the Resolution of the House of Representatives of the 17th instant, I have the honour to report, that a Statement of "the whole amount of the Arms, of every description, now belonging to The United States," is contained in the Papers marked H and I, which were communicated with my Report of the 27th instant, and that all other Statements, required by the Resolution, which appertains to this Department to furnish, is contained in my Report of the 28th instant, and the Papers therein mentioned; to which Reports and Statements I beg leave to refer, as containing all the information in possession of this Department, which is required by the Resolution.

I have the honour to be, &c.,

*Hon. John C. Calhoun.*

G. BOMFORD.

SIR,

*Ordinance Department, 27th December, 1822.*

I HAVE the honour to communicate herewith, sundry Statements, which contain the information required by the Resolution of the House of Representatives of the 7th of May last; as far as the same can be furnished by this Department.

Statement (A) shews the number and local position of each of the Arsenals and Magazines of The United States; the time at which each was established; and the total Expense of constructing and repairing the same, up to the close of the Year 1821. Also the Sums expended in the purchase of Sites for Arsenals since the Peace, and the cost of the buildings erected thereon.

The Sums expended in the construction and repairs of Arsenals, from 1799 to the close of the late War,	
amount to .....	275,787 78
The Sums expended in the purchase of Sites for Arsenals since the Peace amount to .....	26,201 33
And the cost of the buildings erected since the Peace, amounts to .....	974,782 96

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Total amount expended in building and repairing Arsenals, from 1799 to 1821, inclusive, and in purchasing Sites for Arsenals since the Peace. Dollars 1,276,772 06

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This Statement has been prepared from the separate Reports of the 2d and 3d Auditors. It is considered better thus to blend in one Statement these separate Reports; as the information required can, by this means, be presented at one view, and in a more condensed form.

Statement B exhibits the annual expenditures at the Armory at Springfield, Mass. for the purchase of Land, the construction and repair of Buildings, the manufacture and repair of Arms, and for



Miscellaneous Purposes, from the Year 1795, to 1821, inclusive. Also, the number of Arms made and repaired therein, during the same period.

Statement C is an appendage to the foregoing, and exhibits the present state of the Springfield Armory; the value of the land; the number and value of the buildings, and other permanent improvements erected thereon. Also, the value of the Machinery, Tools, and Materials on hand.

The Total amount expended at this Armory, from 1795 to 1821, on account of permanent improvements, is 134,623 69  
On account of the manufacture and repair of Arms..... 2,335,160 95  
On account of miscellaneous objects ..... 29,094 54

Total amount expended                      Dollars 2,498,879 18

The number of Arms made and repaired at this Armory during the same period, is as follows, viz :

New Muskets manufactured ..... 178,759  
Do. Rifles and Carbines do. .... 2,452  
Damaged Muskets repaired ..... 46,325

Total made and repaired                      227,536

The total value of Arms, made and repaired, is estimated to be equal to the manufacture of 192,751 new Muskets.

Statements D and E contain information similar to the foregoing, respecting the Armory at Harper's Ferry, Va.

The total amount expended at this Armory, from 1796 to 1821, inclusive, on account of permanent improvements, is ..... 366,180 01  
On account of the manufacture and repair of Arms..... 2,171,490 85  
For miscellaneous objects..... 63,438 49

Total amount expended                      Dollars 2,601,109 35

The number of Arms made and repaired at this Armory, during the same period, is as follows, viz :

New Muskets manufactured ..... 119,911  
Do. Rifles, Pistols, and other Arms do..... 23,884  
Damaged Arms repaired..... 12,830

Total made and repaired                      156,625

The total value of Arms made and repaired at this Armory is estimated to be equal to the manufacture of 151,550 new Muskets.

The present value of the Armory at Springfield, including with the Land and 66 buildings, the Machinery, Tools, and Stock on hand, is estimated at,..... 251,857 50

The Armory at Harper's Ferry, consisting of 113 buildings, estimated as above, is valued at..... 539,442 79

Total value of the two Armories      Dollars 791,300 29

The Armory at Harper's Ferry is more extensive than that at Springfield. The former could employ about 100 more workmen than the latter. The number employed at each, at present, is, however about the same, viz. 260.

The Report of the 3d Auditor embraces a part of the details given in the foregoing Statements, relative to the Armories. By the same Report it appears, that the data upon which its accompanying statements were founded was very defective. Recourse was therefore had by this Department to the Books and Papers at the Armories; and the Statements accompanying this Report have been prepared from documents furnished by the Superintendents of the Armories, and are believed to be more accurate than any which could have been prepared from other sources.

No Cannon have been made at the Armories; those establishments are employed in the manufacture and repair of small Arms only. No Cannon, or other Arms, have been made at the Arsenal. The Arsenal is used as Depot, for the collection and preservation of Artillery, Arms, Ammunition, and Military supplies generally, and for the fabrication of Gun Carriages, and other Artillery equipments, for the preparation of Ammunition, and for the repair of arms.

An exhibit, in detail, of the Expenses of each *Armory*, for "each Year, from 1816 to 1821, inclusive, shewing the gross amount of money expended at each, within each Year, and the separate object to which the expenditure was applied," is contained in the Statements B and D above mentioned. A similar exhibit, in relation to each *Arsenal*, is contained in the Report of the 2d Auditor.

In answer to the third head of inquiry, requiring an exhibit of the Contracts and Purchases made at each, within each Year, by whom, with whom, &c., I have to state, that the materials and supplies for the Armories and Arsenal are generally procured in small quantities, under the direction of their respective Superintendents or Commanding Officers, by open purchase, or by special Contract, as the exigencies of the Service require. The quantities of supplies purchased, the Amount paid therefor, and the names of the persons from whom purchased, is stated in the Report of the 2d Auditor.

A greater quantity of supplies are required at the Armories than at the Arsenal, and the Articles required are of a more fixed and uniform character; engagements for regular supplies are therefore made at the Armories to a greater extent than at the Arsenal. I communicate herewith, a Report of the Superintendent of the Armory at Springfield, marked F, which contains the details required under this head. The Superintendent of the Armory at Harper's Ferry reports, that the

supplies required at that Armory have been procured on Contracts made by him, and as no advances have been made on any Contracts, no Securities have been required, and as the Articles were never paid for until they were delivered at the Armory, no losses have been sustained by The United States.

The paper marked G contains a Statement of the "number of Arms and Equipments transmitted to each State and Territory in the Union, under the act of Congress for arming the whole body of the Militia," since the 1st of January, 1816. [Total value in Muskets, 37,239.]

Statements H and I "exhibit the whole number of Cannon, Arms, Equipments, and Munitions of War of every kind, now belonging to The United States, and where placed;" taken from the latest returns on file in this Department. Statement H contains the returns from the Fortifications, and Statement I, the returns from the Arsenal and Depots, with a recapitulation, shewing the total number or quantity of each Article on hand, in The United States.

The Annual Expense of transporting Ordnance and "Ordnance Stores, from the Places at which they were made or purchased, in the Atlantic States, to the Places at which they were to be delivered or used, in the Western States or Territories; specifying the several descriptions of Arms and Munitions so transported, and the cost thereof where purchased," it was supposed, would be furnished by the Auditors in whose Offices the Accounts for such Expenditures are settled. But, it appears, by the Report of the 3d Auditor, that a correct Statement cannot be prepared, owing to the loss of Accounts, which were burned by the Enemy, and to other causes which are specified in his Report. It was therefore considered proper, under these circumstances, to have recourse to the quarterly returns of Military Stores received and issued; although those Returns furnish no data for ascertaining the cost of transporting the Stores.

The Returns referred to are from the Arsenal at Pittsburg, through which place most of the Military supplies for the Western Country have passed; and they embrace the period from 1813 to 1821, inclusive. From this data, two Statements, marked K and L, have been prepared, which specify the different kinds of Articles transported, and the places *from*, and *to*, which they were sent.

From these Statements, and from one for the Year 1812, prepared by the 3d Auditor, it appears, that from the commencement of the late War, up to the close of the last Year, there has been transported from the Sea board, (including those sent from Harper's Ferry) to Pittsburgh, 49,500 Muskets, 6,098 Rifles, and other small Arms, amounting to 12,940. Making the Total of small Arms 68,538. And that there has been transported in like manner, to the same place, 14 pieces of Artillery, mounted complete, 2,500 sets of Accoutrements, 381,400 flints, and 141,000 pounds of powder.

It appears also, that, during the same period, the following Articles were transported from Pittsburg to the Western States and Territories, viz. 36,687 Muskets, 2,429 Rifles, 4,570 Pistols, Sabres, &c. Making a Total of small Arms of 43,686. Also, 5,770 sets of Accoutrements, 117,200 Flints, 3,445,700 Musket Cartridges, and 165,333 pounds of Powder. Also, 108 Cannon and Howitzers, with 99 Field Artillery Carriages, 29,079 Cannon Balls and Shells, weighing about 174 Tons, and 8,500 rounds of fixed Ammunition for Artillery.

All the Cannon, Artillery Carriages, and Cannon Balls, except a small quantity forwarded at the commencement of the War, were manufactured at Pittsburg. All the Powder, with the same exception, and all the lead, was procured in Kentucky and Missouri. All the small Arms and Flints required for the Publick service in the Western Country have been forwarded from the Atlantic States.

I have the honour to be, &c.

*The Hon. John C. Calhoun.*

GEO. BOMFORD.

SIR,

*Ordnance Department, 28th December, 1822.*

IN answer to that part of the Resolution of the House of Representatives of the 8th of January last, which requires "whether all the Arsenals erected on Sites purchased since the peace are necessary for the Service of The United States," I have the honour to report, that all those Arsenals are deemed necessary and indispensable for the safe keeping and proper preservation of the Arms, and other Military Stores now on hand. Most of those Arsenals already contain as great a quantity of Military Stores as they are capable of containing, consistent with such an order of arrangement as is indispensable for their examination and preservation.

All other information required by the Resolution, and which appertains to this Department to furnish, is contained in the Statements which accompanied my Report of the 27th instant, made in pursuance of the Resolution of the 7th May last, viz.: Statement I, shews the quantity of Timber for Gun Carriages and Caissons on hand, and the places where deposited. Statement A, which has been prepared from the Reports made by the Second and Third Auditor, shews "the sums expended in the purchase of Sites for Arsenals since the peace, and the Cost of the Buildings erected thereon;" to which Report and Statements I beg leave respectfully to refer.

All the Statements required by that Resolution relative to expenditures, must necessarily be prepared from the individual Accounts of the disbursing Officers; and which can be done only by the Auditor in whose Office those Accounts are settled and filed.

I have the honour to be, &c.

*The Hon. John C. Calhoun.*

GEO. BOMFORD.



(A).—Statement of the Number and Local Position of the Arsenals and Magazines of The United States, the time at which each was established, and the Annual Expense of constructing and repairing the same, up to the end of the Year 1821; also, of the Sums expended in the Purchase of Sites for Arsenals, since the Peace.  
(Extract.)

WHERE SITUATED.	SITES FOR ARSENALS SINCE THE PEACE		Total amount expended for each Arsenal, including the Purchase of Sites since the Peace.
	Date of Purchase.	Cost.	
<i>Arsenals and Magazines.</i>			Dollars.
At Philadelphia, on the Schuylkill, near the City - - -	— —	— —	148,665 76
Newport, Kentucky, on the Ohio River opposite Cincinnati - - -	— —	— —	35,927 56
Rome, N. Y. on the Canal, joining the Waters of the Hudson and Lake Ontario	July 10, 1816	1,572 73	36,954 50
Watervliet, N. Y. on the Hudson, 7 miles above Albany -	— —	— —	103,590 66
Pittsburg, Penn. on the Alleghany River, 2 miles above the City - - -	— —	— —	203,967 90
Watertown, Mass. on Charles River, 6 miles from Boston	{ Oct. 8, 1816 }	2,099 38 }	158,134 65
Frankford, Penn. on Frankford Creek, 6 miles from Philadelphia - - -	{ June 6, 1818 }	3,090 84 }	
Near Baltimore, Md. on the Western Turnpike, 8 miles from the City - - -	May 27, 1816	7,680 75	62,353 96
At Greenleaf's Point, D. C. and Magazine at the Little Falls of the Potomac. - - -	June 18, 1816	895 13	84,044 31
Near Richmond, Va. on James River, 12 miles above the City - - -	Sept. 30, 1815	1,000 00	32,463 29
Augusta, Georgia, on Savannah River, 2 miles from the City - - -	Sept. 25, 1815	4,312 50	187,361 33
At Baton Rouge, on the Mississippi River, 125 miles from New Orleans - - -	{ Dec. 9, 1816 }	2,500 00 }	163,905 49
Detroit, Michigan Territory, on Detroit River - - -	{ July 4, 1820 }	850 00 }	
	— —	— —	47,325 73
	— —	— —	9,876 92
<i>Sites for Arsenals.</i>			
At Waterford, Penn. on the Head Waters of the Alleghany, 14 miles from Lake Erie -	April 7, 1818	1,200 00	1,200 00
Vergennes, Vt. on Otter Creek, adjoining the City - - -	Oct. 8, 1816	1,000 00	1,000 00
Total	— Dollars	26,201 33	1,276,772 06

## RECAPITULATION.

Expended in the construction and repairs of Arsenals, from 1799 to 1814, inclusive - - -	Dollars.
Do. do 1815 to 1821, inclusive - - -	275,787 78
Do. in the Purchase of Sites for Arsenals, since the Peace - - -	974,782 95
	26,201 33

1,276,772 06

GEORGE BOMFORD.



I. (Extract.)—Statement of the number of Cannon, Arms, Equipments, and Munitions of War, of every kind, now on hand at each of the several Arsenals, Armories, and Depots, of The United States; taken from the latest Return on file in the Ordnance Department.

STATIONS.	BRASS CANNON.						IRON CANNON.								MORTARS.				HOWITZERS.		Muskets.	Rifles.				
	24 Pounder.	18 do.	12 do.	9 do.	6 do.	4 do.	3 do.	42 Pounder.	32 do.	24 do.	18 do.	12 do.	9 do.	6 do.	4 do.	3 do.	Epreuves.	10 Inch Sea Coast.	10 Inch Siege.	8 Inch.			8 Inch.	24 Pounder.		
ARSENALS.																										
Watertown, Mis.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13,605	1,002	
Watervliet, N. Y.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	42,568	1,885	
Rome -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6,640	100	
New York City	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	693	1,681	
Frankford Pa.	1	-	-	-	-	-	-	1	45	6	5	6	11	9	4	-	3	1	15	-	-	-	-	6,482	1,239	
Philadelphia	-	-	-	-	-	-	-	-	11	7	24	14	66	-	-	-	-	-	-	-	-	-	-	18,315	1,990	
Near Baltimore, Md.	-	-	-	-	-	-	-	-	-	20	52	50	2	2	-	-	-	-	-	-	-	-	-	5,993	4,457	
Pittsburgh, Pa.	-	-	-	-	-	-	-	-	-	78	59	24	108	108	-	-	-	-	-	-	-	-	-	20,125	46	
Newport, Ky.	-	-	-	-	-	-	-	-	-	97	16	22	184	184	-	-	-	-	-	-	-	-	-	2,637	442	
Greenleaf's Point	8	1	6	-	52	-	1	-	9	19	13	4	-	-	-	-	-	-	-	-	-	-	-	7,554	1,015	
Near Richmond, Va.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,745	2	
Charleston, S. C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3,502	5	
Defort,	-	-	-	-	-	-	-	-	-	8	7	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
Savannah, Geo.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ARSENALS,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Augusta, Geo.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19,950	1,045	
New Orleans	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12,309	1	
Baton Rouge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	372	-	
Belle Fontaine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,102	298	
Detroit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3,363	7	
ARMORIES,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Springfield, Mas.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	66,256	-	
Harper's Ferry, Va.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	46,414	8,254	
BARRACKS,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Carlisle, Pa.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number in Fortifications. Statement.	9	1	27	8	89	13	7	1	62	280	318	246	21	355	16	5	19	20	69	1	20	240	286,630	21,664		
	4	-	5	3	20	9	7	27	180	426	246	134	39	131	11	-	1	3	38	8	17	47	5,779	1,069		
Total	13	1	32	11	109	22	14	28	242	706	564	380	60	486	27	5	20	23	107	9	37	287	292,409	22,733		

*Treasury Department,*

SIR,

*Second Auditor's Office, December, 1822.*

By the Resolution of the House of Representatives, dated the 8th of January, 1822, the President of The United States was requested to cause to be laid before the House "A Statement shewing the Amount expended for the Current Expenses of the Ordnance Department, during the Years 1817, 1818, 1819, and 1820, and as much as can be shown of said Expenditures for the Year 1821, with the particular Items for which the Money was expended, the Place where, and the Persons to whom paid; what quantity of Timber has been procured for Gun Carriages and Caissons, its cost annually, and where deposited; the quantity of Ordnance, of every kind, that has been procured during those Years, or paid for; the Sums expended in the purchase of Sites for Arsenals since the Peace, the cost of the Buildings erected thereon, and whether all those Arsenals are necessary for the Service of The United States." By that of the 7th of May, 1822, the President was requested to cause to be laid before the House "A Report shewing the number and local position of each of the Armories, Arsenals, and Magazines of The United States, the time at which each was established, and the total expense of constructing and repairing the same, up to the end of the Year 1821; also, the whole Number of Cannon, and other Arms, made annually at each Armory and Arsenal, from its establishment to the end of the said Year; also, an exhibit, in detail, of the expenses of each Armory and Arsenal, for each Year, from 1816 to 1821, inclusive, shewing: 1st, the gross amount of Money expended at each, within each Year; 2d, the separate object to which the expenditure was applied; 3d, the Contracts and Purchases made at each within each Year, by whom, and with whom, whether publickly or privately, with or without publick notice, for what articles or materials, the Amount of each Contract for all Purchases, and the amount given therefor, the names of all concerned as Principals, Agents, and Securities, their places of residence, and the failures which may have occurred in any Contract; 4th, the whole number of Arms and Equipments transmitted to each State and Territory in the Union, under the Act of Congress for arming the whole Body of the Militia of The United States; 5th, the whole Number of Cannon, Arms, Equipments, and Munitions of War, of every kind, distinguishing the different kinds, now belonging to The United States, and where placed; 6th, the annual Expense of transporting Ordnance and Ordnance Stores from the Places at which they were made or purchased in the Atlantic States, to the Places at which they were to be delivered or used in the Western States or Territories, specifying the several descriptions of Arms and Munitions so transported, and the cost thereof where purchased; the whole so arranged as to exhibit clearly the annual Expenditure of the annual



appropriation for each specific object :” And, by a similar Resolution, passed on the 17th of this Month, the above request was repeated, embracing, in addition thereto, as much as can be ascertained of the same Expenditures during the Year 1822.

In conformity with the 1st and 2d Resolutions, I have the honour to transmit to you, herewith, the several Statements, exhibiting,

- 1st. The current expenses of the Ordnance Department, during the Years 1817, 1818, 1819, 1820, and 1821 ;
- 2d. The expenses of each Armory and Arsenal, during the Year 1816 ; the Expenditures at the same places during the Years 1817, 1818, 1819, 1820, and 1821, are embraced in the preceding Statement ;
- 3d. The amount expended in the purchase of Sites, and in the erection and repairs of Arsenals, from 1816 to 1821, inclusive ;
- 4th. The expense of transporting Ordnance and Ordnance Stores from the Atlantic States to the Western States and Territories ;
- 5th. The quantity of Ordnance, of every kind, that has been procured, or paid for, during the Years 1817, 1818, 1819, 1820, and 1821 ;
- 6th. The quantity of Timber procured for Gun-Carriages and Caissons, during the same period, its annual cost, and where deposited ;

The whole compiled and digested from the accounts on file in this Office.

In accounting for the delay in the completion of this exhibit, I beg leave to call to your recollection what I stated to you, when you referred the 1st of the above Resolutions to this Office, in January last, “ that such was the extent of the call, and the mass of accounts to be examined, that it would be impossible to meet the Resolution before the commencement of the present Session.”

In respect to the additional information called for in the last Resolution, viz : “ the Expenditure of the Ordnance Department for the present Year, as far as it can be ascertained,” I beg leave to state, that the same shall be completed, and laid before you, as early as possible.

I have the honour to be, &c.

*The Hon. J. C. Calhoun.*

WM. LEE.

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*Recapitulation of the Current Expenses of the Ordnance Department.*

	1817.	1818.	1819.	1820.	1821.	TOTAL.
Amount expended at	Dol.	Dol.	Dol.	Dol.	Dol.	Dol.
Albany, New York - - -	880	6	—	—	—	886
Augusta, Georgia - - -	101	—	—	1,173	1,673	2,947
Baltimore, Maryland - - -	915	1,978	6,003	5,628	3,979	18,504
Batavia, New York - - -	—	—	—	90	—	90
Baton Rouge, Louisiana - - -	—	6	22	—	—	28
Belle Fontaine, Miss. - - -	6	—	19	104	41	172
Boston, Massachusetts - - -	105	20	56	—	130	313
Camden, South Carolina - - -	—	—	229	—	—	229
Carlisle, Pennsylvania - - -	—	—	2,716	3,199	—	5,915
Charleston, South Carolina - - -	3,317	4,830	4,282	5,581	—	18,012
Charlestown, Massachusetts - - -	5,791	4,589	6,026	—	—	16,406
Detroit, Michigan Territory - - -	3,667	3,782	3,078	274	41	10,844
Erie, Pennsylvania - - -	24	—	—	—	—	24
Fernandina, Florida - - -	—	—	101	—	—	101
Fort Claiborne - - -	—	152	—	—	—	152
Fort Crawford, Alabama - - -	—	—	2	—	—	2
Fort Gadsden - - -	—	307	—	—	—	307
Fort Gaines - - -	42	—	—	—	—	42
Fort Hawkins, Georgia - - -	813	188	206	—	—	1,188
Fort Mitchell - - -	—	196	—	—	—	196
Fort Osage - - -	—	—	—	—	4	4
Frankford, Pennsylvania - - -	9,060	9,326	7,716	3,868	1,091	31,063
Green Bay, Michigan Territory - - -	165	—	10	—	—	175
Mackinac, Do. - - -	25	—	—	—	5	31
Middletown, Connecticut - - -	—	—	—	12,090	—	12,090
Nashville, Tennessee - - -	174	116	—	—	—	290
New London, Connecticut - - -	—	—	—	7	—	7
New Orleans, Louisiana - - -	10,594	11,586	5,733	5,490	728	34,134
Newport, Kentucky - - -	7,817	2,888	1,782	10,665	—	23,154
New York - - -	3,092	4,092	12,927	8,997	3,608	32,718
Norfolk, Virginia - - -	1,479	323	22	—	—	1,825
Norwich, Connecticut - - -	—	698	—	—	—	698
Pensacola, Florida - - -	—	—	—	—	3	3
Philadelphia, Pennsylvania - - -	5,943	247	3,777	8,166	1,501	19,635
Pittsburg, Do. - - -	36,682	20,066	35,256	18,367	6,102	116,475
Pittsfield, Massachusetts - - -	—	22	—	—	—	22
Plattsburg, New York - - -	—	55	35	—	46	136
Richmond, Virginia - - -	174	675	1,891	4,315	1,888	8,945
Rome, New York - - -	3,998	4,188	2,265	1,336	520	12,309
Sag Harbour, New York - - -	2	—	—	—	—	2
St. Louis, Missouri - - -	—	—	12	—	—	12
Savannah, Georgia - - -	—	—	31	—	—	31
Springfield, Massachusetts - - -	—	—	—	3,773	—	3,773
Vergennes, Vermont - - -	4,649	4,223	4,242	1,443	—	14,559
Washington, District of Columbia - - -	11,582	10,226	21,330	20,718	8,204	72,062
Watertown, Massachusetts - - -	—	10,000	—	7,196	2,239	19,435
Watervliet, New York - - -	5,103	8,225	7,702	7,438	1,579	30,048
West Point, Do. - - -	—	—	12	—	—	12
Wilmington, North Carolina - - -	—	—	487	—	13	501
Winnsborough - - -	—	—	200	—	—	200
Dollars	116,213	102,932	128,186	129,927	33,704	510,963

*Statement, shewing the Quantity of Ordnance, of every kind, that has been procured or paid for, during the Years 1817, 1818, 1819, 1820, and 1821; exhibited in pursuance of a Resolution of the House of Representatives, dated 8th January, 1822.*

Cannon.	165	24 Pounder.	Shot.	4,646	Pounds of loose 15
	142	18 Pounder.		8,568	Pounder Grape.
	73	12 Pounder.			No. of loose 12 Pounder
	306	6 Pounder.		1,974	Grape.
	25	1 Pounder Iron Swivels.			Pounds of loose 12
183	24 Pounder Howitzers.				Pounder Grape.
14	10 Inch Mortars.			1,120	Pounds of Swivel.
37	Mortar Cheeks.			950	18 Pounder.
	690	32 Pounder.	Shells.	993	12 Pounder.
	5,516	24 Pounder.		263	9 Pounder.
	363	18 Pounder.		2	13 Inch.
	3,401	12 Pounder.		3,166	10 Inch.
	39,672	6 Pounder.		300	8 Inch.
Shot.	93,438	Pounds of Grape and Cannister.		621	32 Pounder.
	5,059	Pounds of Bar.		8,458	24 Pounder.
	9,964	No. of loose 18 Pounder Grape.		707	12 Pounder.

WM. LEE, Second Auditor.

Treasury Department, Second Auditor's Office, December, 1822.

**LETTER from the Secretary of the Treasury, transmitting his Annual Report on the state of the Finances of The United States. 23d December, 1822.**

SIR,

Treasury Department, December 23, 1822.

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, &amp;c.

WM. H. CRAWFORD.

*The Honourable the Speaker  
of the House of Representatives.*

## REPORT.

In obedience to the directions of the "Act supplementary to the Act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report:

**1.—Of the Publick Revenue and Expenditure of the Years 1821 and 1822.**

The nett revenue which accrued from duties on imports and tonnage, during the year 1821, amounted to

Dollars 15,898,434 42

The actual receipts into the Treasury during the year 1821, including the loan of 5,000,000, amounted to - - - - - 19,573,703 72

Viz: Customs, - - - - - 13,004,447 15

Publick lands, exclusive of Missis-

sippi stock - - - - - 1,212,966 46

Arrears of internal duties and direct tax,

Dividend on stock in the Bank of } 356,290 11  
The United States, and other  
incidental receipts.

Loan authorized by Act of the 3d of March, 1821, including a premium of 264,703 70, gained on the same, 5,000,000 00

Making, with the balance in the Treasury, on the 1st of January, 1821, of - - - - - 1,198,461 21

An aggregate of - - - - - 20,772,164 93

The expenditures during the year 1821 amounted to - - - - - 19,090,572 69

Viz. Civil, diplomattick, and miscellaneous - - - - - 2,241,871 54

Military service, including fortifications, ordnance, Indian Department, Revolutionary and Military pensions, arming the militia, and arrearages, prior to the 1st January,

1817, - - - - 5,162,364 47

Naval service, including the gradual

increase of the Navy, - - 3,319,243 06

Publick debt, - - - 8,367,093 62

Leaving a balance in the Treasury, on the 1st of

January, 1822, of - - - - 1,681,592 24

The actual receipts into the Treasury, during the three first quarters of the year 1822, are estimated

to have amounted to - - 14,745,408 75

Viz: Customs, 12,648,933 15

Publick lands, exclusive

of Mississippi stock, 1,298,484 56

Arrears of internal duties and direct tax, dividend on stock in the Bank of The United States, and other incidental receipts,

391,871 76

Balances of appropriations for the War and Navy Departments, returned to the Treasury, and carried to the surplus fund,

406,119 28

The actual receipts into the Treasury, during the fourth quarter, are estimated at - - - 5,000,000 00

Making the total estimated receipts into the Treas-

ury, during the year 1822, - - - 19,745,408 75

And, with the balance in the Treasury, on the 1st

of January, 1822, forming an aggregate of - 21,427,000 99

The expenditures during the three first quarters of the year 1822, are estimated to have amounted to - 12,278,653 32

Viz: Civil, diplomattick, and miscellaneous,

1,536,434 24

Military service, including fortifications, ordnance, Indian Department, Revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817,

4,930,210 68

Naval service, including the gradual increase of the navy,

1,538,952 88

Publick debt, - - 4,273,055 52

The expenditures during the fourth quarter, including the redemption of the 2,000,000 of six per cent. stock of 1820, are estimated at - - - 6,000,000



Making the total estimated expenditure of the year  
 1822,..... 18,278,653 32

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And leaving in the Treasury, on the 1st of January,  
 1823, an estimated balance of..... Dollars. 3,148,347 67

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After deducting from this sum certain balances of appropriations, amounting to 1,232,212 11, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates, for the service of the ensuing year, a balance of 1,916,135 56 remains; which, with the receipts into the Treasury during the year 1823, constitutes the means for defraying the current service of that year.

## 2.—Of the Publick Debt.

The funded debt which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1821, amounted to .....17,833,746 84  
 And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1821, amounted to .....75,852,458 18

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Making the total amount of funded debt unredeemed  
 on the 1st of October, 1821.....93,686,205 02  
 In the fourth quarter of that Year there was issued,  
 Treasury note six per cent. stock to the amount of 390 40

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Making an aggregate of.....93,686,595 42  
 In the same quarter there was paid the sum of..... 262,738 75  
 Viz: Reimbursement of six per cent.  
       deferred stock ..... 257,180 60  
       Redemption of Louisiana stock..... 5,558 15

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Reducing the funded debt, on the 1st January, 1822,  
 to.....93,423,856 67  
 From that day to the 1st of October last, there was  
 issued three per cent. stock to the amount of..... 143 02

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Making an aggregate of.....93,423,999 69  
 During the same period there was paid the sum of..... 380,980 02  
 Viz: Reimbursement of six per cent.  
       deferred stock .....300,980 02  
 Redemption of the six per cent. stock of  
 1796 ..... 80,000 00

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Reducing the funded debt, on 1st of October, 1822, to 93,043,019 67  
 It is estimated that, in the fourth quarter of the present year there will be paid..... 2,265,588 07  
 Viz : Reimbursement of six per cent. deferred stock..... 265,588 07  
 Redemption of the six per cent. stock of 1820 ..... 2,000,000 00

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Which will reduce the funded debt, unredeemed on the 1st of January, 1823, to.....90,777,431 60  
 The amount of Treasury notes outstanding on the 1st of October, 1822, is estimated at.....27,437 00  
 And the amount of Mississippi stock, unredeemed on that day, at. .... Dollars 26,735 94

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**3d.—Of the Estimate of the Publick Revenue and Expenditure for the Year 1823.**

The gross amount of duties on imports and tonnage which accrued from the 1st of January to the 30th of September last, both days included, is estimated at 19,500,000, and that of the whole year at 23,000,000 Dollars.

It is estimated that the amount of debentures issued during the same period exceeds the amount issued during the corresponding period of the year 1821, by 86,000 dollars; and that the amount of debentures outstanding on the 30th of September last, chargeable upon the revenue of 1823, is 234,000 dollars more than was, on the same day in 1821, chargeable upon the revenue of 1822.

It is estimated that the value of Domestick Articles exported from The United States in the year ending on the 30th of September last, has amounted to 49,874,079 dollars; and that Foreign Articles, exported during the same period, have amounted to 22,286,202 dollars.

As the Receipts from the customs in the year 1823 depend : 1st, upon the amount of duty bonds which become due within that year, after deducting the expenses of collection, and the amount of debentures chargeable upon them; and, 2d, upon such portion of the duties secured in the first and second quarters of that year, as are payable within the year; it is manifest that an increase in the amount of debentures chargeable upon the Revenue of the year 1823, or a diminution of the importations of Foreign Merchandize during the two first quarters of that year, must necessarily diminish the Receipts into the Treasury. As debentures can be issued at any time within twelve months after importation, chargeable upon bonds given for the duties upon such importation, it is impossible to foresee the amount which may be chargeable upon the bonds that are payable during the Year 1823. The facts, however, which have been stated, justify the con-

clusion that the amount of debentures which will be issued and charged upon the revenue of 1823, will considerably exceed the amount which was chargeable upon that of 1822. From the same facts, it is also presumed that the importations of the two first quarters of the year 1823 will be less than the corresponding quarters of the present year.

Giving due weight to all the facts connected with the subject, the Receipts for the year 1823 may be estimated at..... 21,100,000 00

Viz: Customs..... 19,000,000

Publick lands..... 1,600,000

Bank dividends..... 350,000

Arrears of internal duties and direct

tax, and incidental Receipts..... 150,000

To which is to be added the sum of..... 1,916,135 56

remaining in the Treasury after satisfying the balances of appropriations, chargeable upon the Revenue of 1822, which makes the entire means of the year 1823 amount to.....23,016,135 56

The expenditure of the year 1823 is estimated at .....15,059,597 22

Viz: Civil, diplomattick, and miscella-

neous,..... 1,599,317 35

Military service, including fortifications, ordnance, Indian Department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January,

1817.....5,134,292 75

Naval service, including the gradual

increase of the navy,.....2,723,987 12

Publick debt.....5,602,000 00

Which, being deducted from the above sum, will leave in the Treasury, on the 1st of January, 1824, after satisfying the current demands of the year 1823, a sum estimated at.....Dollars 7,956,538 34

Although the facts already disclosed justify the conclusion, that the importations of the present year exceed the value of domestick articles exported during the year, yet there are no means of ascertaining the extent of that excess. If the custom-house documents were to be considered conclusive evidence upon this subject, it would be apparent that the Nation has, through the whole period of its existence, imported more in value than it has exported. But the fact is incontestible, that The United States have enjoyed a more uninterrupted prosperity, and have increased their capital to a greater relative extent, than any of the Nations with whom they have maintained commercial intercourse. To show that the Custom-house documents can-

not be considered conclusive evidence in this case, it is proper to observe, 1st: that the value of articles paying Duties ad valorem, imported into The United States, is ascertained by adding to the invoice value 20 per cent. if from beyond the Cape of Good Hope, and 10 per cent. from all other places; whilst the value of domestick articles exported is ascertained at the port of shipment without any such addition. 2d: The greatest portion of the importations and exportations are made in vessels of The United States. 3d: The capital employed in the trade of the North West Coast, and of the Pacifick Ocean, consists, almost exclusively, of the labour and enterprize of those engaged in it. Foreign Articles, the proceeds of those enterprizes, imported into The United States, are, therefore, only equivalent to the labour and enterprize by which they were procured. 4th: The value of domestick articles exported is more imperfectly ascertained than of Foreign Articles imported, because it has not been considered necessary to resort to the same sanctions to enforce a compliance with the regulations which have been prescribed for that purpose. To ascertain the relative value of imports and exports, it is necessary, 1st: That the same additions should be made to the invoice value of the latter, as are required by law to be made to the former. 2d: The freight of domestick articles exported in American vessels, should be added to their value, after deducting from it the freight of Foreign Articles imported in Foreign vessels. 3d: The value of Foreign Articles imported in vessels engaged in the trade of the North West Coast and Pacifick Ocean, the proceeds of the labour and enterprize of those by whom they were navigated, should be added to the domestick exports. 4th: It is impossible to ascertain what addition should be made to the value of the domestick exports, on account of the omission of the exporters to state correctly the quantity or value of articles exported by them; but, after making a liberal allowance for Foreign Articles illicitly introduced, or inaccurately invoiced, it is believed that a considerable addition should be made.

If then, to the amount of domestick articles exported during the Year ending on the 30th September last, already estimated at 49,874,079 dollars, the additions should be made which the preceding facts and considerations appear to authorize, the value of our domestick exports during that period may be estimated at nearly 60,000,000 dollars.

Although no calculation has been completed, shewing the average rate of duty upon the value of Foreign Articles imported into The United States, it is presumed that an importation of 60,000,000 dollars of Foreign Merchandize will not produce a less revenue than 17,000,000 dollars. As the Receipts from the Customs during the Years 1823 have been estimated at 19,000,000 dollars, it is probable that the receipts from the same source in 1824, which will depend upon the im-



portations of 1823, will not exceed 15,000,000 dollars. Under the most unfavourable circumstances, it is believed that the receipts of that Year will be sufficient to discharge all demands upon the Treasury which may be authorized by Law.

If the current appropriations for the Year 1825 shall be equal to those required by the Estimates of the ensuing year, the expenditure of that Year may be estimated at.....Doll. 28,253,597 22

Viz.: Current Appropriations..... 8,578,722 22

Permanent Appropriation for arming the Militia, and Indian Annuities..... 378,875 00

Gradual increase of the Navy.... 500,000 00

Publick Debt, including balances unapplied in 1823 and 1824, amounting to 8,796,000..... 18,796,000 00

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The means of the Treasury to meet this extraordinary expenditure consist,

1st. Of the Balance which may be in the Treasury on the 1st of January of that Year, estimated at 8,000,000 00

And, 2d, of the Receipts of that Year, estimated at..... 19,000,000 00

Viz.: Customs..... 17,000,000

Publick Lands..... 1,600,000

Bank Dividends..... 350,000

Incidental Receipts... 50,000

Making together an aggregate of..... 27,000,000 00

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And leaving a deficit of about .....Dollars 1,250,000 00

In this Estimate, the Receipts and Expenditures of the Year 1824 are estimated to be nearly equal. It is probable, however, that the Receipts may exceed, to a small extent, the Expenditures; but there is at least an equal probability that the Receipts for the Year 1825 are estimated too high. In the Year 1826, the Expenditure, assuming the current appropriations to be the same as in the Year 1823, may be estimated at 19,457,000 dollars, and the Receipts at 19,000,000 dollars. As the appropriation of 500,000 dollars for the gradual increase of the Navy expires in that Year, the Annual Expenditure may, for subsequent Years, be estimated at 19,000,000 dollars; unless it shall be considered expedient to make further provision for the increase of that essential means of national defence.

It is probable that the Annual Revenue will be equal to that Sum. To provide for the estimated deficit of the Years 1825 and 1826, as well as to meet any extraordinary demands upon the Treasury, which unforeseen exigencies may require, it is believed to be expedient that the Revenue should be increased. This may be conveniently effected by a judicious revision of the tariff; which, while it will not prove

onerous to the Consumer, will simplify the labours of the Officers of the Revenue. At present, articles composed of wool, cotton, flax, and hemp, pay different rates of Duty. Difficulties frequently occur in determining the Duties to which such articles are subject. The provision in the Tariff, that the Duty upon articles composed of various materials shall be regulated by the material of chief value of which they are composed, is productive of frequent embarrassment and much inconvenience. It is, therefore, respectfully submitted, that all articles composed of wool, cotton, flax, hemp, or silk, or of which any one of these materials is a component part, be subject to a Duty of 25 per cent. ad valorem. The Duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may also be increased, with a view to the augmentation of the Revenue. In all these cases, except articles composed of silk, it is probable, that the effect of the proposed augmentation of Duties will gradually lead to an ample supply of those articles from our Domestick Manufactories. It is, however, presumed, that the Revenue will continue to be augmented by the proposed alterations in the Tariff, until the Publick Debt shall have been redeemed; after which the Publick Expenditure in time of peace will be diminished to the extent of the Sinking Fund, which is at present 10,000,000 dollars. But if, contrary to present anticipations, the present augmentation of Duties should, before the Publick Debt be redeemed, produce a diminution of the Revenue arising from the importation of those articles, a corresponding, if not a greater, augmentation may be confidently expected upon other articles imported into The United States. This supposition rests upon the two-fold conviction, that Foreign Articles, nearly equal to the value of the Domestick Exports, will be imported and consumed; and that the substitution of particular classes of Domestick Articles for those of Foreign Nations, not only does not necessarily diminish the value of Domestick Exports, but usually tends to increase that value.

The Duties upon various other articles, not in any degree connected with our domestick industry, may, likewise, be increased with a view to the augmentation of the Publick Revenue. If the existing Tariff shall, during the present Session of Congress, be judiciously revised, for the purpose of augmenting the Revenue, it is confidently believed, that it will not only be amply sufficient to defray all the demands upon the Treasury, at present authorized by Law, but that there will remain an Annual Surplus, subject to such disposition for the promotion of the Publick welfare, as the wisdom of Congress may direct.

Under the Act of the 20th of April last, authorizing the exchange of certain portions of the Publick Debt for 5 per cent. Stock, 56,704 77 dollars only have been exchanged. The increased demand for Capital for the prosecution of commercial enterprizes during the present Year, and the rise in the rate of interest consequent upon that demand, which

were not anticipated at the time that the measure was proposed, have prevented its execution. Existing circumstances do not authorize the conclusion, that a measure of this nature will be more successful during the next Year. If the price of the Publick Debt in 1825 should be as high as it is at present, any portion of it, redeemable at the pleasure of the Government, which should be unredeemed in that and subsequent Years, after the application of the Sinking Fund to that object, may be advantageously exchanged for Stock, redeemable at such periods as to give full operation to the Sinking Fund. This may be effected, either directly, by an exchange of Stock, or indirectly, by authorizing a Loan to the amount of the Stock annually redeemable beyond the amount of the Sinking Fund applicable to that object.

All which is respectfully submitted.

Treasury Department, Dec. 23, 1822.

WM. H. CRAWFORD.

(A.)—*STATEMENT exhibiting the Amount of Duties which accrued on Merchandize, Tonnage, Passports, and Clearances; of Debentures issued on the Exportation of Foreign Merchandize; of Payments for Bounties and Allowances; of Expenses of Collection; and of Payments made into the Treasury, from the same sources, during the Year ending 31st December, 1821.*

	Dollars.
Duties on Merchandize.....	18,848,622 87
Do. on Tonnage, &c.....	98,177 60
Do. Passports, &c.....	9,858 00
	<hr/>
	18,956,658 47
Debentures issued .....	2,183,896 21
Bounties and Allowances. ....	181,160 71
	<hr/>
	2,365,056 92
Gross Revenue.....	16,591,601 55
Expenses of Collection.....	693,167 13
	<hr/>
Nett Revenue.....	15,898,434 42
	<hr/>
Payments made into the Treasury .....	Dollars 13,004,447 15
	<hr/>

(D and G.)—*Abstract STATEMENT of Lands sold, and of Monies received on account of Publick Lands. 1821, 1822.*

	Acres.
Lands sold in 1821 .....	780,572

	Dollars.
Gross Amount received for Lands sold in 1821.....	1,169,224
Gross Amount received in 1821, for Lands sold prior to 1st July, 1820.....	330,115
	<hr/>
Total.....Dollars	1,499,340
Incidental Expenses, including Salaries and Commis- sion.....	86,824
Repayments made to Individuals for Lands erro- neously sold.....	2,587
	<hr/>
	89,411
Nett Proceeds, 1821.....Dollars	1,409,929
	<hr/>
Nett Proceeds, First Half Year 1822.....	644,199
Payments made into the Treasury do.....	705,532
Do. Quarter Year to 30th September .....	592,952
	<hr/>
Total, 1st January to 30th September, 1822.....Dollars	1,298,484
	<hr/>

(E.)—*STATEMENT of Moneys received into the Treasury  
from all sources other than Customs and Publick Lands,  
during the Year 1821.*

	Dollars.
From arrears of Old Internal Revenue, Direct Tax of 1798.....	3,661 25
New Internal Revenue.....	69,027 63
New Direct Tax.....	25,687 80
Dividend on Stock in the Bank of The U. States..	105,000 00
Fees on Letters Patent.....	4,770 00
Postage of Letters.....	516 91
Cents coined at the Mint.....	14,440 00
Prizes captured by Publick Armed Vessels .....	634 20
Sales of Publick Lots in the City of Washington..	9,372 75
Return Passage Money of an American Seaman...	10 00
Damages recovered in an Action of Ejectment in the District Court of Vermont .....	233 33
Vessels, &c. condemned under the Acts pro- hibiting the Slave Trade.....	8,923 28
Interest on Balances due by Banks to The United States .....	310 35



From Moneys previously advanced on		
Account of the 3d Census .....	231 18	
Do. Building Custom Houses.....	716 62	
Do. Balances of advances made to the		
War Department.....	112,430 81	
	<hr/>	113,378 61
From small Treasury Notes, for which Certificates of		
7 per Cent. Stock have been issued.....		324 00
Loan authorized by Act of 3d		
March, 1821 .....	4,735,296 30	
Premium on the same.....	264,703 70	
	<hr/>	5,000,000 00
	<hr/>	<hr/>
Dollars.....		5,356,290 11
	<hr/>	<hr/>

*Treasury Department, Register's Office, December 12, 1822.*

JOSEPH NOURSE, Register.

**(F.)—STATEMENT of the Expenditures of The United States, for the Year 1821.**

*Civil, Miscellaneous, and Diplomatic, viz.*

Legislature .....	359,900 04	
Executive Departments .....	506,024 19	
Officers of the Mint.....	9,600 00	
Surveying Department .....	16,837 32	
Commissioner Public Buildings .....	1,000 00	
Governments in the Territories of The United		
States .....	14,101 68	
Judiciary .....	204,829 41	
	<hr/>	1,112,292 64
Annuities and Grants .....	1,300 00	
Mint Establishment.....	45,850 00	
Unclaimed Merchandize.....	3,736 92	
Light House Establishment.....	146,584 84	
Surveys of Public Lands .....	173,941 95	
Privateer Pension Fund .....	1,961 54	
Trading Houses with the Indians .....	18,750 00	
Roads within the State of Ohio .....	9,802 85	
Roads within the State of Alabama.....	950 00	
Road from Cumberland to Ohio .....	65,320 11	
Road from Wheeling, Va. to the Mississippi River	5,000 00	
Marine Hospital Establishment.....	66,845 48	
Public Buildings in Washington .....	110,136 00	
Florida Claims .....	413 60	
Payment of Claims for Property lost, &c, .....	134 50	
Payment of Balances to Collectors of New Inter-		
nal Revenue.....	2,567 05	

Payment of Balances to certain Collectors of Old Internal Revenue .....	266 98	
Payment of Outstanding Debentures for Internal Duties .....	7,074 16	
Prohibition of the Slave Trade.....	7,502 67	
Prisoners of War.....	2,684 57	
Fourth Census.....	212,000 00	
Refunding surplus proceeds of Property sold for Payment of Direct Tax.....	134 58	
Votes for President and Vice President of The United States.....	3,195 50	
Miscellaneous Claims .....	33,314 85	
Surveying certain parts of Coast North Carolina .....	3,000 00	
		922,468 15
Diplomatick Department .....	45,524 91	
Contingent Expenses of Foreign Intercourse...	21,662 77	
Relief and Protection of American Seamen ....	33,504 26	
Treaty of Ghent.....	29,522 66	
Treaties with Mediterranean Powers .....	13,896 15	
Treaty with Spain.....	63,000 00	
		207,110 75
<i>Military Department, viz.</i>		
Pay of the Army .....	1,154,555 86	
Subsistence.....	354,654 67	
Forage .....	31,540 00	
Clothing .....	276,565 25	
Medical and Hospital Department.....	12,505 00	
Contingent Expenses .....	40,000 00	
Ordnance .....	805,250 00	
Fortifications .....	602,000 00	
Quartermaster's Department .....	456,380 50	
Military Academy at West Point.....	59,286 79	
Arrearages of Outstanding Claims .....	30,000 00	
Survey of the Water Courses West of the Mississippi .....	4,500 00	
Survey of the Ohio and Mississippi Rivers, &c...	5,000 00	
Pay of Disbanded Officers and Soldiers.....	60,000 00	
Balances due to certain States.....	350,000 00	
Boundary Line of Indian Cessions.....	15,000 00	
Indian Department .....	330,205 44	
Civilization of Indian Tribes .....	10,000 00	
Road through the Creek Nation, between Georgia and Alabama .....	3,300 00	
Relief of John Harding and others.....	180 00	
Joseph Bruce .....	65 00	
Thomas C. Withers.....	370 00	
Daniel Converse and George Miller ...	35 00	
Military Pensions.....	212,817 25	
Half Pay Pensions to Widows and Orphans.....	30,000 00	
Arming and equipping the Militia .....	200,000 00	

Treaties with Indian Tribes.....	118,050 00	
Survey of the Coast of The United States.....	103 71	
	<hr/>	5,162,364 47

*Naval Department, viz.*

Pay and Subsistence of Officers, and Pay of		
Seamen .....	983,325 25	
Provisions.....	337,831 00	
Medicines .....	32,000 00	
Repairs of Vessels.....	475,000 00	
Ordnance .....	25,000 00	
Contingent Expenses.....	200,000 00	
Pay and Subsistence of the Marine Corps .....	169,393 00	
Clothing ditto.....	30,686 31	
Fuel ditto.....	6,857 50	
Quartermasters and Contingencies, Marine		
Corps.....	14,000 00	
Gradual Increase of the Navy .....	950,000 00	
Navy Yards .....	85,000 00	
Building small Vessels of War .....	10,000 00	
Removing Obstructions in the River Thames...	150 00	
	<hr/>	3,319,243 06

*Publick Debt, viz.*

Interest and Reimbursement of Domestick Debt	5,623,321 38	
Interest on Louisiana Stock .....	36,560 88	
Redemption of Louisiana Stock .....	2,071,360 00	
Payment of certain parts of Domestick Debt..	54 45	
Reimbursement of Mississippi Stock .....	634,022 53	
Principal and Interest of Treasury Notes .....	1,774 38	
	<hr/>	8,367,093 62
		<hr/>
		Dollars 19,090,572 69
		<hr/>

*Treasury Department, Register's Office, December 14, 1822.*

JOSEPH NOURSE, Register.

(H.)—*STATEMENT of Moneys received into the Treasury, from all sources other than Customs and Publick Lands, from 1st January to 30th September, 1822.*

From arrears of Old Internal Revenue .....	121 11
Direct Tax of 1798 .....	863 22
New Internal Revenue .....	55,863 97
New Direct Tax.....	15,265 92
Dividends on Stock in the Bank of The United States	297,500 00
Fees on Letters Patent .....	4,950 00
Postage of Letters .....	602 04
Cents coined at the Mint.....	9,594 00
Vessels, &c. condemned under the Acts prohibiting the	
Slave Trade .....	1,507 86

From Interest on Balances due by Banks to the United States	543 72
Nett proceeds of Gun Boats, sold by Act of 27th February, 1817.....	2,381 58
Money previously advanced on account of the 3d Census.....	12 84
Do. Military Pensions.....	2,087 29
Do. Roads under the Treaty of Brownstown	578 21
Do. Balances of advances made to War Department under 3d Sec.....	54,667 82
Do. Balances of appropriations for the War Department, returned to the Treasury, and carried to the Surplus Fund under the Act of 1st of May, 1820 .....	84,282 16
Do. Balances of appropriations for the Navy Department, returned to the Treasury, and carried to the Surplus Fund, under the Act of May, 1820.....	267,169 30
	<hr/> 408,797 62
	<hr/> Dollars 797,991 04

*Treasury Department, Register's Office, December 12, 1822.*

JOSEPH NOURSE, Register.

(I).—*STATEMENT of the Expenditures of The United States, from the 1st January to the 30th September, 1822.*

*Civil, Miscellaneous, and Diplomatick, viz.*

Legislature.....	369,790 51
Executive Departments.....	346,390 94
Officers of the Mint.....	7,200 00
Commissioner of the Publick Buildings .....	1,178 08
Surveying Department.....	6,882 50
Governments in the Territories of The United States.....	9,200 00
Judiciary .....	160,143 69
	<hr/> 900,785 72
Annuities and Grants .....	1,657 13
Mint Establishment.....	8,000 00
Unclaimed Merchandize.....	598 49
Light House Establishment.....	128,197 27
Surveys of Publick Lands.....	66,735 00
Privateer Pension Fund .....	1,221 62
Appropriation of Prize Money.....	634 20
Trading Houses with the Indians .....	9,570 60
Roads within the State of Ohio.....	3,257 54
Roads within the State of Alabama .....	800 00
Roads within the State of Indiana .....	32,629 46
Marine Hospital Establishment.....	33,959 21
Publick Buildings in Washington.....	97,751 53



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Building Custom Houses .....	1,319 26	
Florida Claims.....	141 17	
Payment of Balances to Collectors of New Internal Revenue.....	517 93	
Payment of Balances to Officers of Old Internal Revenue and Direct Tax.....	3,234 82	
Prohibition of the Slave Trade .....	22,820 42	
Prisoners of War .....	2,089 87	
Payment of certain Certificates .....	2,029 43	
Printing the Journal of the Convention .....	542 56	
Payment of Claims for Property lost .....	55 00	
Survey of the Coast of Florida.....	150 00	
Refunding Duties on Distilled Spirits .....	95 62	
Miscellaneous Expenses.....	87,210 60	
		505,218 73
Diplomatick Department.....	86,023 30	
Contingent Expenses of Foreign Intercourse ...	7,250 00	
Relief and Protection of American Seamen.....	7,543 39	
Treaty of Ghent.....	13,492 24	
Treaty with Spain.....	14,277 86	
Treaties with Mediterranean Powers .....	1,843 00	
		130,429 79

*Military Department, viz.*

Pay of the Army .....	865,050 68
Subsistence.....	183,275 61
Forage.....	12,633 96
Clothing .....	131,435 33
Medical and Hospital Department.....	13,409 83
Contingent Expenses War Department.....	4,017 33
Ordnance Department .....	263,539 28
Fortifications .....	111,108 87
Quartermaster's Department .....	318,201 98
Military Academy at West Point.....	2,492 43
Brigade of Militia .....	10,693 28
Surveys of Ports and Harbours .....	3 50
Medals for Officers of the Army .....	4,080 00
New Roofs for the Barracks at Carlisle.....	3,500 00
Arrearages of Outstanding Claims.....	108,652 10
Maps, Plans, &c. War Office .....	140 22
Completing the Road through Georgia .....	321 01
Relief of General James Wilkinson .....	2,926 59
Joshua Newsom and others.....	647 80
Elias Parks .....	2,284 00
John Anderson .....	1,300 00
William Gwynn .....	47 50
William E. Meek.. .....	1,279 87
Cornelius Huson .....	250 00
William Henderson.....	2,765 00

Relief of James Peirce .....	430 00
Greenberry H. Murphey .....	1,490 30
Militia Courts Martial, Colonel Wood, President	762 84
Do. Thomas C. Miller .....	1,494 65
Do. T. More and D. Fere .....	606 59
Do. General Steddiford .....	17,839 24
Repairs and Contingencies of Fortifications .....	3,192 32
Fort Delaware .....	8,400 00
Monroe .....	27,592 32
Washington .....	12,585 56
Calhoun .....	17,400 00
The Rigolets .....	48,006 84
Barracks at Baton Rouge .....	8,108 16
Mobile Point .....	1,993 16
Survey of the Ohio and Mississippi Rivers .....	276 00
Arsenal at Baton Rouge .....	3,000 00
Materials for a Fort opposite Fort St. Philip ...	800 00
Balance due to the State of Maryland .....	527 00
Relief of William Dooley .....	350 80
Relief of the Planter's Bank New Orleans .....	8,495 70
Bounties and Premiums .....	3,718 90
Preservation of Arms .....	2,200 00
Army Supplies .....	820 00
Expenses of Arsenals .....	585 50
Repairing Arms .....	2,841 05
Repairs of Arsenals .....	89 81
Preservation of Ammunition .....	1,550 00
Arming and equipping the Militia ..	332,466 44
Gratuities, &c. ....	392 28
Armories .....	94,000 00
Cannon, Shot, &c. ....	1,000 00
Expenses of Recruiting .....	21 33
Revolutionary Pensions .....	1,642,590 94
Military and Half-Pay Pensions .....	3,00935 90
Indian Department .....	152,984 67
Civilization of the Indians .....	1,373 80
Annuities to Indians, per Act 6 May, 1796	14,505 54
Do. 25 Feb. 1799	15,322 19
Do. 3 March, 1805	1,000 00
Do. 21 April, 1806	31,167 17
Do. 3 March, 1807	661 11
Do. 19 Feb. 1808	100,000 00
Do. 1 May, 1810	4,200 00
Do. 3 March, 1811	2,235 07
Do. 26 April, 1816	50 00
Do. 3 March, 1817	38,716 44
Do. 3 March, 1821	29,454 01
Do. 3 March, 1819	117,050 00
Do. 8 Jan. 1821	60,760 47

## UNITED STATES.

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Annuities to Indians, per Act 15 May, 1820	6,000 00
Do. 7 May, 1822	15,100 00
Do. 7 May, 1822	18,107 10
Treaties with the Creeks and Cherokees.....	25,010 43
Do. with the Creeks.....	8,331 27
Pay of Indian Agents .....	7,000 00
Do. Sub-Agents .....	3,750 00
Presents to Indians .....	4,935 59

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Dollars 5,158,289 66

*From which deduct the following Repayments, viz.*

Expenses of Recruiting .....	12,246 69
Balances due to certain States ....	120,433 26
Bounties and Premiums.....	29,006 58
Mobile Point .....	12,550 00
Gratuities .....	15,469 15
Cannon, Shells, &c. ....	8,478 95
Arsenal at Baton Rouge .....	4,690 29
Powder Magazine at Frankfort, Pennsylvania.....	17 50
Survey of the Ohio and Mississippi Rivers .. .....	1,251 60
Survey of Water Courses, Missis- sippi.....	184 46
Relief of T. C. Withers .....	187 00
Do. J. Harding .....	180 00
Boundary Line between The United States and the Creeks .. .....	865 38
Do. of several cessions .....	15,000 00
Claims against the Osages .....	3,582 50
Arsenal at Watervliet .....	324 69
Treaty with the Indians in Missis- sippi .....	3,610 93
	<hr/> 228,078 98
	<hr/> 4,930,210 68

*Naval Department. viz.*

Pay of the Navy.....	533,071 56
Provisions.....	113,649 99
Medicines .....	10,476 42
Repairs of Vessels .....	217,279 59
Ordnance .....	822 81
Freight and Contingent Expenses.....	141,062 54
Navy Yards .....	34,663 75
Superintendents, &c. ....	19,225 71
Labourers, &c.....	9,703 01
Gradual Increase.....	425,483 09
Pay and subsistence of the Marine Corps ....	48,192 43

Clothing of the Marine Corps.....	26,277 50
Fuel do. do. ....	724 95
Quartermaster's Stores and Contingencies, do.	15,990 13
	<hr/>
	1,596,623 48 6,466,644 92

*From which deduct the following Repayments, viz.*

Heads to which they apply :	
Purchase of Timber .....	11,584 67
Repairs of Vessels damaged in action.....	984 00
Shot, Shells, and Military Stores..	25,910 70
Repairs of the " Constellation" ..	450 00
Seventy-fours and Frigates .....	4 00
Survey Coast of North Carolina ..	430 38
Widows and Orphans of Persons on board Epervier.....	7,481 70
Military Stores, M. Corps.....	10,825 15
	<hr/>
	57,670 60
	<hr/>
	1,538,952 88

*Publick Debt, viz.*

Interest, &c. Domestick Debt .....	4,163,656 47
Redemption of Louisiana Stock.....	5,294 12
Reimbursement of Mississippi Stock .....	23,388 94
Certain Parts Domestick Debt.....	438 99
Redemption of 6 per Cent. Stock of 1796 ....	80,000 00
Principal and Interest of Treasury Notes .....	277 00
	<hr/>
	4,273,035 52

Dollars 12,278,653 32

*Treasury Department, Register's Office, December 14, 1822.*

JOSEPH NOURSE, Register.

**(1.)—STATEMENT of the Funded Debt of the United States, on the 1st October, 1821.**

Deferred Stock, (unredeemed amount) ....	1,783,257 66
Three per Cent. Stock.....	13,295,956 04
Six per Cent. of 1796 .....	80,000 00
Exchanged six per Cent. of 1812.....	2,668,974 99
Louisiana six per Cent. Stock, (amount unapplied for).....	5,558 15
	<hr/>
	17,833,746 84
Six per Cent. Stock of 1812.....	6,187,006 84
Six per Cent. Stock of 1813.....	
(16 millions) .....	15,521,136 45
Six per Cent. Stock of 1813 .....	
(7½ Millions) .....	6,836,232 39
Six per Cent. Stock of 1814 .....	13,011,437 63
Six per Cent. Stock of 1815 .....	9,490,099 10
Treasury Note six per Cent. Stock .....	1,464,895 07



Treasury Note seven per Cent. Stock ....	8,606,355 27
Five per Cent. Stock, (Subscription to Bank United States) .....	7,000,000 00
Six per Cent. Stock of 1820 .....	2,000,000 00
Five per Cent. Stock of 1820.....	999,999 13
Five per Cent. Stock of 1821.....	4,735,296 30
	<hr/> 75,852,458 18
	Dollars 93,686,205 02

Note.—The estimated Amount per No. 1, of the Secretary's Report of last Year, was .....	93,686,095 74
To which add this sum, then over estimated as reimburse- ment of deferred Stock.....	109 28
Making as above....Dollars	<hr/> 93,686,205 02

*Treasury Department, Register's Office, December 2d, 1822.*

JOSEPH NOURSE, Register.

**(2.)—STATEMENT of the Debt of the United States on the  
1st January, 1822.**

Deferred Stock, (unredeemed amount).....	1,526,077 06
Three per Cent. Stock .....	13,295,956 04
Six per Cent. Stock of 1796 .....	80,000 00
Exchanged six per Cent. Stock of 1812.....	2,668,974 99
	<hr/> 17,571,008 09
Six per Cent. Stock of 1812.....	6,187,006 84
Six per Cent. Stock of 1813, (16 millions)..	15,521,136 45
Six per Cent. Stock of 1813, (7½ millions)...	6,836,232 39
Six per Cent. Stock of 1814 .....	13,011,437 63
Six per Cent. Stock of 1815.....	9,490,099 10
Treasury Note six per Cent. Stock.....	1,465,285 47
Treasury Note Seven per Cent. Stock.....	8,606,355 27
Five per Cent. Stock, (Subscription to Bank United States) .....	7,000,000 00
Six per Cent. Stock of 1820 .....	2,000,000 00
Five per Cent. Stock of 1820 .....	999,999 13
Five per Cent. Stock of 1821.....	4,735,296 30
	<hr/> 75,852,848 58
	Dollars 93,423,856 67
Amount of the Debt, (per Statement 1) on the 1st October, 1821 .....	93,686,205 02
Add Treasury Note six per Cent. Stock, issued in the fourth Quarter, 1821.....	390 40
	<hr/> 93,686,595 42

Deduct reimbursement of the Deferred Stock, on the 31st December, 1821.....	257,180 60	
And Payment of Louisiana Stock, which, on the 1st October, 1821, had not been applied for .....	5,558 15	262,738 75

Amount, as above, on 1st January, 1822.....Dollars 93,423,856 67

Treasury Department, Register's Office, December 2d, 1822.

JOSEPH NOURSE, Register.

(3.)—*ESTIMATE of the Funded Debt of The United States,  
1st October, 1822, and 1st January, 1823.*

On the 1st October, 1822.

Deferred Stock, (unredeemed amount) .....	1,225,097 04	
Three per cent. Stock .....	13,296,099 06	
Exchanged six per cent. Stock .....	2,668,974 99	17,190,171 09
Six per cent. Stock of 1812.....	6,187,006 84	
Do..... 1813, (16 millions)....	15,521,136 45	
Do..... Do. (7½ millions)....	6,836,232 39	
Do..... 1814. ....	13,011,437 63	
Do..... 1815.....	9,490,099 10	
Treasury note six per cent. Stock .....	1,465,285 47	
Do.....seven.....Do.....	8,606,355 27	
Five per cent. Stock, (subscription to Bank United States).....	7,000,000 00	
Six per cent. Stock of 1820.....	2,000,000 00	
Five per cent. Stock of 1820.....	999,999 13	
Do.....1821.....	4,735,296 30	75,852,848 58

Amount.....Dollars 93,043,019 67

Amount, as stated 1st January, 1822..... 93,423,856 67

Add three per cent. Stock, issued since..... 143 02

93,423,999 69

Deduct reimbursement of deferred Stock .....	300,980 02	
Payment of the six per cent. Stock of 1796 .....	80,000 00	380,980 02

As above, 1st October, 1822.....Dollars 93,043,019 67

Estimated amount of Payments in the Fourth Quarter, 1822.

Reimbursement of the deferred Stock .....

265,588 07

Payment of the six per cent. Stock of 1820..	2,000,000	
		<u>2,265,588 07</u>

Estimated amount of the Debt, 1st January, 1823....	90,777,431 60
	<u><u>                    </u></u>

Note.—The following Sums, included in the above Statement, were surrendered on the 1st October, and exchanged five per cent. Stock issued in lieu thereof, under the Act of the 20th April, 1822, viz.

Six per cent. Stock of 1813.....	46,704 77
Six per cent. Stock of 1814.....	10,000 00

Treasury Department,	Dollars 56,704 77
Register's Office, December 2, 1822.	<u><u>                    </u></u>

JOSEPH NOURSE, Register.

(4.)—*ESTIMATE of the Amount of Treasury Notes outstanding 1st October, 1822.*

Total Amount issued (as per No. 4, of last Report) .....	36,680,794
Cancelled, and reported on by the first Auditor .....	36,653,357

Outstanding .....	Dollars 27,437
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Of which there appears to be in small Notes .....	2,917
Notes bearing Interest....	24,520

	Dollars 27,437
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Treasury Department, Register's Office, December 2, 1822.

JOSEPH NOURSE, Register.

(5.)—*STATEMENT of the Stock issued under the Act of Congress, entitled "An Act supplementary to the Act for the Indemnification of certain Claimants of Publick Lands in the Mississippi Territory," passed on the 3d March, 1815.*

Amount of Claims awarded per Statement (5) of last Report	4,282,151 12½
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Whereof there was paid in for Lands per Do..	2,442,535 39
Paid in since.....	5,000 00
	<u>2,447,535 39</u>

Payments at the Treasury to the 30th September,	
1821, per said Statement.....	1,734,490 85
Do. from the 1st of October, 1821, to the 30th	
September, 1822 .....	73,388 94
	<u>1,807,879 70</u>

Balance, 1st October, 1822, consisting of Certificates outstanding.....	23,949 00	
Awards not applied for.....	2,786 94½	
		26,735 94½

*Treasury Department,*  
*Register's Office, December 2, 1822.*

Dollars 4,282,151 12½

JOSEPH NOURSE, Register.

***CIRCULAR to the Collectors of Customs in The United States, relative to the treatment of Belligerent Armed Vessels, and their Cargoes, belonging to France and Spain, and to Spanish America, in the Ports of The United States.***

SIR, *Treasury Department, 30th July, 1823.*

As it is probable that, in the progress of the War which now exists between France and Spain, the publick and private armed Vessels of one, and perhaps of both Belligerents may, by stress of weather, pursuit of enemies, or some other urgent necessity, be forced to enter the Ports and Harbours of The United States, it becomes the duty of the Government to prescribe the manner in which they shall be treated whilst they remain within its jurisdiction.

As there exists, upon this subject, no legislative enactment, the question must be decided by the Conventional Engagements which The United States have contracted with the Belligerent Parties.

By the 8th Article of the Treaty between The United States and Spain,\* it is provided that the publick and private Vessels of Spain, when forced by stress of weather, pursuit of Enemies, or any other urgent necessity, to seek shelter or harbour, may enter into any of the Rivers, Bays, Roads, or Ports, belonging to The United States, and shall be received with all humanity, and enjoy all favour, protection, and help, and be permitted to refresh and provide themselves, at reasonable rates, with provisions and all things needful for the subsistence of their persons, or reparation of their ships, and prosecution

\* Art. VIII. Treaty between The United States and Spain. San Lorenzo el Real, 27th October, 1795.

In case the Subjects and Inhabitants of either Party, with their Shipping, whether Publick and of War, or Private and of Merchants, be forced, through stress of weather, pursuit of Pirates or Enemies, or any other urgent necessity for seeking shelter and harbour, to retreat and enter into any of the Rivers, Bays, Roads, or Ports, belonging to the other Party, they shall be received and treated with all humanity, and enjoy all favour, protection, and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the subsistence of their persons, or reparation of their Ships, and prosecution of their Voyage, and they shall no ways be hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any let or hindrance.



of their voyage : and they shall be no ways hindered from departing from the said Ports or Roads, but may remove and depart when and whither they please, without any let or hindrance.

With France, The United States have no Treaty Stipulations upon the subject. The obligations of neutrality, however, impose upon them the observance of the same course of conduct towards both Belligerents, unless Spain has a right, by Treaty, to exclusive privileges. A reference to the provisions of the 8th Article of the Treaty above recited, proves that no exclusive privileges have been granted to her. It becomes, then, the duty of The United States to treat the Public and Private Armed Vessels of both Parties in the same manner.

Assuming the provisions of the Article referred to, as the rule by which the conduct of The United States is to be regulated, I am instructed by the President to direct :—

1st. That the Public and Private Armed Vessels of France and Spain, with their Prizes, may, under the circumstances described in the said Article, enter the Ports, Harbours, and Waters of The United States, and repair any damages which they may have sustained; but no increase of arms or munitions of war, or of the number of men on board, can be lawfully made.

2d. That such Prizes cannot be condemned or sold within the jurisdiction of The United States, and, consequently, cannot be admitted to entry at the Custom Houses, nor permitted to enter into the general consumption.

3d. That they may, at any time, depart from The United States, without let or hindrance.

4th. That, when Prize Vessels have been wrecked, or so disabled as not to be rendered seaworthy, their cargoes may be re-shipped in any other Vessel which shall not enjoy an exemption from capture, not enjoyed by such Prize Vessels. For example: if France, in the progress of the War, shall conform to the rule, that free Vessels make free goods, the Cargoes of Vessels captured by either Belligerent, when re-shipped in Neutral Vessels, will enjoy an exemption from capture which the Prize Vessels did not enjoy.

5th. During the time that Prize Vessels may remain in the Ports of The United States, they shall be subject to such inspection, and such superintendence, by the Custom House Officers, as may be necessary to prevent smuggling of any kind.

The same rules are to be observed in relation to the public and private Armed Vessels of Spain and of the Independent Governments established in Spanish America, and their Prizes, when brought within the jurisdiction of The United States.

I remain, with respect, your obedient Servant,

WM. H. CRAWFORD.

SIR, (2.) *Treasury Department, 18th August, 1823.*

IN consequence of representations made to the Secretary of State by the Chargé d'Affaires of His Most Christian Majesty, resident in The United States, that the determination of His Majesty's Government not to capture Spanish or Foreign Merchant Vessels, except for violating an effectual Blockade, is more advantageous to neutrals, than the principle that Free Vessels make Free Goods, and still more advantageous to the adverse Belligerent, the President has instructed me to direct, that in the Cases described in the 4th Regulation of the Circular of the 30th July last, the Cargoes of captured Vessels shall not be permitted to be reshipped from the Ports of The United States in Neutral Vessels.

I remain, with respect, &c. WILLIAM H. CRAWFORD.

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**CORRESPONDENCE respecting the Political and Commercial Relations between Russia and Turkey.**

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(1.)—*Count Nesselrode to The Reis Effendi.*

MONSIEUR, *St. Pétersbourg, le  $\frac{6}{18}$  Mai, 1823.*

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire par l'intermédiaire du Vicomte de Strangford, et je me suis empressé de la mettre sous les yeux de l'Empereur.

Sa Majesté Impériale m'a donné ordre d'y faire la réponse suivante:

Elle se félicite sincèrement d'y voir énoncer l'intime conviction, que le maintien et la continuation de la Paix entre les deux Empires, ont toujours formé l'objet de ses vœux.

La Porte Ottomane a dû en acquérir la preuve depuis longtemps. L'Empereur a réclamé des droits que les Traités lui assurent, il a signalé avec franchise, les dangers auxquels la violation de ces Traités exposoit l'Empire Ottoman; mais jamais des vues hostiles ne l'ont animé, et lorsque même au milieu d'une déplorable complication, ses avertissemens et ses conseils étoient méconnus, il n'a fait adresser au Divan, par son Ministère et par ses Alliés, que des représentations et des propositions qui attestoient encore une véritable sollicitude pour les intérêts même de La Porte.

C'est donc avec raison que l'Ambassadeur de Sa Majesté le Roi de la Grande Bretagne a assuré le Gouvernement Turc des dispositions

toujours amicales de l'Empereur, et de la modération qu'il fait présider à sa politique.

Les sentimens de Sa Majesté Impériale ne changent pas. Elle a appris avec satisfaction par la Lettre de votre Excellence, que La Porte Ottomane ténait à l'exécution des Traités, que, fidèle à l'usage, et respectant les Droits de la Russie, elle lui notifioit la nomination des nouveaux Hospodars dans les deux Principautés, qu'elle avoit donné aux Troupes Turques l'ordre d'évacuer complètement ces Provinces, et qu'elle les feroit jouir des prérogatives que les Traités leur accordent. Ce premier pas de la Porte vers l'ajustement définitif des différens qui se sont élevés entre les deux Puissances ne pouvoit qu'être agréable à Sa Majesté Impériale. Il lui permet de croire, que les autres points qui sont à régler, le seront incessamment d'une manière conforme aux intérêts de son Empire, et aux Droits que lui garantissent les Traités. Les progrès successifs de Lord Strangford dans la Négociation qui lui est confiée, joints au témoignage des faits et à la scrupuleuse exécution des ordres donnés par La Porte, pour l'entière évacuation de la Valachie et de la Moldavie, offriront ainsi à l'Empereur la possibilité de renouer ses anciennes relations avec le Gouvernement Turc. Ce n'est qu'alors que le rétablissement d'une Légation Russe à Constantinople pourra avoir lieu. Cette Légation seroit chargée à cette époque, de vouer tous ses soins à la Négociation générale, qui avoit été ouverte avant les événemens de l'Année 1821, et de la poursuivre sur la même base et d'après le même mode, car cette Négociation n'ayant aucun rapport avec les différens actuels, ne pourra être reprise que quand ceux-ci seront entièrement applanis. Mais c'est ce dernier résultat qu'il s'agit avant tout d'amener. Les véritables intérêts de La Porte Ottomane le demandent, et pour prouver jusqu'à quel point il entre dans les vues de l'Empereur, Sa Majesté Impériale m'autorise à ne pas consigner dans la présente Lettre, les observations que devoient motiver plusieurs passages de l'Office de votre Excellence, et plus d'une mesure adoptée en dernier lieu par le Gouvernement Turc.

Lord Strangford fera connoître au Divan la pensée de l'Empereur à ce sujet.

Mon Auguste Souverain se flatte qu'un procédé semblable de sa part, et le but des nouvelles Communications de l'Ambassadeur d'Angleterre seront appréciés par La Porte. J'ai l'honneur d'être, &c.

*La Reis Effendi.*

LE COMTE DE NESSELRODE.

(2.)—*Count Nesselrode to Viscount Strangford.*

MY LORD, *St. Pétersbourg, le 7<sup>e</sup> Mai, 1823.*

LA Lettre que votre Excellence a bien voulu m'écrire en date du 28 Février, et celle du Reis Effendi qui s'y trouvoit jointe, me sont

parvenues, il y a peu de jours. Je me suis fait un devoir de les porter aussitôt à la connaissance de l'Empereur.

Sa Majesté Impériale me charge de vous assurer, My Lord, qu'elle apprécie ce premier effet de vos soins.

Vous connoissez ses intentions.—Vous savez que le vœu de la Paix sera toujours le plus cher de ses vœux. Or la démarche du Reis Effendi porte un caractère pacifique, et prouve que le Ministère Turc a le désir de se rapprocher de la Russie. Cette démarche ne pouvoit donc, sous ce rapport, que satisfaire Sa Majesté Impériale.

Envisagée sous d'autres points de vue, cette même démarche ne paroît pas moins importante.

Pour la première fois le langage du Ministère Turc indique la volonté d'une réconciliation ; les dispositions de l'Empereur sont appréciées ; les promesses de remplir les Traités données ; et une des formalités d'usage observée.

Ainsi, en comparant la Lettre du Reis Effendi à tous les Documents antérieurs qui étoient sortis du Cabinet de Constantinople ; en se rappelant les Protocoles des Conférences qui avoient précédé votre départ pour Vienne ; on trouve, My Lord, une amélioration dans la politique du Divan ; on s'apperçoit des progrès que vous avez su faire, de la confiance que vous avez inspirée ; et l'Empereur se plaît à voir dans les résultats présents, le gage de vos succès pour l'avenir.

Cette nuance de bien a été saisie par Sa Majesté Impériale. Votre Excellence s'en convaincra par la Réponse ci-jointe que j'adresse, d'ordre de l'Empereur, au Ministre Turc. Permettez-moi, My Lord, d'en indiquer ici avec précision, le vrai but et d'en développer les motifs.

Vous ne vous êtes point dissimulé vous-même, tout ce que la Lettre du Reis Effendi nous laisseroit à désirer. Vous étiez à la fois trop juste et trop éclairé, pour ne pas le sentir.

Sur les trois Articles essentiels des conditions que l'Empereur a mises au rétablissement de ses Relations Diplomatiques avec la Porte, et qui se trouvent énoncées dans les Procès Verbaux des Conférences de Vérone, relatives aux Affaires de l'Orient, un seul a été rempli, et encore cet Article isolé, ne concerne-t-il qu'une simple question de forme ?

Par la Communication que me fait le Reis Effendi, les Turcs montrent qu'ils sont enfin accessibles aux conseils de la raison et de la saine politique. Mais il ne faut point oublier, qu'en statuant que désormais la Noblesse Moldave et Valaque donneroit des Hospodars aux deux Principautés, les Turcs ont apporté un changement au mode d'Administration de ces Provinces. Or la Russie, en vertu des Traités ne doit rester étrangère à aucune mesure organique, concernant la Valachie et la Moldavie. Un changement de ce genre, pour



dévenir légal, devoit donc lui être notifié, et recevoir son assentiment formel.

La Notification dont il s'agit n'est par conséquent pas un sacrifice de la part du Divan. Son propre intérêt l'engageoit à se procurer les moyens d'obtenir une approbation qui lui est nécessaire, et l'Empereur ne feroit qu'user d'un droit incontestable, si avant de se prononcer sur cette réforme, il prenoit des mesures pour s'assurer, jusqu'à quel point elle est avantageuse aux Pays où elle a été introduite. Mais Sa Majesté Impériale désire que vous puissiez, My Lord, prouver au Divan, que, loin de multiplier les sujets de discussion, elle apprécie la position difficile où se trouvoit placée La Porte Ottomane relativement au choix des Hospodars. L'Empereur est donc prêt à admettre le nouveau principe d'après lequel ils ont été nommés ; il vous autorise même à en prévenir le Gouvernement Turc, si les facilités que vous trouverez dans le reste de vos Négociations, légitiment cette marque de condescendance.

Je ne m'étendrai point ici sur la corrélation que La Porte continue à vouloir établir entre les questions du moment et l'un des objets d'une Négociation précédente. Jamais une connexion semblable ne pourra être reconnue par la Russie. Votre Excellence en est certainement persuadée, et les heureux efforts qu'elle a fait pour changer le langage des Turcs, nous donnent lieu de croire qu'elle réussira également à banir cette prétention de leurs Communications ultérieures, et à les convaincre qu'ils commettent une faute essentielle, en confondant ainsi les Discussions étrangères l'une à l'autre.

Mais si des réserves aussi explicites n'étoient pas de nature à nous encourager au rétablissement immédiat de nos Rapports Diplomatiques avec l'Empire Ottoman, d'autres faits bien plus graves, devoient nécessairement suspendre les déterminations que l'Empereur avoit déjà presque arrêtées, et ne lui ont pas permis de suivre prématurément l'impulsion de ses desirs.

Au moment même que j'ai reçu la Lettre de votre Excellence—au moment où La Porte venoit d'assurer Sa Majesté Impériale de l'évacuation complète des Principautés et de son respect pour les Traités qui ont défini et consacré les prérogatives de ces Provinces, un Commandant Turc, consommoit au milieu de Bucharest, une acte aussi alarmant pour les malheureux Habitans de la Valachie et de la Moldavie, que contraire à la foi des Stipulations les plus solennelles et des promesses les plus récentes.

Un Boyard qui venoit de rentrer dans sa Patrie, a été enlevé tout à coup par ordre du Pasha de Silistrie, à l'insu du Hospodar, sans enquête préliminaire, sans jugement, contre toutes les Loix du Pays, et l'on est jusqu'à présent dans l'ignorance du sort de cet infortuné.

Nous n'avons jamais eu aucune relation avec M. Vellara; nous ne pouvons même pas dire, comme l'Autriche, que nous l'ayons expressément engagé à retourner en Valachie, ou que nous nous soyons rendu garans de sa sûreté, mais votre Excellence connoit trop les sentimens de Sa Majesté Impériale pour douter de l'impression qu'a produite sur elle la mesure dont Vellara a été l'objet.

S'il est innocent, comme on est tenu de le présumer jusqu'à ce que la preuve du contraire ait été fournie, la conduite du Pasha Turc, constituée, aux yeux de l'Empereur, l'infraction la plus manifeste de tous les privilèges dont jouissent les Principautés.

S'il est coupable, encore son enlèvement est-il une violation des Traités qui garantissent aux Valaques et aux Moldaves le Droit d'être jugés par leurs propres Tribunaux; et d'ailleurs dans ce cas même, Vellara devoit participer au bénéfice de l'amnistie générale publiée par le Gouvernement Turc; ou bien il ne sera jamais possible d'ajouter foi aux promesses de ce Gouvernement, jamais permis d'engager ses sujets à lui donner une preuve de confiance et de fidélité.

Vous devez, My Lord, avoir déjà connoissance du point de vue sous lequel cet acte déplorable a été considéré par la Cour d'Autriche, et de la juste satisfaction que l'Internonce a eu ordre de demander à La Porte.

Il n'appartient point à la Russie, dans l'état actuel de ses Discussions avec le Divan de former les mêmes demandes, mais je laisse à juger à votre Excellence, si tant que les mesures indiquées par M. le Prince de Metternich dans sa Dépêche au Baron d'Ottensfels, en date du 20 Avril, relativement à Vellara, n'auront été prises par le Ministère Ottoman, le retour de nos Agens dans les Principautés sauroit avoir lieu, si même aucun Agent Russe sauroit tolérer de pareilles violences ou en être le simple témoin?

Je passe à une autre circonstance qui ne pouvoit que vivement affecter l'Empereur.

Peu de jours après la réception de votre Lettre, on m'a transmis d'Odessa, le nouveau Firman pour la Marine Marchande Turque, qui renferme des dispositions auxquelles devront être assujettis les Vaisseaux et les Commerçans Européens dans toutes les Echelles du Levant.

Pour vous faire apprécier, My Lord, les suites dont ce Décret menace le Commerce de la Mer Noire, je vous communique les Observations renfermées dans les Notes Marginales ci-jointes.

Elles prouvent jusqu'à l'évidence, que le nouveau Firman va frapper ce Commerce d'une stagnation absolue.

Il n'accorde en effet, de privilège qu'au Pavillon Turc, et pour le moment il n'existe pas de Marine Marchande en Turquie.

Il interdit aux Vaisseaux d'Europe les moyens d'échanger entre eux leurs Cargaisons dans les Echelles du Levant. Il soumet leur

chargement à des difficultés qui n'existoient pas jusqu'à ce jour. Enfin, La Porte ne cesse d'entraver le Passage du Bosphore aux Navires Espagnols, Portugais, Napolitains, Danois, Sardes.

Veillez, My Lord, considérer, que les Vaisseaux, même sous Pavillon Russe, sont journellement exposés à être visités ou retenus, et vous conviendrez sans doute, que la Russie ne peut souscrire à de pareilles mesures. L'Empereur fait depuis deux Ans les sacrifices les plus réels au bien général. Mais il ne sauroit, pour prix de sa longanimité, voir, que des innovations quelconques perpétuent les souffrances de son Commerce, et portent une sensible atteinte à la prospérité de ses Peuples.

C'est par ce motif que nous nous sommes si clairement expliqués à Vienne et à Vérone sur l'Article des Relations Commerciales. La simulation comme autrefois, ou la liberté de passage pour les Vaisseaux Marchands de toutes les Puissances Européennes, sont les seules mesures que l'expérience nous permette de proposer, et constituent une alternative dont nous ne pouvons nous départir.

Il est encore deux points que nous ne saurions envisager avec indifférence.

Quoique La Porte nous assure, qu'elle a donné depuis longtemps à ses Troupes l'ordre de se retirer des deux Principautés, il est de fait, que l'évacuation de ces Provinces n'est pas totale, et que les Pashas de Giourgeva, de Silistrie, et d'Ibrail, commandent à Yassy et à Bucharest. Vous savez, My Lord, mieux que personne, qu'aucun événement extraordinaire, aucun besoin urgent ne motive le séjour prolongé des Troupes Turques en Valachie et en Moldavie, qu'il doit forcément entraîner des exactions et des désordres, qu'il est contraire aux Traités existans ; et qu'entre des Hospodars placés à la tête d'Autorités purement administratives, et des Pashas qui commandent la Force Armée, la prééminence ne sauroit être douteuse.

Je m'abstiens de toute réflexion sur un tel état de choses. Votre Excellence qui le connoît, sentira combien il importe de le faire cesser.

Enfin, My Lord, le Procès-Verbal de Vérone, explicatif des conditions auxquelles l'Empereur subordonne le rétablissement de ses Relations Diplomatiques avec le Gouvernement Turc, pose aussi une alternative par rapport aux Affaires de la Grèce. Nous respectons les raisons qui vous ont engagé à ne point faire connoître au Divan cette partie des demandes de Sa Majesté Impériale. Mais elle n'en est pas moins essentielle à ses yeux. L'humanité dicte nos Réclamations. Les Traités en forment la base, puisqu'ils investissent Sa Majesté Impériale d'un Droit de Protection en faveur de la Religion Grecque, dans tout l'Empire Ottoman, et les dernières Instructions que votre Excellence a reçues du Cabinet de Sa Majesté Britannique, ne nous laissent aucun doute, sur les moyens que vous avez, My Lord, d'atteindre l'objet de nos vœux. Une explication avec La Porte sur ce



point sera d'autant plus naturelle; et nous l'avons toujours regardée comme un préliminaire indispensable d'une Réconciliation complète.

Je n'ai pas mentionné dans ma Lettre au Reis Effendi, ni rappelé jusqu'à présent dans celle que j'ai l'honneur d'adresser à votre Excellence, la Note par laquelle le Ministère Turc a communiqué aux Représentans des Puissances Alliées, la teneur de l'Office qu'il venoit de me transmettre. On reconnoitra sans doute la modération habituelle de l'Empereur dans le silence qu'il garde, au sujet de cette Note, envers le Divan, quelque peu satisfaisante qu'en soit la teneur et quelque inadmissibles que doivent nous paraître les prétensions qu'elle annonce. Mais un Document de cette importance devoit nécessairement influencer sur les décisions de Sa Majesté Impériale, et se joindre aux faits indiqués ci-dessus, pour déterminer la marche que la Russie adopteroit à l'égard de La Porte.

Plus l'Empereur désire la Paix, plus il doit éviter toute mesure qui pourroit la compromettre.

Sans doute, il lui eût été agréable de se ranger à l'avis de votre Excellence et d'envoyer un Chargé d'Affaires à Constantinople, mais Sa Majesté Impériale devoit considérer avant tout, quelle seroit la position de cet Agent dès son arrivée dans la Capitale de la Turquie.

S'il se taisoit sur les circonstances que j'ai rapportées plus haut, sur tout ce qui concerne les Principautés, sur les affaires de Commerce, sur celles de la Grèce, sur la connexion établie par la Ministère Turc entre les discussions actuelles et les Négociations antérieures, il eût semblé abandonner les droits et les intérêts de la Russie.

S'il protestoît contre l'enlèvement de Vellara, l'inutile présence des troupes Turques dans les Principautés, et le Firman relatif à la Navigation, s'il agitoit la Question de la Grèce, s'il repoussoit avec force le principe de corrélation dont je viens de parler, principe que, d'après les Notes adressés à Votre Excellence, et à l'Internonce par le Reis Effendi, La Porte semble décidée à soutenir, il risquoit d'amener, au bout de quelques jours, une rupture définitive. Les résolutions prises par Sa Majesté Impériale préviennent autant qu'il pouvoit dépendre d'elle, l'un et l'autre de ces dangers.

Elles sont conciliantes puisqu'elles rendent justice à tout ce que la démarche de La Porte peut offrir de satisfaisant.

Elles sont conformes aux vœux connus des Alliés, puisqu'elles éloignent la possibilité de toute collision.

Elles présentent à votre Excellence des moyens puissans de Négociation, puisque vous pourrez, My Lord, montrer encore une fois aux Turcs, combien sont pacifiques les intentions de l'Empereur, — leur faire connoître comment ils peuvent obtenir l'adhésion de la Russie aux changemens qu'ils ont introduits sans elle, dans le régime intérieur des Principautés, et les assurer qu'aussitôt qu'ils auront confirmé leurs déclarations par le témoignage des faits, rempli avec franchise les



Traités existans et révoqué les mesures qui en sont une violation manifeste, ils verront les rapports diplomatiques heureusement rétablis entre les deux Empires.

L'Empereur se plaît à croire que les observations renfermées dans la présente Lettre vous aideront, My Lord, à opérer cet utile résultat. Il est digne de vous, il intéresse l'Europe, et il vous promet l'honneur de rendre un éminent service à toutes les Puissances amies de la Paix.

J'ai l'honneur d'être, &c.

S. E. Le Vicomte Strangford. LE COMTE DE NESSELRODE.

(3.)—*Viscount Strangford to the First Interpreter of the British Embassy.*

MONSIEUR,

Constantinople, le 25 Mai, 1823.

LA détention des Navires portant Pavillon Russe est un incident trop sérieux pour ne pas commander l'attention immédiate, et les efforts les plus suivis de l'Ambassade du Roi.

Quel que puisse être le nombre et l'importance de nos propres questions de Commerce et de Navigation dans le moment actuel, nous n'en devons pas moins continuer à suivre la même route que nous avons constamment tenue depuis deux ans ; nous devons encore cette fois-ci subordonner nos intérêts *individuels* à la grande Cause *universelle* du maintien de la paix. Je vous enjoins, par conséquent, Monsieur, de vouer votre sollicitude tout entière à la question Russe, et de considérer comme secondaire toute autre affaire pour le présent.

Les représentations amicales que déjà vous avez été chargé de faire au Reis-Effendi sur cet objet important, n'ayant pas produit l'effet que je me plaisais à en attendre, il devient indispensable de développer plus amplement au Ministre Ottoman le point de vue sous lequel j'envisage la question. La Porte est, ou du moins elle doit être, trop convaincue de la franchise et de la loyauté qui caractérisent tous mes procédés envers elle, pour se méprendre sur les motifs purement bienveillans qui me font agir dans la présente circonstance. Je ne crains donc pas qu'elle puisse s'offenser ni s'étonner du langage d'un ami, qui s'intéresse à sa prospérité autant qu'à sa véritable gloire, et je vous autorise, Monsieur, à déclarer, sans aucun détour, au Reis-Effendi, que la mesure du Gouvernement à l'égard de la Navigation Russe est *fausse*, parcequ'elle est prise hors de saison ; *fausse*, parce qu'elle repose sur un principe erroné ; et *fausse*, parce qu'elle a été entourée de formes inexcusables.

Je m'explique :

*Fausse*, comme étant hors de saison, parce qu'elle est adoptée au moment même où les efforts non interrompus des Puissances Alliées, dûment appréciés par la pensée noble et généreuse de l'Empereur Alexandre, étaient parvenus à écarter la majeure partie des difficultés qui s'opposaient au rétablissement des relations amicales avec la Russie ; nous étions tellement avancés déjà dans l'œuvre de la paci-

cation, qu'une erreur insigne et manifeste de la part du Divan pouvait seule arrêter nos progrès.

Malheureusement cette erreur vient d'être commise, et si La Porte connaît ses véritables intérêts, si elle ne prétend pas renverser toutes nos espérances, en rappelant les dangers à l'éloignement desquels nous avons consacré tous nos travaux, elle doit se hâter de la réparer le plus tôt, le plus complètement possible.

La Porte compte sur les dispositions bien connues de toutes les Puissances de l'Europe, de maintenir la paix générale. Elle ne se trompe point, mais elle ne doit cependant pas perdre de vue que, quelque fortes que soient ces dispositions, des offenses répétées suffiraient pour les ébranler, et que si des *dangers probables* ont pu allumer la guerre en Occident, il ne serait pas surprenant de voir des *lésions réelles* produire le même effet en Orient.

*Fausse en principe*, parce qu'en supposant même que les Navires détenus fussent la propriété des Grecs insurgés, ce n'est pas à la Porte seule qu'il appartient de juger cette question. Le droit de prononcer sur la Nationalité des Navires portant un pavillon étranger quelconque, réside *dans les cas réguliers* exclusivement dans le Ministre protecteur du Pavillon dont il s'agit de constater la légalité. Dans les cas qui font exception à la règle, on pourrait peut-être admettre que l'exercice de ce droit fût partagé entre ce Ministre et le Gouvernement Local, mais en aucun cas qu'il fût exercé *seul* par ce dernier, qui deviendrait ainsi juge et partie dans la même cause.

Dans le cas qui se trouve sous nos yeux, la Porte ne devait jamais s'arroger le droit de *prononcer seule* sur la Nationalité des Navires en question ; mais elle devait demander à la mission, chargée des intérêts de la Russie pendant l'absence d'une Mission Russe, les éclaircissements nécessaires ; elle les eût obtenus, et elle n'eût pas donné gratuitement lieu aux nouvelles complications que nous déplorons aujourd'hui.

Le Divan n'a perdu aucune occasion de nous répéter qu'il ne saurait tolérer l'ingérence étrangère dans ses affaires intérieures ; mais il ne s'aperçoit pas qu'en s'attribuant la faculté de prononcer sur la nationalité d'un bâtiment portant pavillon Russe, c'est *lui* qui s'ingère dans les affaires d'autrui.

*Fausse dans les formes*, qui, je le répète, sont *inexcusables*. Plusieurs des navires détenus se trouvent dans le port depuis plus de quatre mois, la Porte leur a refusé les expéditions sous maints prétextes différens, tantôt c'était la portée des bâtimens, contraire aux stipulations des Traités, tantôt on soutenait que les actes de vente n'étaient que des transactions simulées ; tantôt c'était une raison et tantôt une autre. Si, dans le premier cas, on ne saurait disconvenir que la Porte eût eu le droit, fondé sur les Traités, de ne pas admettre de pareils bâtimens, dont la capacité excède le *maximum* fixé de commun accord, il est évident aussi, que dans le second, elle eût dû se borner à soumettre à la mission protégeant les intérêts Russes, les preuves constatant l'illégalité

des actes de vente, et dans tous les cas imaginables c'était toujours à cette mission protectrice des intérêts Russes, qu'elle eût dû recourir pour obtenir le redressement de ses griefs réels ou fictifs.

Les faits eussent alors été véridiquement représentés à l'Empereur de Russie, et ce monarque, qui réprouve la déception autant qu'il respecte la foi des Traités, n'eût pas tardé de fournir au Divan une nouvelle preuve de ses dispositions toujours justes, nobles, et conciliantes.

Au lieu de suivre cette marche toute naturelle et simple, la Porte prétend se faire justice elle-même, et il est à remarquer que ce n'est pas la précipitation qui l'entraîne dans cette grave erreur, mais que c'est après quatre mois de mûre délibération, qu'elle exerce un acte de violence et d'injustice qui doit nécessairement réjouir ses ennemis, autant qu'il afflige ses amis.

La Porte s'aveugle-t-elle sur sa position ? ou bien est-elle déçue par les fausses informations qu'elle tire des *traîtres* qui sont intéressés à l'engager dans de nouvelles discussions avec la Russie ? Je l'ignore, mais le fait est que si les Ministres de Sa Hautesse, que nous savons être des serviteurs fidèles et zélés, eussent pris à tâche de faire cause commune avec les ennemis de l'Empire Ottoman, ils n'auraient pu adopter une mesure plus conforme à ce but que celle qu'ils viennent d'appliquer à la navigation Russe. La jonction de *quarante* bâtimens à la flotte des insurgés n'eût certainement pas fait à l'Empire le mal réel que lui fera la détention des *quatre* navires conduits à l'Arsenal de Constantinople !

C'est ainsi, Messieurs, qu'une mesure, *fausse, parce qu'elle est hors de raison, fausse en principe, et fausse dans les formes*, doit nécessairement provoquer le juste ressentiment de la Puissance dont elle atteint la dignité, l'indépendance, et les intérêts. C'est ce qu'il importe que vous développiez au Reis-Effendi, dans les termes les plus convaincans, et vous lui ferez observer que, si le Divan désire le maintien de la paix, s'il attache réellement du prix à conserver l'appui amical du Gouvernement Britannique, si le rétablissement des relations de bonne intelligence avec la Russie lui tient à cœur, il n'a pas *un instant à perdre* pour renoncer à un système qui l'expose au danger le plus imminent, qui est absolument incompatible avec ses intérêts les plus chers, et qui ne saurait être enduré par aucune Puissance qui possède le sentiment de sa force et de sa dignité.

Vous êtes autorisé, Monsieur, à déposer copie légalisée de la présente instruction entre les mains de Son Excellence le Reis-Effendi, dans le cas que ce Ministre vous la demande. Recevez, &c.

Le Sieur Châbert.

STRANGFORD.

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(4.)—Viscount Strangford to The Reis Effendi.

Palais Britannique, le 11 Août, 1823.

LE Soussigné, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de la Grande Bretagne, est en devoir de



rappeler à Son Excellence le Reis Effendi, les communications qu'il a eu l'honneur de lui faire à son retour de Vérone; les avis dictés par l'amitié la plus cordiale et la plus désintéressée qu'il s'est empressé d'offrir à cette occasion au Ministère de Sa Hautesse, en sa qualité d'organe d'une Cour, qui a donné des preuves non équivoque du vif intérêt qu'elle prend à la prospérité de l'Empire Ottoman. Enfin les paroles de paix que l'Empereur de Russie, l'a voit spécialement autorisé à adresser au Divan, et qui depuis lors, eussent sans aucun doute été suivies des résultats les plus satisfaisans, si la Sublime Porte n'avoit adopté une série de mesures erronées et intempestives, qui ont nécessairement du suspendre les généreuses déterminations que Sa Majesté Impériale avoit presque arrêtées déjà.

La Lettre écrite par Son Excellence le Reis Effendi au Ministre Secrétaire d'Etat de Russie, à une époque où la Sublime Porte paroissoit sérieusement décidée à accélérer le rétablissement des relations de bienveillance réciproque, avoit été suggérée par le Soussigné, dans l'intime conviction qu'une démarche conçue dans un véritable esprit de franchise et de cordialité, conforme aux usages établis, et analogue à la dignité des deux puissans Souverains, seroit appréciée à sa juste valeur par l'Empereur Alexandre; qu'elle seroit accueillie par lui comme un gage de la bonne foi et des intentions amicales du Divan; et qu'elle conduiroit à un rapprochement, non pas temporaire et illusoire, mais sincère et durable, entre les deux Empires.

En préjugant ainsi l'impression que cette démarche produiroit sur le Cabinet de St. Pétersbourg, le Soussigné n'a pas été déçu dans son attente. La réponse du Comte de Nesselrode démontre que l'Empereur, qui est trop puissant pour jamais craindre la guerre, et trop juste pour jamais l'entreprendre à moins d'y être contraint, a éprouvé une satisfaction réelle en voyant la Sublime Porte, enfin disposée à rétablir les rapports de bonne intelligence dont Sa Majesté Impériale n'a cessé de souhaiter le maintien, alors même que les circonstances les plus tristes et les plus décourageantes menaçoient de les rompre d'une manière irréparable.

Mais au moment même où le Soussigné et ses Collègues se flattoient (après deux années consecutives de travaux,) de toucher au but de leurs efforts réunis, où la Sublime Porte venoit d'énoncer ses dispositions conciliantes, où la sagesse du Ministère Ottoman paroissoit offrir la garantie que tous les différends qui subsistoient encore seroient incessamment ajustés; où enfin le Cabinet de Russie se préparoit à répondre aux vœux du Divan, le Ministère Ottoman s'arrête tout à coup dans le chemin qu'une sage politique lui avoit tracé; s'élance dans une route diamétralement opposée, dément ses propres assurances par des faits contradictoires, renverse les espérances de ses amis, blesse, compromet, et attaque les intérêts de la Russie, et immole à un



sentiment d'irritation, que rien n'avoit provoqué et que rien ne pourra justifier, les droits, les privilèges et les immunités de ces mêmes Puissances, qui ne discontinuent point à lui donner les preuves les plus irréfragables de l'intérêt le plus constant et le plus actif.

Quel pourroit être dans des conjonctures aussi fatales le résultat du retour d'une Mission Russe à Constantinople? Seroit-ce sous de pareils auspices que le Représentant de Sa Majesté Impériale pourroit déployer l'auguste caractère de Ministre de paix? Ne seroit-il pas obligé dès le premier jour de son arrivée d'entrer en contestation avec la Sublime Porte sur tant de points qui compromettent les intérêts les plus chers de la Russie? Pourroit-il rester témoin passif des insultes faites au Pavillon Russe, des atteintes portées au Commerce Russe, de l'anéantissement des privilèges et des avantages dont la Russie jouissoit depuis un demi siècle en vertu des Traités et d'anciens usages? Au bout de peu de jours une rupture définitive deviendrait inévitable, le départ du Ministre de Russie suivroit de près son arrivée, et les amis de la paix auroient à déplorer le retour d'une crise dont il ne seroit pas permis d'espérer, *deux fois*, le même résultat.

En envoyant un Ministre à Constantinople, l'Empereur de Russie n'auroit d'autre objet en vue que de rétablir sur la base stable, des Traités existans, des relations mutuelles d'amitié et de confiance. Mais comment Sa Majesté Impériale pourroit Elle donner à la Sublime Porte ce gage de ses intentions amicales et bienveillantes, tant que l'état actuel des choses à Constantinople restera tel qu'il est aujourd'hui? L'Empereur veut que Son Représentant soit un Ministre de paix, et non pas un Héraut de guerre. C'est ainsi qu'en suspendant l'envoi d'une Mission, Sa Majesté Impériale donne une nouvelle preuve surabondante que la paix, et la paix seule, est l'objet de ses vœux.

La Sublime Porte ne cesse de mettre en avant qu'elle a aussi des demandes à élever à la charge de la Russie en vertu des Traités, mais il est de la dernière évidence (et plus d'une fois déjà le Soussigné a démontré cette évidence aux Ministres de Sa Hautesse,) que ces demandes ne peuvent être examinées et réglées qu'à Constantinople, et jamais par un intermédiaire, mais exclusivement par un Ministre de Russie. Or, si la Sublime Porte persiste dans un système inconciliable avec le retour d'une Légation Russe, Elle produit et nourrit Elle-même les obstacles qui s'opposent à la définition satisfaisante des points dont Elle réclame l'ajustement.

Et quel peut être le but du Divan en multipliant ainsi les hostilités contre le Commerce Russe? A quels intérêts la Sublime Porte sacrifie-t-elle, la sûreté de sa vie politique? Les résultats sont-ils en faveur du Sultan, ou à l'avantage de ses ennemis? Les Ministres de sa Hautesse ne voient ils pas que les dangers qui menacent l'Empire Ottoman ne cesseront d'être en présence tant que la tension

actuelle subsistera ? L'état de paix, tel que la Sublime Porte se plaît à l'entretenir, ne renferme-t-il pas tous les germes d'une guerre prochaine ? Les Finances de l'Etat sont-elles améliorées par les entraves qui obstruent toutes les voies du Commerce et de la Navigation ? Le Trésor de Sa Hautesse a-t-il réellement été enrichi d'une seule Piastre par les restrictions, les vexations, et les empêchemens auxquelles les Négocians et les Navigateurs de toutes les Nations sont tout à coup assujettis en contravention aux Stipulations et à l'esprit des Traités ? Il est vrai que toute la dernière classe des Autorités Subalternes qui se nourrit d'exactions, retire du profit de ces mesures arbitraires, mais il est palpable aussi que ce lucre illicite n'est obtenu qu'aux dépens des intérêts les plus essentiels de l'Empire. Car chaque nouvelle atteinte portée au droit et aux intérêts de la Russie, (que l'Empereur ne peut et ne veut pas abandonner,) suscite en même tems un nouvel obstacle à la réconciliation entre les deux Empires, et alimente l'espoir des Grecs Insurgés de voir enfin poussée à bout la longanimité de l'Empereur. Aussi voyons nous d'une part les Grecs redoubler d'efforts et d'obstination dans l'attente des événemens, dont le Divan lui-même s'est rendu l'artisan le plus actif, et de l'autre l'Empire Ottoman condamné au double sacrifice de la fleur de sa population et de ses ressources les plus précieuses.

Nul doute que si les Chefs des rebelles siégeoient dans le Conseil de Sa Hautesse, ils proposeroient au Divan précisément les mêmes mesures hostiles que la Sublime Porte vient d'adopter. Ils diroient : " Offensez, blessez, choquez, la Russie, par tous les moyens en votre pouvoir ; opprimez son Commerce, multipliez les griefs de toute espèce, empêchez surtout le retour d'un Ministre Russe, dont l'unique vocation seroit de mettre la dernière main à l'œuvre de la paix et d'écarter franchement tout motif de discussion future. Agissez ainsi, brouillez vous avec toutes les Puissances, gênez, vexez leur Commerce, et enfin nous arriverons à l'objet de tous nos vœux, à ce résultat tant désiré qui peut seul nous sauver, à la guerre entre La Porte et la Russie, peut-être à la guerre entre la Porte et la Grande Bretagne ; peut-être même entre la Porte et l'Europe entière." Ce n'est pas là un langage imaginaire que le Soussigné prête aux Chefs de la Rebellion ; c'est l'expression des vœux unanimes qui retentissent partout où l'Insurrection s'est propagée, et dont certainement on ne pouvoit pas s'attendre à voir préparer l'accomplissement dans le sein même du Divan.

Le Soussigné a essayé en vain de se rendre compte des motifs qui ont pu décider La Porte à choisir de préférence la route dangereuse dans laquelle Elle vient de se lancer.

S'il a existé des circonstances dont la force impérieuse avoit jeté le Ministère Ottoman dans la déviation des Traités, ces circonstances ont disparu, et il ne dépend plus que du Divan de se placer sur un

terrain légal et inattaquable. Si dans un temps, la Sublime Porte a dû consulter des nécessités qui parloient trop haut pour méconnoître leur ascendant, elle est environnée aujourd'hui du respect et de l'obéissance, et elle agit dans toute la plénitude de l'Autorité Souveraine. Si le Divan nourrissoit des soupçons sur la sincérité des sentimens pacifiques de la Russie, l'injustice de ces soupçons a été suffisamment démontrée par une série de faits qui a prouvé que l'Empereur n'a usé de sa puissance qu'en faveur des intérêts de La Sublime Porte. Si La Sublime Porte a prêté à la Cour de Russie, l'idée de vouloir s'ingérer dans les affaires intérieures de l'Empire Ottoman, le soin scrupuleux de l'Empereur d'écarter de ses représentations tout ce qui ne découle pas directement des droits ou des obligations que lui confèrent les Traités, a dû convaincre le Ministre de Sa Hautesse combien peu cette supposition étoit fondée.

Il semble donc que ce soit la *volonté* seule de La Sublime Porte qui s'oppose au rétablissement des relations de bienveillance réciproque, et cette *volonté* ne peut avoir d'autre base que *l'erreur*.

*La Sublime Porte est dans l'erreur*, si elle croit améliorer sa position en gagnant du temps. Dans la crise où se trouve l'Empire Ottoman, vouloir *gagner du temps*, c'est *perdre*, sans espoir de retour, des chances que d'heureuses combinaisons ont fait naître, mais qu'elles ne sauroient reproduire.

*La Sublime Porte est dans l'erreur*, si elle doute de l'unité de vues, d'intentions et de vœux qui préside aux déterminations des Cours Alliées, si elle doute de l'unanimité de toutes les Puissances, *l'Angleterre la première*, à reconnoître en principe et en termes formels, la justice des réclamations de la Russie, contre les innovations, les vexations, et les infractions, auxquelles le Commerce et la Navigation sont exposés.

*La Sublime Porte est dans l'erreur*, si elle croit inépuisable la patience de l'Empereur de Russie. Sa Majesté Impériale ne veut, ne cherche, ne souhaite que le maintien de la paix, mais cette paix doit être basée sur l'accomplissement mutuel des Traités. Elle doit être compatible avec la dignité d'un des plus puissans Monarques de l'Europe, et avec la prospérité des Peuples que la Divine Providence a placés sous son sceptre.

*La Sublime Porte est dans l'erreur*, lorsqu'elle s'imagine que son intérêt à faire valoir ses prétentions à la charge de la Russie, lui commande de différer le rétablissement de ses relations amicales avec cette Puissance. C'est en insistant avec roideur et hors de saison sur les Traités, que La Sublime Porte court le risque de voir annuler ceux mêmes sur lesquels reposent aujourd'hui ses relations avec la Russie. Le maintien ou l'anéantissement des Traités ne dépend maintenant que d'une seule résolution ; et si la Russie étoit forcée de renoncer à ses vues pacifiques, quel est le Ministre Ottoman qui oseroit



garantir au Sultan qu'il dépendroit de *La Porte* de fixer les conditions de la paix ?

Enfin, *La Sublime Porte* est dans l'erreur, lorsqu'elle pense que ce sont des sacrifices qu'on lui demande. Les Alliés au nom de la Russie ne lui demandent que des gages de la bonne foi de ses intentions amicales, des gages de sa propre tranquillité et de son propre bien.

La Sublime Porte connoît depuis long temps les conditions auxquelles la Russie subordonne le rétablissement de ses relations diplomatiques avec la Turquie. La Russie ne lui demande que de confirmer ses déclarations par le témoignage des faits, de remplir avec cordialité les stipulations ~~existantes~~, et de ~~revoquer~~ les mesures qui sont incompatibles avec l'esprit des Traités.

Les Ministres des Cours Alliées ne tarderont pas à juger des véritables intentions du Divan, par l'impression que produiront sur lui les représentations pleines de franchise et d'amitié que le Soussigné a l'honneur d'adresser aujourd'hui à Son Excellence le Reis Effendi, en vertu des ordres exprès de son Auguste Cour; et ce seront les déterminations auxquelles La Sublime Porte s'arrêtera, qui régleront la marche future des Cabinets Alliés à son égard.

Le Soussigné saisit cette occasion, &c.

Le Reis Effendi.

STRANGEFORD.

*UKASE of the Emperor of Russia, exempting the Subjects of certain Foreign Powers from the Duty on Inheritances and other Property remitted out of the Empire, 2nd June, 1823.*

(Traduction.)

OUKASE de Sa Majesté Impériale l'Autocrateur de Toutes les Russies, &c.

Dans l'Oukase Suprême de Sa Majesté Impériale, donné au Sénat Dirigeant, ce 2 Juin, sous la signature de la main propre de Sa Majesté, il est contenu ce qui suit :—

“Ayant reconnu nécessaire d'annuler le droit de détraction qui a été payé à la couronne pour les biens hérités et autres des Etrangers, lors de leur exportation hors des frontières, ou de leur remise en faveur des sujets des Souverains qui auront réciproquement prescrit une pareille exemption dans leurs Dominations en faveur des Sujets Russes, J'ordonne au Sénat Dirigeant de donner les ordres nécessaires pour l'exécution de cette Ordonnance.”

Le Sénat Dirigeant a ordonné, de donner connoissance de cette Ordonnance Suprême de Sa Majesté Impériale, afin que chacun à qui il appartient puisse dans l'occurrence s'y conformer, par des Oukazes à tous Messieurs les Ministres; au Contrôleur de l'Empire;



aux Gouverneurs Généraux Militaires; aux Gouverneurs Militaires; aux Gouverneurs Militaires dirigeant aussi les Affaires Civiles; aux Gouverneurs Civils; aux Chefs des Villes; à l'Ataman Militaire des Troupes du Don; aux Régences et aux Tribunaux des Gouvernemens; aux Tribunaux et aux Expéditions des finances; et aux autres Tribunaux; et d'en donner connoissance par des communications au Saint Synode dirigeant; aux Départemens du Sénat de Moscou, de St. Pétersbourg, et à leurs Assemblées Générales.

Ce 2 Juin, 1823.

Du 1<sup>er</sup> Département.

*DECREE of the King of Spain, promulgating the Decree of the Cortes of the 27th January, 1822, relative to Foreign Trade with the Island of Cuba.* (Translation.)

DON FERDINAND VII. by the Grace of God, and by the Constitution of the Spanish Monarchy, King of the Spains, to all to whom these presents shall come, and who shall hear thereof, know ye, that the Cortes Extraordinary have decreed as follows:

The Cortes Extraordinary, acting on the Authority conceded to them by the Constitution, have decreed the following:

ART. I. Articles of national growth and manufacture, carried directly from any Licensed Port of the Monarchy, and in a Spanish vessel, shall not pay at their Importation into the Isle of Cuba, any Duty whatever, general, municipal, or of consumption, or of any other denomination or kind.

II. Shall be admitted without exception into the Ports of the Isle of Cuba, licensed for National and Foreign Commerce, all Articles of the growth and manufacture of Foreign Nations, upon paying no more than from 20 to 37½ per Centum Duty, if they be carried in a Vessel bearing a Foreign Flag, and one third part less respectively, if they arrive with a Vessel under the National Flag.

III. To determine the Duties payable in conformity with the preceding Article, the goods shall be valued, either by estimate according to the practice of that Island, or by an Appraisement fixed for certain cases, by the Regulations of the general Tariff, and the said Duties shall be paid only at the rate of two-thirds the price of those commodities current in the Place, if the former be valued by estimate, and of the value that shall result from the Declarations delivered in, if the goods be valued by Appraisement.

IV. Foreign goods already imported into the Isle of Cuba shall not be re-exported into any other Spanish Port, in which the Importation of them may be prohibited, but in those where it is allowed they shall be admitted according to the Regulations established by the general Tariff, and by the Decrees relating to the subject.

V. The Produce of the Isle of Cuba, exported in a Spanish bottom to any licensed Port of the Monarchy, shall pay only, at the time of its Exportation, the Duty of administration fixed by the general Tariff.

VI. If the said Produce be carried to any Foreign Port, it shall pay only a Duty of 6 per Cent.

VII. Articles of national growth and manufacture, when exported in Spanish bottoms to the Isle of Cuba, shall pay no more than the Duty of administration specified in the general Tariff.

VIII. The Importation of Produce of the Isle of Cuba, in Spanish bottoms, into any Licensed Port of the Nation, shall be exempt from paying any Duty whatever; but in the Cases and Ports in which, for the purpose of favouring the Commerce of that Island, the admission of similar Produce brought from Foreign Countries is prohibited, such Produce shall pay the Duty on Consumption agreeably to the general Tariff.

IX. Until the Cortes shall have sanctioned the new plan for Consulates, the Consular dues and those appropriated to the repairs of Harbours, since they concern objects useful to Commerce, with the exception of those denominated of aid and supplies, and lately abolished, shall continue to be exacted in the Ports of the Isle of Cuba, as well as in all the others of the Kingdom.

X. The Government shall communicate to the proper Authorities of the Island of Cuba, all the Decrees issued, and which may be issued, by the Cortes, relative to the new system of Custom Houses, to the end that they may be observed.

XI. In order to obviate frauds and inconveniences, until the general Tariff shall have laid down the Regulations to be observed in regard to the Commerce of the Isle of Cuba, and with due attention to its Geographical Situation, Population, Consumption, and Produce, no less than to the mercantile interests of the other Spanish Provinces; authority is hereby given to the Provincial Deputation of Havana, to make provisionally the following dispositions, after previously consulting the Magistracy, the Chamber of Commerce, and the Board of Economy of that City, as also the Provincial Deputation, and the Magistracy of Santiago de Cuba:

1st. To agree upon, and carry into effect the Tariff, to be made out by the Intendant of the said Capital of Havana, keeping between the maximum and minimum fixed by Article II. of the present Decree, in determining the Duties to which is to be liable the Importation of Foreign goods, with a due distinction of classes, and taking particular care to charge as much as possible upon those whose competition might prove injurious to National Produce or Manufactures. 2d. To lower or abolish, conformably to the power conceded to the Deputation by Article VII. of the Regulations of the general Tariff,

the Duty which, by Article VI. of the present Decree, is imposed upon the Produce of the Island on its Exportation into Foreign Countries. 3d: To modify and vary, where it shall be needful, the provisions of the Decrees relative to the new System of Custom Houses, so that the observance of them may be consistent with the exigencies of the particular locality and circumstances of the Island.

XII. The Political Chief and the Provincial Deputation of Havannah shall report to Government the modifications they introduce, and shall state the reasons on which they are founded, that the Cortes may come to a final determination upon them.

XIII. The present Decree shall begin to be in force from the date of its publication, in each District of the Isle of Cuba; but, nevertheless, the provisions of the general Tariff, and the other enactments now in force, shall continue to be observed in so far as they shall not be opposed to the present Decree.

Madrid, January 27th, 1822.

JOAQUIN REY, PRESIDENT.

LUCAS ALAMAN, *Deputy Secretary.*

NICOLAS GARCIA PAGE, *Deputy Secretary.*

We, therefore, enjoin all Tribunals, Justices, Officers, Governors, and other Authorities, Civil as well as Military and Ecclesiastical, of whatever class and station, to keep, and cause to be kept, and to comply with, and execute the present Decree in all its parts. You will understand this, in order to its fulfilment, and will cause it to be printed, published, and circulated.

Signed with the Royal hand, at the Palace, February the 4th, 1822.

LUIS SORELA.

FERDINAND.

**DECREE of The Cortes of Spain, relative to Foreign Trade with Cuba, and the Liquidation of Claims of British Subjects.—9th January, 1823.** (Translation.)

THE Extraordinary Cortes, in virtue of the powers vested in them by the Constitution, and having examined the Proposition made to them by His Majesty, with respect to various Reclamations of the British Government, have decreed:—

ART. I. The Decree of the Cortes of the 27th of January, 1822, respecting the Trade of the Island of Cuba, is hereby extended to all the Provinces of Ultramar, in the same manner as has been declared, with respect to the aforesaid Island, for the term of 10 months, to date respectively from the time of the publication of the Decree, in favour of all those Nations which the Government may think proper to include therein, for which object full powers are hereby given to it.

II. The Government is likewise hereby authorized, either by itself, or by means of Arbitrators, to be appointed by it and by the British Government, to enquire into and decide upon the Reclamations made by the latter, including all those Captures, which, from whatever cause, seem to bear a doubtful character, as well as those which originate in the Blockade of the Costa Firme, dividing those Cases into classes, and setting against them the Reclamations which Spanish Subjects may have to make against Great Britain.

III. The Nation assigns, from the present moment, a sum of 40,000,000 of Rials, more or less, in the Great Book, for the payment of such indemnifications as may result from the proceedings in question, thus giving a proof of the sincerity and justice of its principles, of its desire to preserve relations of Amity with Great Britain, and to repair any losses which may have been sustained by its Subjects.

IV. The claims of certain British Subjects, mentioned in the Order of the Cortes of the 27th of June, 1822, shall be paid by the National Treasury, after liquidating the Accounts, and coming to such an agreement as the Order prescribes.

V. If during the investigation prescribed in Article 2, there should appear to be any fault or injustice, in the adjudication of the interest and proceeds of Captures, or culpability on the part of the Authorities, the Governments shall put the Laws into strict execution for their punishment, and thus relieve the Nation from a part of the obligation which has fallen upon it.

VI. The Government will submit to the Cortes, as soon as possible, the system which it proposes to adopt, with respect to the Provinces of Ultramar, as well those which are in a state of revolt, as those which adhere to the Mother Country; and the alterations which it considers indispensable in the Laws of Trade and Navigation of the Indies; either by adapting them to the power of the Nation, or by conforming them to those of other Maritime Powers, by means of Treaties.

Madrid, 9th January, 1823. JAVIER DE ISTURIZ, President.

***SPEECH of the King of The Netherlands, on the Opening of The States General.—20th October, 1823.***

NOBLES ET PUISSANS SEIGNEURS,

C'est, sans avoir cessé de goûter les bienfaits de la paix, grâces en soient rendues à la Divine Providence, que nous nous trouvons de nouveau réunis. Tout Belge qui porte sans prévention ses regards autour de lui, voit avec reconnaissance les avantages dont jouit sa libre et hospitalière Patrie.

Nos relations avec les diverses Puissances de l'Europe, conservent le caractère d'une amitié et d'une bienveillance réciproque.



La situation intérieure du Royaume nous permet de nous occuper constamment de nos institutions fondamentales et de l'accroissement de la félicité publique.

Les progrès des bonnes études dans nos Universités, l'extension des avantages de l'instruction primaire, et l'état florissant des beaux arts, sont également évidens.

La présente année a eu, comme les dernières, une bonne récolte; un examen approfondi de l'intérêt des cultivateurs, en rapport avec celui des consommateurs, m'a donné la conviction, qu'à cet égard, l'intervention de la loi n'est pas nécessaire. Les pièces relatives à cet examen seront imprimées et communiquées à Vos Nobles Puissances; dans la Province de Groningue se forme une association de cultivateurs, qui se proposent d'établir un système de crédit sur la propriété et les fruits de leurs terres; leur but est de s'assurer, en tout tems, à un intérêt modéré, des capitaux, que plus tard ils peuvent rembourser successivement et facilement. Si l'essai réussit, d'autres Provinces suivront indubitablement cet exemple, et l'embarras dans lequel un grand nombre de cultivateurs se sont trouvés, nommément l'année dernière, ne se reproduira plus.

Le bas prix, que conservent les denrées, favorise entre tems, toutes les entreprises de l'industrie. Mais plus le sol est fertile, plus les habitans sont laborieux, et plus il faut avoir soin d'entretenir au dehors, un débouché régulier, qui vivifie le Commerce et la Navigation, et fournisse sans cesse un nouvel aliment à nos relations avec d'autres Peuples.

La conviction de cette vérité a fait établir, par l'une des Lois de l'avant-dernière Session, le moyen de donner à nos Négociations avec d'autres Puissances, relativement à ces graves intérêts, plus de force et d'énergie. Il était de la nature de ces négociations de n'avancer qu'avec quelque lenteur; quelques unes sont dans un état qui promet une issue favorable; une seule fois jusqu'ici je me suis vu forcé de prohiber ou de restreindre par réciprocité, l'introduction des produits de nos voisins. C'est à regret que j'ai dévié de la libéralité de nos principes. Il me serait extrêmement agréable que cette déviation pût contribuer à ramener ailleurs à ces mêmes principes et n'avoir ainsi qu'une courte durée.

Dans nos Possessions d'outre mer, règnent, en général, l'ordre, la prospérité et le repos.

Les travaux d'utilité publique commencés, se poursuivent et promettent d'heureux résultats. Beaucoup d'autres sont entrepris, qui ont pour objet l'amélioration et le perfectionnement de grandes communications du Royaume.

Le Budget des Dépenses pour l'Exercice prochain relatives à sa deuxième partie, est prêt à être soumis à Vos Nobles Puissances. Il

présente des articles nouveaux, qui sont la conséquence nécessaire du système actuel d'impositions et des dispositions législatives arrêtées à la fin de l'année dernière ; quelques articles d'autre part ont offert le moyen de faire des économies, de manière qu'aucune augmentation de cents additionnels ne sera nécessaire.

Le Syndicat d'amortissement commence à répondre à l'objet de son institution. Une souscription sur ses obligations a été ouverte avec mon agrément, dans la vue de tendre efficacement vers le but de la Loi, qui est d'alléger les charges de mes Sujets bien aimés, le plutôt qu'il sera possible. Le résultat a offert un nouvel et agréable témoignage de la confiance général. Vos Nobles Puissances apprendront avec satisfaction qu'en conséquence de cette opération, la partie des cents additionnels du Syndicat, déterminée par la Loi, pourra, dès le commencement de l'année prochaine, être supprimée.

Mon attention demeure constamment fixée sur les moyens qui, tout en conservant une bonne et régulière administration, peuvent la simplifier et la rendre plus économique. J'ai pris et j'ai préparé à cet effet diverses mesures, dont je me promets de bons résultats.

L'introduction du nouveau système d'impositions, quoiqu'opérée sans secousse, a été, toute fois, accompagnée de difficultés, inséparables de tout nouvel impôt. Les produits de la première année, sur lesquels on ne peut encore esseoir qu'un jugement incomplet, se ressentiront probablement de ces difficultés. En quelques endroits il a été fait abus de la douceur de nos Lois, pour se soustraire à l'équitable proportion dans la répartition si désirable des charges publiques. Les explications qui ont été données, le sentiment du devoir et la réduction considérable, qu'éprouveront prochainement les cents additionnels sur l'impôt personnel, rétabliront, je l'espère l'équilibre. Si cependant cette juste espérance se trouvait trompée, je proposerais avec confiance à Vos Nobles Puissances des mesures plus sévères, et garantirais ainsi la classe peu aisée de mes Sujets, contre les charges, qui en résultat finiraient par peser sur elle.

Le produit des droits sur le timbre, l'enregistrement, le greffe, les hypothèques et les successions, était calculé d'après les modifications proposées à Vos Nobles Puissances dans leur dernière Session ; la non adoption de ces dispositions a essentiellement influé sur le produit de ces droits. Bientôt il sera fait à Vos Nobles Puissances des propositions ultérieures pour que l'année prochaine, cette branche du revenu public réponde à l'attente qu'on en avait conçue.

Cette session verra aussi, je l'espère, avancer notablement la législation nationale. Vos délibérations sur le Code Civil me mettent à même de vous présenter immédiatement plusieurs projets de lois, par les quels tout le second livre, à l'exception seulement de ce qui concerne le gage et les hypothèques, se trouvera terminé. A mesure que

Vos Nobles Puissances avanceront dans l'examen préparatoire du projet primitif, la confection des autres parties se fera avec une attention et un soin égal.

La présente Session, que je déclare ouverte, offrira sans doute de nouveaux témoignages de la concordance de nos intentions et de nos vues pour l'accroissement de la prospérité de la Patrie.

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**MESSAGE of the Executive Government of Buenos Ayres,  
on the opening of the Legislative Assembly. 5th May, 1823.**

GENTLEMEN,

(Translation.)

THE peaceful Assembly of the third Legislature of this Province is matter of such grateful satisfaction to the Government, that it cannot but congratulate itself on an event which announces stability to the representative system in our Country, and progressive prosperity to public affairs: the present state of them, Gentlemen, is flattering enough.

Peace has been preserved with all the American Continent. The solemn acknowledgment of our Independence by the Government of The United States exacts, on our part, a proper demonstration of the sentiments which the sincere and honourable conduct of the first Nation of our Continent excites. Through its distinguished Agent, resident here, this Government has already intimated its disposition to this effect. The Treaty with the Republic of Colombia, which shall be laid before the Hall, will give an exact idea of our particular relations with that Country. The Alliance with the three Governments of Santa Fé, Entre Rios, and Corrientes, has been maintained by a conduct at all times open and sincere, and by positive acts of friendship, of confidence, and of mutual assistance. The state of the other Provinces of the Old Union is in general pacific, at the same time that interior tranquillity is threatened in some of them. The Government has not only preserved harmony and a good understanding with all the Provinces, but it labours to draw near to that state of Alliance and Union which they generally appear to desire. The better to attain this end, it is necessary to proceed with deliberative circumspection, effacing first, by a conduct in every view disinterested, the impressions of jealousy which past disorders have left. The pacific Mission which is on the point of departure for the interior will act on these principles; while it is to be hoped, the general mind will at last yield to the natural sentiment, which still leads to our forming one sole family.

The Emancipation of Brazil has completed the independence of our Continent; but the policy which unfortunately appears to sway the Cabinet of Rio Janeiro, in respect to Monte-Video, places obstacles in the way of that good and cordial friendship which ought to subsist between Nations, which, at the same time neighbours, are equally engaged in the cause of independence. An Envoy is ready to proceed to the Court of



Brazil, with a view of establishing relations between the two Governments, and of securing the integrity of the Territory of our Provinces, adopting such means as become just and truly civilized nations. At all events the liberty of the province of Monte-Video, no less from foreign violence than from domestic tyranny, will be always an object of preferable attention: but it will demand, at the same time, great prudence and circumspection.

Europe appears to be irrevocably compromised in a general War. The Crowned League attacks the liberty and the independence of the Spanish Nation; and the cause of Spain, on this occasion, becomes the cause of every free country of the Globe. Every heart capable of the noble sentiments of freedom and Independence will side with Spain; and that Government will also feel the contradiction which is involved in the War which it sustains in Europe, and that which it obstinately prolongs in America. Peace with Spain cannot be far off; and this Government counts on being assisted in overcoming such difficulties as evil passions, which ever act without calculation, may still oppose to the re-establishment of Peace. This hope must console us under the sorrow which the unhappy state of Peru calls forth: for torrents of blood are there still shed without any object, seeing it is no longer in the power of any one to make the cause of Independence retrograde,—a cause which its very Enemies, unthinkingly, consolidate and defend.

Meanwhile, the state of the Domestic Affairs of our Province is singularly prosperous. The Government, viewing ignorance as the first Enemy of the Country, as one which demoralizes and degrades, has multiplied the establishments for primary Education in the City and throughout the Country. The Lancasterian system is universal: a respectable Society of Citizens, devoted to this object, is protected by the Government, which has especially confided to its care the direction of two Children's Schools in the Country. Female Education has been neglected from the remotest period; but it has at length received a strong impulse, and it is to be hoped that the Female Benevolent Society, established this year, will give a stimulus to the sentiments which distinguish the Female Sex.

The moral and natural Sciences begin to display themselves in the seats which have been consecrated to them; and the youth of the Provinces of the Union, who are about to avail themselves of the Fraternal hospitality which the Colleges of Buenos Ayres offer them, will soon be enriched with acquirements which they will afterwards carry, with honour and utility, to their native Provinces. The aspect of the Union College is changed; its Credit being re-established, the number of Collegians daily increases. The Ecclesiastical College has received all the amendment of which, under present circumstances, it is capable, and which will be increased in proportion to its progressive



extent. The College of Natural Sciences will soon be established, and endowed with all that a perfect instruction may require.

The Hospitals are in a state consoling to humanity; and, under the protection of the Government, and the care of the Female Benevolent Society, it is to be hoped they will progressively advance to the desired perfection. The Orphans have been lodged in a manner worthy of the generosity of the Country to which they belong. The excellent system of Vaccination preserves the days of infancy from that fatal disease which destroys one half of our hopes in the cradle, and invades both domestick and publick happiness.

The operation of the Law of Ecclesiastical Reform is dissipating the clouds which caused alarm at a distance; our Divine service maintains its usual splendour. The Clergy begin to execute their labours preferably, and every thing tends to their elevating themselves by their learning, their example, and their services, to that rank which belongs to them in society, and from which they can neither ascend nor descend without danger to public morals and to public tranquillity.

The Police is organizing its various ramifications; its duties have multiplied in the City and throughout the Province: Criminals are prosecuted with better effect; and offenders feel that it is not easy to escape from the correction they deserve. Thus the confidence of good citizens is increased, and a general consciousness of personal safety is introduced, without which industry would remain in a feeble and backward state. The great improvement of the Streets and Roads does honour to those charged with this Department. The Publick Buildings which begin to rise and to adorn our City, are a testimony to the ability and zeal of the Department of Architects. The Hydraulic Engineer-in-Chief has presented his plans for the construction of a Port. The Government has approved of the most convenient of them, and is employed upon the means of carrying it into execution. The preliminary trial towards supplying the town with water by pipes is carried on with all activity and intelligence.

Interior quiet, a general feeling of security, with other advantages which have been put in action, have re-animated general industry and labour, those powerful guarantees of the publick repose. This has been disturbed on the night of the 19th of March, by traitorous and desperate men. Their attempt was frustrated by the energy of the Government, which, leaving to the Magistracy the free exercise of its functions, in respect of the Delinquents, gave an example which will prove salutary, by contributing to consolidate the sovereignty of the Laws. Experience has nevertheless shewn, that, to preserve the publick peace against sudden attacks, some stronger means are necessary, and this conviction leads to the proposal for raising a Body of Cavalry destined solely to this object.

The Standing Army improves every day in its condition and discip-

line ; and has just given honourable proofs of the same, both in repelling the Indians, (rendered audacious by long impunity) and in sustaining the Publick Authority at the time of the insurrection in March. Not less glorious to the Army is the perseverance which it manifests in carrying into effect the often frustrated intention of forming a new frontier. Directed by His Excellency the Governor in person, the first fortress is already constructed on the side of the Mountain of Tandil ; and while one part is occupied in perfecting the work, another of the Army proceeds to the Mountains of La Ventana, in combination with the movements which are made by the Allied forces of the Province of Santa Fé towards their frontier. If Providence kindly protects these works, the line of frontier to the South will be protected before the rainy season, with another principal fort on the Sierra del Volcan, and two small intermediate Ports ; and next Summer the line of defence of the Province may be completed on the Southern Frontier. Towards this the raising of a new Regiment of Cavalry will be necessary, the plan of which will be presented to the Hall for its approbation. A great saving has resulted from the order now established in the Army, and particularly in the Ordnance Department.

The Officers of the Army of Independence, who retired with the premium so justly awarded them by the Province, have in general fulfilled the expectations of Government ; they have given admirable examples of active industry, and take an active part in the publick welfare, on the basis of the representative system.

In the administration of the Public Revenue, we have arrived at the happiest results. The simplicity of detail, the facility and clearness of the operations of the principal Officers of receipt and distribution, are extended by degrees to all the establishments of the State. The Revenue has answered the ordinary and extraordinary expenses of 1822, leaving a larger surplus than had been calculated upon. It is probable the present Year's income will also be sufficient for the Ordinary Service of the Province, and for the extraordinary one of the Frontiers. Punctuality in payment has raised the credit of the Treasury to the highest point, and the Finance Department has been able to make the best use of it by removing the inconvenience produced by the alarming scarcity of small Money in the Province. The Treasury Notes, issued with wonderful success from the first moment, completely answer their object, and are the means of a considerable saving to the Treasury ; in the meanwhile, by measures taken before hand, the Province is provided with the metallic currency which it requires.

The establishment of the Publick credit exactly corresponds with the principle upon which it is formed. The current price of the Funds is higher than it ought to be, if we take into account the ordinary interest of Money in the Country. A tenth part of the whole amount of the Consolidated Debt will be redeemed by the end of this Year,

the second of its creation, without having applied towards it any extraordinary means. It is, then, to be hoped that, profiting by experience, and practically knowing the value of this admirable resource, we shall be able to root out for ever, and to free this and coming generations from, the pest of forced loans, which have proved such an affliction both to Governments and to Nations.

Our Agricultural Industry rapidly increases, and the stream of capital which is carried to it is so great as to offer us an incalculable accession of riches. The vivifying activity of Commerce is felt every where; contraband, which destroyed its tone, has disappeared, owing to moderate imposts, and the scrupulous exactness in money matters, which appeared to be lost, has begun to be habitual in trade. To the zeal and integrity of the Chamber of Commerce, our trade, no doubt, owes all the benefit which this custom has produced, and which it will hereafter more abundantly produce with the use of bills or acceptances, which are now becoming general. The institution of the Bank (which comes to its aid) flourishes beyond all expectation, and, notwithstanding the well known prudent circumspection of its Directors, the Bank promises to be lucrative, beyond what was to be expected from so recent an establishment.

To complete the system of Finance, we have now only to carry the collection of direct taxes to a greater degree of exactness than at present it can boast of. This is always difficult; but difficulties are greatest at the commencement, where the Country has not yet seen the importance of this part of the Administration, in respect of its prosperity, security, and repose. Policy has required mildness and toleration, but prudence also requires that our Citizens have, without delay, a matter of such primary importance to their social existence pointed out to them. Every day which passes demonstrates more evidently the risk of depending almost entirely on the eventual income of a Custom House, and, by necessity, of exposing ourselves to contests and rivalships, as odious as they are prejudicial to general industry and prosperity. The Government will turn its attention to this point with especial solicitude, and it expects much from the loyalty and good judgment of the Citizens, not doubting that this part of the System will ere long be perfected.

The Government has hitherto abstained from making use of the power granted to it by the Law of the 19th August, 1822, to negotiate a Loan, notwithstanding the great utility of the objects to which it is to be appropriated. It has thought it better not to expose the credit of our Province, to be involved in the bad success which the Loans of America have experienced in the great Money Markets of Europe. It is doubtless better to wait till the state of Affairs and the principles of our Administration are well known: advantages will then be obtained sufficient to compensate for the delay which present circumstances require.



It only remains, Gentlemen, to observe, that it has not been possible to erect new Institutions without doing violence to old Establishments, which the course of time had covered with venerable marks, and in which many conflicting interests were involved. This arduous task had been boldly proposed by the two preceding Legislatures; and the Government, in order to execute it, has had to overcome considerable opposition, and to contend against personal feelings and vulgar prejudices. The foundation of the Representative Government being established, our study must necessarily be to preserve it; time must consolidate gradually, what has been constructed with so much labour and danger, and tranquillize the public mind, agitated by past contentions: the passions will ere long subside, and unite under the empire of salutary Institutions. Exterior Peace, therefore, is of the first consequence to the happiness of our Country, and the Government will accept it, whenever it is offered, accompanied by conditions honourable and worthy of a Free and Independent State.

The Minister of Finance will immediately present the Accounts of the last Year, and the Estimate for the Service of 1824. The Government hopes that the Representatives will amply provide the indispensable means for covering, not only the ordinary, but the Extraordinary Expenses, which the honour and security of the Province demand.

BERNARDINO RIVADAVIA.  
MANUEL J. GARCIA.

*REPORT of the Secretary of State for Foreign Affairs  
to the Cortes of Portugal. 31st December, 1822.*

(Translation.)

**CALLED** upon by the Law to report before this Sovereign Congress the state of the relations of the Portuguese Monarchy with Foreign Powers, I shall begin by observing, that, the Government being persuaded that one of the felicities bestowed by nature upon this Kingdom is the impossibility, from its geographical position, of its becoming an object of ambition o Conquerors, the only care which devolves upon those, whose honourable duty it is to watch over the prosperity of the public interests, consists in removing all those obstacles which the erroneous policy of past Ages may have opposed to the easy progress of the mutual commerce of Nations. Accordingly, no sooner was His Majesty's Court restored to the ancient seat of the Monarchy, than its attention was directed to the renewing, under the new order of things, those diplomattick relations, by the institution of permanent Legations, which are considered by modern States as so many guarantees of good understanding and harmony between the respective Governments. The instructions which His Majesty ordered to be given to the Mi-



ministers named to reside at the different Governments of both Hemispheres, had no other object in view except Commerce.

Equally indifferent to the ambitious views of other Powers, and to the nature of their Political Institutions, not deeming ourselves competent to take cognizance of the character, beneficial or otherwise, of the Internal Laws, whether constitutional or accidental, of any of them; in the same manner we are persuaded that we owe to them no account of the alterations which, taught by our own interests, we may continue to make, or which we may already have made, in execution of the heroic plan of our regeneration, which has neither inspired us with the desire of claiming from other Nations more than should be found due to us by ancient Treaties, nor caused us to consider ourselves exempt from religiously fulfilling, on our part, and even to our own detriment, the Stipulations made in their favour.

In conformity with these principles, one of the first cares of the Government was to dispense with whatever might resemble the ancient pompous composition of a Diplomatick Body, calculated rather to add to the splendour of the Court at which the Ministers reside, than to protect the true interests of the Nation whose Government they represent.

His Majesty therefore resolved, that all his Ministers at Foreign Courts should be of the Third Diplomatick Order, that, being thus less distracted from their duties, and more approximated by the modesty of their title and the simplicity of their calling, to the Commercial Body, in whose exclusive behalf they are to be employed,—they might not disdain, as in former times, personally to attend to the interests of their Countrymen.

It was with the intent of removing from the Ministers of a grave Nation every idea of vain fatuity, that His Majesty caused the proposal to be made to the Sovereign Constituent Congress, and which was approved by it, that our Agents at Foreign Courts should be styled as “Charged with the Political and Commercial Affairs of the Portuguese States.”

I must not, on this occasion, leave this Sovereign Congress in ignorance, that malignity has endeavoured, at various Courts, to avail itself of the novelty of this denomination: at one time, endeavouring to exclude our Agents from the Diplomatick Body, as Persons unknown, through the strangeness of their title; at another, intriguing in order to prevent their being recognized and admitted under that title by the Governments to which they were accredited.

Servile men, accustomed to distinguish between the service of the King and that of the State, and more commonly to set them in opposition, could not conceive the identity of a *Chargé d’Affaires* of the Portuguese States, and a *Chargé d’Affaires* of His Most Faithful Majesty.

But it was not long before the moderate and decorous conduct of our Agents, and particularly the judicious contempt with which, in conformity with their Instructions, they treated the wretched artifices of intrigue, caused them to triumph in every place, over the ridiculous pride of such Adversaries.

His Majesty's Government, consistent in its idea of giving to the Portuguese Diplomatick Body the true and only designation in which it could really render service to the State, by protecting and promoting the interests of Commerce, thought proper to unite the Consular with the Diplomatick Body, expecting, by means of this union, to succeed, in the first place, in giving a system of uniformity to the course of the Commercial affairs of the Nation in every Foreign Country;—as all our Consuls resident therein would then be considered as attached and subordinate to the respective Legation, and the latter would serve as a common centre to all the Consulates; by which means that degree of well-understood subordination and dependence would naturally be obtained, which it was always desirable to see established between the Consuls and the Minister; who, considering themselves independent of each other, had been continually presenting to Foreigners the scandal of indecorous contentions:—and, in the second place, in raising our Consuls to the quality of Members of the Diplomatick Body, we obtain at once the practical decision of the question hitherto undecided, of the nature and character of the Consular Body.

It is true that, in order to avoid committing the dignity of the Nation, and the honour of the Diplomatick Body, this innovation, already sanctioned by the Sovereign Constituent Congress, must be accompanied by a Law, prohibiting our Consuls, according to the practice of the most civilized Nations, from exercising the business of Merchants.

But this Law, as well as the others which are to compose the Regulation for Consuls, cannot fail to be one of the principal objects of this Sovereign Congress, it being sufficient that I, in order to satisfy the obligation of my Office, observe, on this occasion alone, that the advantages of Foreign Commerce over that of Portugal are extremely disproportionate, owing to the organization and attributes of our Consulates, without taking into account other considerations unfavourable to Portuguese Commerce.

Reclamations are made to Government, daily, upon this subject. It would doubtless be proper that at least the practical principle of the strictest reciprocity should be established; but the Government does not possess the power of taking even this step, until expressly authorized so to do by the Legislative Power.

In the mean time, His Majesty, distinguishing between those Consular attributes which depend only on his own Government, and those

which can be alone verified by the concurrence of those Governments in whose States the Consuls are destined to reside, has resolved, that in the Treaties of Commerce which he is disposed to enter upon with such Powers as have shewn themselves inclined thereto; the subject of Consuls, as well as of the Diplomatick Body, shall be taken into special consideration, seeing that the honour of the Nation and the prosperity of Commerce are so closely connected with the proper determination of these principles.

Among those Powers who have shewn the greatest inclination to negotiate a new Treaty with Portugal, better adapted to the actual circumstances of the Commercial World, Great Britain, The United States, and Sweden, deserve to be particularly mentioned.

Not wishing to occupy the attention of the Sovereign Congress by an exposition of Negotiations yet pending, since the Government reserves to itself so to do, as soon as terms shall have been agreed upon, suitable to the National dignity, and to the well-understood interests of both Parties, yet I must not omit on this occasion to call the attention of Congress to the important subject of the additional Duty of 15 per cent., which, by the Decree of the 14th July, 1821, the General and Extraordinary Cortes (conceiving this to be the true meaning of the 26th Article of the Treaty of Commerce with Great Britain, of the 19th February, 1810), determined that English woollen goods should pay, over and above the 15 per cent. which they were already paying; in conformity with the 15th Article of the said Treaty.

His Britannick Majesty's Government will not consent that any doubt should be raised, as to whether English woollen goods are comprehended in the general meaning in which, by the above cited 15th Article, it is declared, that all goods of British produce or industry shall pay generally, and only, 15 per cent. Import Duties. It will not consent to the assertion that the 26th Article excepts woollen goods from this general meaning; and the only means which offers itself for altering the stipulations of the Treaty of 1810, taken in the sense in which that Government understands them, is, to proceed immediately to a new Treaty, in which may be established on both sides conditions more conformable to the interests of both Countries, in the actual state of their reciprocal, political, and commercial relations: for it requires, that, before any determinate adjustment shall be entered upon, the Treaty of 1810 shall be observed, in its literal sense, upon which it will not admit of any doubt or discussion whatsoever; and that, during the negotiation of that which is to be concluded in its stead, woollen goods shall return to the payment of 15 per cent. only, as before the Decree of the General and Constituent Cortes, of the 14th July, 1821.

To this requisition of the British Government, His Majesty's Government could not reply, without first receiving the positive determination of the Sovereign Congress; and for this purpose, it trans-



mitted the same to that Assembly, in a Despatch from the Foreign Office, dated the 4th of June last. And His Britannick Majesty's Chargé d'Affaires having, by means of various Notes, addressed to the same Foreign Office, under date of the 28th of that Month, and 14th August, 1822, required a decision, the Government, in performance of its duty, immediately made these Applications known to the Sovereign Congress; but the influx of business did not permit the General and Extraordinary Cortes to decide this affair before their separation. It consequently becomes a matter of greater urgency, that this Sovereign Congress shall be pleased to take the same into their high consideration; since on their resolution depend, not only the maintenance of the friendship and good harmony happily subsisting between the two Countries, but also the commencement of Negotiations for a new Treaty, in which the interests of Portugal may be better consulted than they were in that of 1810, which it is intended to amend.

Whilst His Majesty's Government was thus proposing commercial adjustments to Great Britain, it had not only in view the promotion of the prosperity of the National industry; but, founded on the principle that a well understood interest is the most solid basis of all Alliances, the Government hoped, that, the more closely the interests of Portugal and Great Britain were united, the more prompt that Power would be in declaring herself against any Project of aggression which other Powers might manifest, by reason of our actual Political Institutions; a Project which it was impossible not to see that France, at the head of the Alliance called Holy, was meditating against the Peninsula.

Until these demonstrations arrived at that degree of evidence which takes away every possibility of a negative, the British Cabinet always refused to acknowledge that such Project of Invasion existed; or that it were necessary to give us any other assurances, in order to quiet our apprehensions, (in her opinion chimerical,) than those contained in the Declaration, by which His Britannick Majesty protested publicly and solemnly against the conclusions of the Congresses of Troppau and Laybach.

As, however, that Declaration of the British Government was as useless, owing to its ambiguity, as those of the Holy Alliance were clear and positive, the Portuguese Government did not cease to insist on their claim for declarations more frank and decisive, in proportion as she saw increasing, in the Pyrenees, armies evidently destined against the Political Institutions of the Peninsula.

The British Ministry, whether from perceiving that the period was in fact arrived for manifesting its opposition to the now undeniable projects of invasion; or whether, because the changes which had taken place in that Ministry had also changed its manner of viewing the Projects of the Holy Alliance, declared to our Chargé d'Affaires, that if ever, contrary to its expectation, the Independence of Portugal



should be threatened, His Britannick Majesty could not view with indifference so important an event; but would, on the contrary, afford to this Kingdom all the assistance which it has a right to expect, in virtue of its ancient Alliances, from Great Britain.

These so clear and positive expressions immediately resounded on the Banks of the Seine, and the Government of His Most Christian Majesty protested that it had never entertained any hostile views against Portugal; that, in the quality of a Constitutional Government, it not only considered as unjust, but would even blush to maintain, the absurd doctrine of the intervention of one Power in the internal political organization of any other Power; and that even, in spite of the mistrusts which the Army of Observation in the Pyrenees might naturally cause, that Army would never pass the line of frontier, unless it should first have been violated by the Spanish Troops, who, being engaged in the horrors of a Civil War in the Provinces bordering on France, compelled that Power to take precautions against the evils of every kind which were to be apprehended from such a neighbourhood.

As this explanation, however, was by no means consistent, either with the excessive number of troops daily called to the frontier, with the composition and particular stores of the Army, or with the notorious protection which the French Authorities of the Border afforded to the Factions, His Majesty's Government could not but conclude, that, if these expressions of the French Ministry were sincere, there was in that Country some other secret spring which set in movement the elements of discord, and was preparing to inspire into the minds of the Princes about to assemble at Verona, a system of aggression against the Peninsula.

His Most Faithful Majesty's Government, whose duty it was to secure this Country against even the most remote danger of an Invasion, addressing itself with frankness to the French Government, and acting on the indubitable principle, that such extensive preparations could not fail to be intended for a decided aggression, represented the critical situation in which, under this hypothesis, this Kingdom was placed; for, if the motives of aggression were, as to all men they appeared to be, the Political Institutions of Spain, Portugal saw herself in the necessity of uniting herself to that Country; in order to defend a Cause common to them both, and not only to them, but to all the Nations of the Universe; since no Nation will be found to acknowledge in any other the right to compel it by force to adopt that form of Government which the other Nation shall think proper to prescribe to it. If, however, the motives of the aggression with which France thus threatened Spain were any just complaints which the former had to make against her, and His Catholick Majesty's Government refused to give the due satisfaction, His Most Faithful

Majesty, desirous of preventing a Peninsular War, which, even in this case, would not fail to compromise the repose of his Kingdom, judged himself entitled to be informed of those complaints against His Catholick Majesty's Government, which had obliged France to make such expensive preparations, in order, on his part, to use all his endeavours to obtain a reconciliation, rather than see a War break out in the Peninsula, whose consequences it is not granted to human foresight to calculate.

To this further representation, the Government of France replied, (not without manifestations of disgust that Portugal appeared to place in doubt the sincerity of its former assertions,) that neither did France intend, nor did she consider herself possessed of a right, to interfere by force of arms in the internal affairs, or in the political institutions, of the Peninsula; and she reiterated her protestation, that her army of the Pyrenees had no other object than to avoid a violation of the French territory; seeing the danger that was justly to be dreaded, of such violation, in consequence of the Civil War which was laying waste the contiguous Provinces of Spain.

As, notwithstanding these positive answers, His Majesty's Government saw, in the continuation of the movements of the French Army of the Pyrenees, and in the supplies given by France to the Spanish Factions, an undoubted proof of hostile intentions towards the Constitutional System of the Peninsula, it judged that there was not a moment to be lost in acceding to the instances of the Court of Spain, for the union of the two Peninsular Nations, by means of a Treaty of Defensive Alliance, against every aggression directed to attack the Political Institutions of either of the two Countries.

It being impossible that there should exist a disparity of interests in an affair of such manifest utility to both the Contracting Parties, no obstacle presented itself to the conclusion of the essential stipulations of this Alliance. Accordingly, the Negotiations still pending, and which only await the final conclusion, in order to be presented to this Sovereign Congress, treat merely of general principles, upon which both the High Contracting Parties will most readily agree; and Europe will soon be presented with an incontestible proof of the fraternal concord with which the two Peninsular Nations, each jealous in the extreme of its individual Sovereignty, know how to lay aside all mistrusts, in order to unite in repelling, at whatever cost, any Powers that shall dare to attack the Independence of either of them, arrogating to themselves the right of interfering by force of arms, under any pretence whatsoever, in its Internal Administration.

It is, however, necessary to accelerate, in the interim, the conclusion of a Special Convention, for the purpose of preventing any parties of Factions from molesting our Frontier Provinces, beginning by availing themselves of the right of asylum, and ending with show-

ing themselves, as in reality they are, common enemies of both Countries.

His Majesty has, therefore, caused the necessary orders and instructions to be forwarded to his Chargé d'Affaires at the Court of Madrid, in order to treat of this important business in preference to every other.

It were to be wished that His Catholick Majesty's Government would accede to the repeated proposals offered to it by this Court, in order to concur in consolidating the real strength of the two Peninsular Nations, by means of a Treaty of Commerce, which may change the disadvantageous position in which the new regulations, respecting articles imported into that Kingdom, have placed Portuguese commerce, which continue to be more injurious to it, than to that of any other Nation, and are moreover the most opposed and disadvantageous to the interests of Spain.

If the Portuguese Government were not animated by a sincere desire for the most cordial friendship, and did not hope that the force of circumstances would convince the Government of His Catholick Majesty, of the grievous prejudice resulting to Spain herself from so extraordinary a system, calculated to destroy all regular Commerce, and only to favour the most scandalous and extensive contraband, it would have found itself under the necessity of requiring from this Sovereign Congress proper measures for adopting in our Ports and on our Frontier a system of retaliation, which can alone shelter us against that inequality, which, to our utter loss, results from the mercantile liberality which we have never ceased to practise towards our neighbours; notwithstanding the innovations, almost hostile, by which, without consideration, and on a sudden, they have paralysed one of the chief branches of our industry and coasting trade, giving rise to frequent vexations by their Preventive Service, by means of Coasting Cruizers, not only unknown to, but certainly not likely to be adopted by, any other Nation.

The Government has most earnestly protested against such Establishments, which almost renders impossible the maintenance of that good harmony, alone capable of forming, as it ought to form, the basis of the true strength of the Peninsula against its unjust Aggressors; but, since this object cannot fail to be taken into most particular consideration, when the two Governments are framing a Treaty of Alliance, it is to be expected, from the wisdom of the Government and Cortes of Spain, that they will acknowledge that there exists on our part no spirit of ambition, and much less a desire of diminishing their resources, if we insist upon their giving up, in favour of our Commerce, Establishments which every man, conversant in the principles of sound economy, now acknowledges to be ruinous beyond measure even to the Nation that adopts them.



But it is not only in Spain that His Majesty's Government has found itself obliged to struggle against the unhappy system of anti-commercial exclusion. Prohibitive duties, and even absolute prohibitions, now form the ground-work of the legislation of the Custom-houses, (not to be expected in the 19th century) of France, Sweden, and Russia.

Nevertheless, the two former of these three Powers have shown themselves not only disposed, but even desirous, to enter into a Special Treaty with this Kingdom; and in fact, the negotiations, commenced at Stockholm upon this important subject, will be diligently followed up at that Court, according to the wishes of His Swedish Norwegian Majesty, whose liberal principles, as well in Commerce as in Politics, ensure to Portugal, in the August Person of that Sovereign, a powerful Ally of the independence of Nations.

France, too much prepossessed with distrust of the influence which principles of exaggeration, confined to a certain number of men scattered over all Europe, may possibly produce on its internal tranquillity, has not yet acceded to our solicitations, and all that we have been able to obtain, in the course of nearly a Year, is a renewal of the former Negotiations, interrupted during some Years, respecting the sums to be re-imbursed to us by that Power, as our quota of the Indemnification stipulated by Her in favour of the Allied Powers of the Congress of Vienna. It is not, however, to be understood that this irresolution proceeds from any indisposition to enter with us into agreements for the melioration of our mutual Commercial Relations; but that it is merely the effect of the uncertainty and vacillation of opinion amongst the various and most powerful Parties into which that Country is divided. This division is undoubtedly the most secure pledge of the tranquillity of the Peninsula from that side; but how many evils ought we not to fear that it may, at no distant period, produce over all Europe!

It is in vain to suppose that, under the pretence of observing the disturbances of the Peninsula, the French People will consent to support an Army, destined rather to keep in check the internal enemies of the Government. The Army, without effective employment, and being a burthen to the Nation, will, at length, become an insupportable weight to it, will increase the number of the discontented, and will ultimately be, as in other Places, the instrument of that reform which the Government flatters itself it may thus avoid.

As, notwithstanding the well-founded apprehensions which the French Cabinet ought to entertain, lest the invasion of the Peninsula become the signal for a re-union of the Parties conspiring against it in the very bosom of France, and even in the invading Army itself, it is yet, however, possible, that it may venture to risk that enterprize, His Majesty's Government has judged it proper to adopt all



those precautions and measures of safety, which policy suggests, without compromising the scrupulous punctuality with which we have constantly endeavoured, even at the expense of our own interests, to discharge our obligations towards our Allies.

His Majesty, the faithful interpreter, not only of his own personal sentiments, but of those of the whole Portuguese Nation, had no sooner returned to Portugal, than he ordered a Communication to be made to his ancient and powerful Ally, the King of the United Kingdom of Great Britain and Ireland, stating that; it having been brought to his Royal knowledge, that certain of the Sovereigns of Europe had declared, in consequence of the Conferences of Troppau and Laybach, that they would omit no endeavour to put down all Political Institutions in any part of Europe where they already may have been established, or where in time to come it may be attempted to establish them, by the will and power of the People, and not by the spontaneous pleasure of their respective Sovereigns, in whom alone they recognized the right of changing the Constitution and Form of Government within their States: and also, that; it being known to His Majesty that such military dispositions, by Sea and Land, were about to be formed by those and other Sovereigns, as plainly shewed their intention to be nothing less than the carrying into effect of that menace in the Spanish Peninsula, it became the duty of each of the two Governments of the Peninsula, to use all the means in its power in order to oppose effectually, force to force, should the apprehended invasion be verified.

But this invasion, in part directed against the most faithful and ancient Ally of Great Britain, could never take place, were Great Britain previously to declare that She would not suffer it to be effected, Portugal not having, in any manner, provoked such aggression.

It became, therefore, a consequence of the ancient, and so often repeated friendship of Great Britain, that she should make this anticipated declaration in the most explicit manner, in order that the Powers allied against the internal Institutions of the Peninsula, being acquainted with the real intentions of Great Britain, might be aware that the Independence of the Portuguese Nation, inseparable from the free choice of such Constitutional System as it might be pleased to adopt, was supported by the Alliance of Great Britain.

His Most Faithful Majesty, in requiring this declaration from the friendship of Great Britain, did not hesitate to affirm; that it would dispense Portugal from entering into new Alliances; but that, should His Britannick Majesty find the making such declaration not conformable with his actual policy, or should he, in consequence of agreements with other States, find it to be out of his power to give to Portugal this fresh proof of friendship, and to the World an example of his respect for the natural Independence of Nations; His Majesty

would not, on that account, consider the Ancient Relations of Commerce, and good harmony, between the two Countries, as altered; but would only find himself, with regret, obliged to seek, in new Alliances, that support with which the Peninsula cannot dispense, seeing itself thus threatened by the powerful league of the four Great Powers, who pretend to divide the government of Europe amongst themselves.

To this frank, sincere, and amicable requisition of His Majesty's Government, the British Ministry has just replied: that whilst that Government solemnly declared in the face of Europe, that it did not presume to claim any right to interfere in the internal Institutions of other States, it pledged itself to afford to this Kingdom all the assistance of which it might stand in need, should its Independence be in any manner threatened by any other Power: that this promise, which was no more than a repetition of that which it had made to us in former times, and at various periods, neither had, nor was to be understood to have, any relation to our Political Institutions, which had in no wise altered the Relations formerly subsisting between the two Countries.

Such, Gentlemen, is the *ultimatum* of Great Britain. By it we know,—all Europe knows,—what we have to expect from that Power, in the great struggle in which we are, perhaps, about to be engaged.

His Most Faithful Majesty's Government, apprized of the sentiments of His Britannick Majesty's Cabinet, by means of this clear explanation of its former and reiterated declarations, will not lose sight of any means whatever of precaution, which, in order to secure the Independence of the Portuguese name, it may be necessary to adopt, and which shall be successively submitted for the approbation of this Sovereign Congress, according as the Negotiations upon which they depend shall be brought to a conclusion.

SILVESTRE PINHEIRO FERREIRA.

*Foreign Office, Lisbon, December 28, 1822.*

*LOIS du Roi de Prusse, concernant l'Institution des Etats Provinciaux dans le Royaume de Prusse. Juin et Juillet, 1823.*

(Précis.)

(Traduction.)

SA Majesté, pour donner à ses fidèles Sujets un nouveau gage durable de sa bienveillance paternelle et de sa confiance, a résolu d'établir les Rapports d'Etats dans la Monarchie, et d'introduire à cette fin des *Assemblées Provinciales d'Etats*, dans l'esprit des anciennes

**Constitutions d'Allemagne, et telles que les réclament le caractère de la Monarchie et les besoins du tems.**

Une Commission présidée par le Prince Royal a été chargée par Sa Majesté de préparer cette Organisation, et d'en délibérer avec des hommes expérimentés de chaque Province.

Sur le Rapport de cette Commission, Sa Majesté a ordonné, le 5 Juin, ce qui suit :

I. Les Etats Provinciaux seront mis en activité.

II. La Propriété Foncière est la Propriété requise pour en être Membre.

III. Les Etats Provinciaux sont l'organe légal des différentes classes de Sujets dans chaque Province.

En conséquence de ces dispositions,

1. Sa Majesté leur fera parvenir les Projets de Loi qui concernent seulement la Province pour qu'ils en délibèrent ;

2. Elle fera présenter également à leurs délibérations, aussi long-tems qu'il n'y a point d'Assemblée Générale des Etats, les Projets de Lois Générales qui ont pour objet des changemens dans le droit des Personnes et des Propriétés, ainsi que dans les Taxes, autant qu'elles concernent la Province ;

3. Sa Majesté recevra des Etats Provinciaux les Pétitions et les Plaintes qui ont rapport au bien et à l'intérêt particulier de toute une Province, ou d'une de ses parties, les examinera et donnera aux Etats une décision sur ces objets ;

Les affaires communes de la Province seront abandonnées à la décision des Etats, sous la réserve de la surveillance et de la sanction de Sa Majesté.

A cette Loi, qui n'est point applicable au Pays de Neuchâtel et Valengin, Sa Majesté en ajoutera une particulière pour chaque Province, et qui déterminera la forme et les limites de leur union entre elles, comme partie des Etats.

Si par la suite Sa Majesté jugeait utile et avantageux de faire des changemens à ces Lois particulières, elle n'y procédera qu'après avoir pris Conseil des Etats Provinciaux.

Il sera laissé aux soins paternels de Sa Majesté de régler ultérieurement, quand il sera nécessaire de convoquer une Assemblée Générale des Etats, et de quelle manière elle doit se former des Etats Provinciaux.

D'après la Loi du 1 Juillet, qui organise les Etats Provinciaux pour la Marche de Brandebourg, et le Margraviat de la Basse-Lusace, cette Union d'Etats comprend la Marche Electorale avec la Nouvelle-Marche, et La Basse-Lusace. La Marche Electorale embrasse, sous ce Rapport, les Bailliages de Belzig, Dahme, Jüterbock, et la Seigneurie de Baruth. A la Nouvelle-Marche sont réunis le Cercle

de Schwiebus, ainsi que Schermeissel et Grochow, et à la Basse-Lusace, les Bailliages de Finsterwalde et de Senftenberg.

Les Etats de cette Union consistent :

Le premier Etat :

(a) Dans le Grand Chapitre de Magdebourg.

(b) Le Comte de Solms-Baruth.

(c) Le Seigneurs de la Basse-Lusace.

(d) L'Ordre Equestre.

Le deuxième dans les Villes.

Le troisième dans les autres Propriétaires Fonciers, les Fermiers héréditaires, et les Paysans.

Le nombre des Membres de chacun de ces Etats est fixé, pour la Marche Electorale à 44, pour la Nouvelle-Marche à 12, et pour la Basse-Lusace, également à 12.

Une seconde Loi, du 1 Juillet, règle ce qui concerne les Etats Provinciaux du Royaume de Prusse.

Cette Section consiste :

1. Dans la Prusse Orientale.

2. La Lithuanie.

3. La Prusse Occidentale.

Dans la Prusse Orientale est compris sous ce rapport le ci-devant Cercle de Marienwerder : les Enclaves restent aux Cercles auxquels les a jointes la Nouvelle Division Administrative.

Les Etats de cette Union consistent :

Le premier dans l'Ordre Equestre.

Le second dans les Villes.

Le troisième dans les Métairies et Terres qui ne sont pas comprises dans le premier Etat, et dans les Paysans propriétaires fonciers.

Le nombre des Membres de chacun de ces Etats est fixé, pour la Prusse et la Lithuanie, à 60 ; pour la Prusse Orientale, à 55.

D'après une troisième Loi du 1 Juillet, qui organise les Etats Provinciaux du Duché de Poméranie, et de la Principauté de Rugen, cette Union embrasse :

1. L'Ancienne Poméranie.

2. La Nouvelle Poméranie.

3. La Poméranie Ulérieure.

Les Etats de cette Union consistent :

Le premier dans l'Ordre Equestre, auquel appartient comme ayant vote Viril, le Prince de Putbus, à cause de son Majorat de Famille.

Le second Etat consiste dans les Villes.

Le troisième dans les autres Propriétaires fonciers, Fermiers héréditaires et Paysans.

Il y aura 10 Membres pour l'Ancienne Poméranie Antérieure : 10 pour la nouvelle, avec Rugen ; et 28 pour la Poméranie Ulérieure.



Le lieu de l'Assemblée de la première Union est fixé à Berlin, pour la seconde à Königsberg et Dantzick alternativement, et pour la troisième à Stettin.

Les Lois mentionnées ci-dessus font connaître les conditions d'éligibilité, le Droit d'Election, ce qui concerne la Convocation, et la durée des Assemblées Provinciales, Communales, et des Cercles.

**LOI, sur l'Organisation des Etats Provinciaux pour la Marche de Brandebourg et le Margraviat de La Basse-Lusace.**  
1 Juillet, 1823. (Traduction.)

NOUS, FREDERIC-GUILLAUME, PAR LA GRACE DE DIEU, ROI DE PRUSSE, ETC.

EN conséquence de la Loi Générale rendue le 5 Juin dernier, relativement à l'Etablissement des Etats Provinciaux dans notre Monarchie, nous réglons pour la réunion d'Etats de la Marche de Brandebourg et du Margraviat de La Basse-Lusace, les dispositions particulières suivantes :

I. Cette réunion comprend, sous le rapport Territorial, 1. La Marche Electorale ; 2. La Nouvelle-Marche ; 3. La Basse-Lusace. A la Marche Electorale appartiennent, sous les Rapports d'Etats, les Bailliages de Belzig, de Dahme et de Jüterbock, et la Seigneurie de Baruth. A la Nouvelle-Marche sont réunis le cercle de Schwiebus, Schermeissel et Grochow. La Basse-Lusace comprend les Bailliages de Finsterwalde et de Senftenberg. Du reste, l'ancienne délimitation historique doit fournir généralement la règle pour cette réunion d'Etats, à l'exception seulement des enclaves qui restent dans les cercles auxquels les a jointes la nouvelle division administrative.

II. Les Etats de cette réunion consistent ; le premier, (a) dans le Chapitre de Brandebourg, (b) le Comte de Solms-Baruth, (c) les Seigneurs de la Basse-Lusace, (d) l'Ordre Equestre ; le deuxième, dans les Villes ; le troisième, dans les autres Propriétaires Fonciers, Fermiers Héréditaires et Paysans.

III. Le Chapitre de Brandebourg sera représenté à l'Assemblée des Etats, par un fondé de pouvoirs choisi dans son sein, et le Comte de Solms-Baruth y paraîtra en personne, étant autorisé néanmoins à se faire remplacer en cas d'empêchement notable par un Membre de sa Famille, ou un fondé de pouvoirs pris dans le premier Etat ci-dessus. Tous les autres Etats seront représentés par les Députés qu'ils choisiront eux-mêmes.

IV. Nous fixons le nombre des Membres de chacun des Etats nommés, Article II., comme suit (A) : dans la Marche Electorale ; premier Etat, pour le Chapitre de Brandebourg, 1 ; pour le Comte de Solms-Baruth, 1 ; pour l'Ordre Equestre, 20 : pour le deuxième Etat,

14; pour le troisième, 8. Total, pour la Marche Electorale, 44 membres. (B) : Dans la Nouvelle-Marche ; pour le premier Etat 6; pour le second, 4; pour le troisième, 2. Total, pour la Nouvelle-Marche, 12 membres. (C) : Dans la Basse-Lusace ; premier Etat, pour les Seigneurs, 1; pour l'Ordre Equestre, 5; pour le second Etat, 4; pour le troisième, 2. Total, pour la Basse Lusace, 12 Membres. Et pour toute cette réunion d'Etats, 68. La répartition spéciale des Députés de chaque Etat sera réglée par une Ordonnance particulière.

V. Pour l'éligibilité des Députés de tous les Etats de l'Assemblée Provinciale, on exige les conditions suivantes : 1. Une Propriété Foncière, Héritaire en ligne ascendante et descendante, ou acquise d'une autre manière, et possédée 10 ans sans interruption. En cas d'héritage, on comptera ensemble le tems de possession du Testateur ou du défunt Propriétaire et de l'Héritier ; 2. d'être en communion avec une des Eglises Chrétiennes ; 3. d'avoir 30 ans accomplis ; 4. une réputation irréprochable.

VI. Nous nous réservons de dispenser de la condition d'une possession de 10 ans. Pour les autres conditions, il n'y aura aucune dispense possible.

VII. Pour ce qui concerne les Députés des Etats considérés séparément : Le droit d'être élu Député au Premier Etat pour l'Ordre Equestre, se fonde sur la possession d'un bien noble dans la Province, que le Propriétaire soit d'extraction noble ou non. Nous nous réservons néanmoins de prendre convenablement en considération, pour accorder l'éligibilité, la possession de biens de Famille considérables en fidéi-commis.

VIII. La possession d'un bien noble dans une autre de nos Provinces sera comptée pour la durée des 10 ans ci-dessus.

IX. Si des Ecclésiastiques, des Employés Militaires et Civils qui appartiennent au premier Etat par la possession d'un bien noble jointe aux conditions ci-dessus, sont élus Députés, ils auront besoin d'un congé de leurs Chefs.

X. Peuvent être élus Députés du deuxième Etat, seulement, les Habitans des Villes, Propriétaires Fonciers, qui sont Magistrats en fonctions, ou qui exercent un emploi civil. Pour ceux-ci, la possession Foncière, jointe à l'emploi, doit former, suivant la différence des Villes, une valeur que l'Ordonnance réservée (IV.) déterminera.

XI. Pour être élu Député au troisième Etat, il est nécessaire de posséder et d'administrer soi-même un bien de campagne, dont l'Ordonnance particulière (IV.) fixera la valeur.

XII. Les conditions prescrites pour l'éligibilité sont également requises pour le droit d'être Electeur, avec cette différence que pour les Electeurs il suffit d'avoir 24 ans révolus, et d'être réellement Propriétaire Foncier, sans que la possession date de 10 ans, et que la valeur en soit telle qu'elle doive être fixée d'après l'Art, XI. pour le troisième Ordre.

Pour les Villes, le droit d'Election est inhérent à ceux qui élisent le Magistrat.

XIII. Lorsque la nomination du Magistrat dépend, comme dans quelques Villes de la Basse-Lusace, d'une Seigneurie ou d'une autre autorité particulière, le droit d'Election sera exercé par les Bourgeois Propriétaires Fonciers. Mais le choix des Députés dépend toujours aussi dans ces Villes des conditions d'éligibilité que l'Article V. prescrit pour les trois Ordres, et l'Article X. pour les Villes.

XIV. Le droit d'élection et d'éligibilité sont suspendus, lorsque le concours est ouvert sur la fortune de celui à qui ces droits appartiennent, et de même pendant une possession en commun, qui n'appartient pas à une personne *morale*. L'éligibilité et le droit d'Election pour le premier Ordre cessent, lorsque la qualité de bien noble est anéantie par morcellement.

XV. Ceux qui sont domiciliés dans plusieurs Cercles peuvent être Electeurs et élus dans chacun de ces Cercles. Dans le dernier cas, le Député élu a le choix du Cercle qu'il veut représenter.

XVI. Un Député peut aussi être Membre de l'Assemblée d'une autre Province, si l'époque de la convocation le permet.

XVII. Celui qui a été élu Député à une Assemblée, ne peut faire donner des pouvoirs à un autre pour le représenter.

XVIII. Le droit d'élection doit aussi être exercé en personne.

XIX. Pour le premier Ordre, l'élection des Députés doit se faire aux Assemblées de Cercles, comme on l'a pratiqué jusqu'à présent.

XX. Pour le deuxième Ordre, chacune des Villes qui, en vertu de l'Ordonnance particulière, (IV.) auront des votes virils, choisit ses Députés dans son sein : toutes les Villes, qu'elles soient Villes immédiates ou non, choisissent dans leur sein des Electeurs. Ceux-ci se réunissent collectivement en Assemblées électorales par Arrondissemens, et choisissent les Députés. Le nombre des Electeurs sera déterminé par l'Ordonnance ci-dessus en proportion de la grandeur des Villes.

XXI. Pour le troisième Ordre, chaque Commune de Village choisit un Electeur, en se conformant au mode suivi pour les autres affaires du village. Les Electeurs se rassemblent par cercles, avec les propriétaires des biens isolés du troisième Ordre qui n'appartiennent à aucune Commune de Village déterminée, mais qui doivent avoir la valeur nécessaire pour l'éligibilité (Art. XI), et ils choisissent l'Electeur du cercle. Les Electeurs du cercle se rassembleront ensuite, et choisiront le Député à l'Assemblée des Etats.

XXII. L'Ordonnance particulière (IV), réglera la composition des Arrondissemens électoraux, soit pour les Villes qui élisent collectivement, soit pour le troisième Ordre.

XXIII. Les élections des Députés à l'Assemblée des Etats se font pour 6 ans, de manière que tous les trois ans la moitié des Députés de chaque Ordre sort, et qu'on procède à de nouveaux choix.

XXIV. Pour la première fois, le sort décidera au bout de 3 ans les Membres sortans. Tous les Députés sortans sont de nouveau éligibles.

XXV. Pour chaque Député, on élira en même temps un Suppléant.

XXVI. Si, lors du choix des électeurs d'arrondissement et des Députés à l'Assemblée, il y a égalité de voix, celle du plus ancien des Electeurs décidera.

XXVII. Toutes les élections sont sous la surveillance du Conseiller Provincial du Cercle dans lequel elles se font. Il dirige le choix des électeurs d'arrondissement et des Députés à l'Assemblée, soit immédiatement, soit par un Délégué qu'il nommera ; mais les élections des Villes isolées et des Communes de Villages seront dirigées immédiatement par les Magistrats du lieu.

XXVIII. Le choix des Electeurs sera notifié par l'envoi du procès verbal au Conseiller Provincial, celui des électeurs d'arrondissement et des Députés à l'Assemblée au commissaire de celle-ci. Ce dernier examinera si les élections se sont faits suivant les formes prescrites, et si les Députés nommés ont les qualités requises. Il n'est autorisé à demander une autre élection qu'autant qu'il trouve la première défectueuse sous ce rapport.

XXIX. Nous nommerons nous-mêmes pour la durée de chaque Assemblée, parmi les Membres du premier Ordre, le Président de l'Assemblée, auquel nous donnerons le caractère de Maréchal, ainsi que le Suppléant.

XXX. Pendant les 6 premières années, nous convoquerons tous les deux ans les Etats en Assemblée Provinciale ; après ce terme, nous prendrons une disposition ultérieure à cet égard.

XXXI. Nous réglerons chaque fois la durée de l'Assemblée suivant les circonstances.

XXXII. Notre Commissaire adressera à temps aux Membres l'invitation de se trouver au jour fixé pour l'ouverture de l'Assemblée.

XXXIII. Les Députés doivent arriver au plus tard la veille du jour de l'ouverture, et s'annoncer chez le Commissaire et chez le Maréchal de l'Assemblée.

XXXIV. Notre Commissaire fera, à la suite du service divin, l'ouverture de l'Assemblée Provinciale.

XXXV. Il sera en quelque sorte, le centre de toutes les opérations ; c'est à lui seul que doivent s'adresser les Etats pour tous les éclaircissemens ou les matériaux dont ils pourraient avoir besoin pour leurs affaires. Il communique aux Etats, d'après nos instructions, les propositions, et reçoit les déclarations et les opinions qu'ils émettent, ainsi que leurs représentations, pétitions et griefs.

XXXVI. Il n'assiste point aux délibérations, mais il peut demander à y être introduit pour des communications verbales, ou qu'on lui envoie une députation. Les Députés peuvent aussi lui en envoyer d'eux-mêmes.



XXXVII. Il fait la clôture de l'Assemblée, nous présente ses délibérations, et fait publier le recès qui doit suivre.

XXXVIII. Les trois quarts du nombre total des Députés, au moins, doivent être présents à l'ouverture de l'Assemblée, aussi bien que pour prendre des résolutions valides.

XXXIX. Dans l'Assemblée, les membres des trois Ordres prennent séance dans l'ordre fixé par l'Art. II.

XL. Aussitôt que les propositions auront été communiquées, le Maréchal nomme dans l'Assemblée *in pleno*, en suivant la proportion des voix, et d'après la différence des objets, des comités particuliers, qui doivent préparer pour la discussion et les résolutions, les affaires portées à la Diète. Un membre du premier Ordre, désigné par le Maréchal, aura la direction de ces comités.

XLI. C'est le Maréchal qui règle en général la marche des affaires de l'Assemblée. C'est de ses dispositions que dépend immédiatement tout ce qui a rapport à la tranquillité et à l'ordre dans les Assemblées. Il doit surtout veiller à ce que les délibérations et les travaux des Etats soient accélérés autant que possible.

XLII. Aucun membre ne doit s'absenter de l'Assemblée sans motifs valables, et sans que le Maréchal en soit informé. Si la maladie ou une autre cause majeure empêche un membre de prendre part aux séances, le Maréchal doit en donner connaissance au Commissaire de l'Assemblée, qui alors appellera de suite le Suppléant.

XLIII. Si un membre veut faire une proposition aux Etats sur un objet particulier, il doit en remettre l'exposé avant l'Assemblée au Maréchal, dans un écrit qui fasse connaître cet objet. Le Maréchal appelle ensuite le Député pour qu'il fasse sa proposition. Le contenu doit en être porté au protocole.

XLIV. Le Maréchal chargera de rédiger les mémoires des états, ceux des membres qui sont propres à ce travail. Chaque mémoire ou autre écrit sera lu à l'Assemblée, et après qu'on sera d'accord sur la rédaction, le Maréchal et les Etats en feront tirer une copie au net.

XLV. Tous les écrits qui ne contiennent pas une proposition au Commissaire doivent nous être adressés, et lui être remis par une Députation des Etats.

XLVI. Les membres de tous les Ordres des Marches et de la Basse Lusace forment une unité indivisible. Ils traitent les objets en commun. Pour une résolution valide sur les objets que nous avons proposés à leur délibération, ou laissés à leur décision, sous la réserve de notre sanction; ou enfin qui doivent être portés de quelque autre manière à notre connaissance, il faudra une majorité des deux tiers. Si elle n'a pas lieu pour une affaire sur laquelle on a demandé aux Etats d'émettre une opinion, l'on en fera la remarque expresse, avec mention de la diversité d'opinion. Pour toutes les autres résolutions des Etats, la simple majorité absolue suffira.

XLVII. Pour les objets où les Ordres sont divisés d'intérêts, il y aura séparation en parties, dès que les deux tiers des voix d'un Ordre qui se croit lésé par une résolution de la majorité le demanderont. Dans un cas de ce genre, l'Assemblée ne délibère plus en commun, mais par Ordres, tels qu'ils sont déterminés Article II. La différence des opinions qui pourra naître de cette manière entre les Ordres, sera alors soumise à notre décision. Le recours à nous est réservé au Chapitre de Brandebourg, au Comte de Solms-Baruth, et aux Seigneurs de première classe de la Basse-Lusace, contre les résolutions qui pourraient léser leurs droits particuliers.

XLVIII. Si des objets qui concernent les intérêts provinciaux d'une des parties de pays comprises dans la réunion d'Etats énumérés Article I., sont discutés en commun, et que la pluralité des voix se soit déclarée contre ces intérêts, les Députés de cette partie de pays sont en droit d'établir dans la discussion leur différence d'opinion à cet égard, en appelant à notre décision, et ils obtiendront toujours alors une résolution particulière.

XLIX. Les pétitions et les plaintes des Etats ne peuvent avoir pour objet que l'intérêt particulier des Provinces, et des parties isolées de pays liées avec celles-ci. L'Assemblée doit renvoyer de suite aux Autorités compétentes, ou immédiatement à nous, les pétitions et les griefs individuels. Mais si des membres de l'Assemblée ont la conviction que quelques individus aient eu des vexations à souffrir, ils peuvent, en fournissant des preuves à cet égard, proposer à l'Assemblée de s'adresser à nous pour le redressement de ces griefs.

L. Toutes les Propositions présentées à l'Assemblée ou qui en émanent, doivent être remises par écrit. Si elles ont été rejetées une fois, elles ne peuvent être renouvelées que lorsqu'il survient réellement de nouveaux motifs, ou de nouvelles causes à cet égard, et seulement lors de la Convocation de l'Assemblée suivante.

LI. Les Etats, comme Assemblée délibérante, n'ont aucun rapport d'union avec les Etats des autres Provinces, non plus qu'avec les Communes et les Cercles de leur Province; ainsi il n'y a aucune communication entre eux.

LII. Les Ordres pris isolément ne peuvent donner aucune instruction obligatoire à leurs Députés; mais il leur est libre de les charger de présenter des Pétitions et des Plaintes.

LIII. Aussitôt que le Commissaire a fait la clôture de l'Assemblée, la Mission du Maréchal des Etats est terminée, les Délibérations cessent, les Etats se séparent, et il ne reste aucun Comité permanent. Mais pour les objets d'Administration, ils peuvent choisir et installer des individus propres à les gérer, en tant que les affaires l'exigent.

LIV. Le résultat des discussions de l'Assemblée sera publié par la voie de l'impression.

LV. Nous fixons notre résidence de Berlin pour le lieu du rassemblement des Etats.

LVI. Les Députés recevront des indemnités proportionnées pour leurs frais de voyage, ainsi qu'un traitement journalier. L'Ordonnance particulière, (IV.) réglera les dispositions ultérieures, tant à cet égard que sur les Dépenses générales occasionnées par l'Assemblée des Etats.

LVII. Les Rapports Communaux existant dans chaque partie isolée de cette réunion d'Etats ne s'étendent pas à l'ensemble, si cela n'a point été résolu d'un commun accord. Jusques-là, les Constitutions actuelles des Communes de ces différens Pays continuent d'être en activité, et nous permettons que, pour ces affaires, il soit tenu annuellement à Berlin, Custrin, et Lubben, après qu'on en aura donné préalablement avis à notre Commissaire des Etats, et qu'il y aura consenti, des Assemblées Communales Particulières, toutefois en y admettant un Nombre proportionné de Députés de tous les Ordres, auxquels la présente Loi accorde la qualité de Membres des Etats. Les Résolutions sur les changemens dans les Institutions Communales, et sur les nouvelles charges des Communes ont besoin de notre sanction. Nous attendons les Propositions de la prochaine Assemblée pour régler et ordonner définitivement les dispositions nécessaires à cet égard.

LVIII. Quant aux Assemblées de Cercle, elles continueront d'exister jusqu'à nouvel ordre partout où il y en a encore maintenant, et on en introduira de nouveau dans les endroits où il en a existé antérieurement. Nous attendons de la première Assemblée, pour laquelle sera convoquée la réunion d'Etats de la Marche de Brandebourg et de la Basse Lusace, les propositions sur la manière dont doivent être organisés les Assemblées de Cercle, avec les modifications qu'exige l'accession de tous les Ordres.

Donné à Berlin, sous notre Signature et notre Grand Sceau Royal ;  
le 1 Juillet, 1823. FREDERIC GUILLAUME.

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*CIRCULAR to the Ministers of Wirtemberg at Foreign Courts, respecting the decisions of the Congress of Verona ; and Correspondence between Austria and Wirtemberg, consequent thereupon.—January to July, 1823.*

(1.)—*Circulaire adressée par le Ministre des Relations extérieures du Wurtemberg à toutes les Légations de Sa Majesté Wurtembergeoise.*

MONSIEUR LE BARON, Stutgardt, le 2 Janvier, 1823.

Persuadé que votre Excellence partagera le sentiment de bonheur avec lequel nous avons vu marquer le dernier jour de l'Année qui vient de s'écouler, par le retour de leurs Majestés, et de leur Auguste

Nièce du voyage qu'elles avaient fait à Mittenvald, je m'empresse de l'en informer.

Ce sentiment a dû s'augmenter encore de la vive satisfaction avec laquelle le Roi a retrouvé chez l'Empereur de Russie le retour parfait de ces sentimens d'amitié sincère, et d'attachement invariable que Sa Majesté a voués à cet Auguste Allié, à ce Parent cheri.

J'ai déjà eu l'honneur de prévenir votre Excellence, que ce n'étaient point des liens formés par des Traités, que ce n'étaient que ceux du sang et de l'amitié qui avaient déterminé ces deux Augustes Souverains à braver, avec les dames qui les accompagnaient, la rigueur de la saison, pour se rencontrer aux confins du Tyrol, dans une petite Ville peu digne de recevoir une réunion si illustre. Aussi n'a-t-elle entendu que les accents de la confiance, et non le langage de la politique. Vous jugerez par-là, M. le Baron, combien les interprétations sont fausses que l'on s'était plu de donner d'avance en différens endroits à ce rendez-vous, et votre Excellence se trouvera à même, en cas qu'elles soient parvenues à sa connaissance, de les réduire à leur juste valeur. Je profite de la présente occasion pour entretenir encore votre Excellence d'un autre objet.

Elle n'ignorera pas sans doute que les Cours qui ne participèrent point au Congrès de Verone, viennent de recevoir la première intelligence officielle de son existence, de son but et de ses résultats, par la Circulaire que les Missions de Russie, d'Autriche, et de Prusse, leur ont communiquée et qui depuis a paru déjà dans les Feuilles Publiques.

Il sera important à votre Excellence de ne pas ignorer le point de vue sous lequel la Cour envisage ce Document intéressant.

Quelle que soit la confiance que réclament à tant de titres les lumières et le désintéressement des Puissances qui ont hérité de l'influence que Napoléon s'était arrogée en Europe, il est difficile cependant de ne pas craindre, si jamais cette tutelle était exercée par des Souverains moins intéressés ou moins généreux, pour l'indépendance des Etats mineurs.

Rien certainement ne saurait être plus étranger à notre pensée que de contester aux Souverains qui portent au maintien du principe Monarchique, ce palladium des Peuples Civilisés, tant et de si pénibles sacrifices, qui veillent, avec tant de sollicitude au maintien de la Paix, leurs droits éternels à la reconnaissance de l'Europe.

Mais les moyens par lesquels cette surveillance agit nous paraissent en partie introduire dans le Droit Public des principes plus ou moins inquiétans. Des Traités conclus, des Congrès rassemblés dans les intérêts de tous les Membres de la Famille Européenne, sans qu'il soit permis à ceux du second ordre de faire valoir leurs vœux, de faire connaître leurs intérêts particuliers, ces formes mêmes sous lesquelles on les admet aux Traités, et leur fait connaître



les décisions des Cours prépondérantes, et l'attente de celles-ci de ne point rencontrer une différence d'opinion chez aucun de leurs Alliés; ces différentes innovations en diplomatie justifient au moins une réserve expresse des droits inaliénable de tout Etat indépendant.

Les causes de l'indépendance et du principe monarchique, confondues l'une et l'autre dans celles de l'Italie et de l'Espagne, les causes de l'humanité et de la religion confondues dans celles des Grecs; la cause de la Paix générale communes à toutes, ne permettront pas à considérer les objets dont les derniers Congrès, et notamment celui de Vérone, se sont occupé, comme étrangers aux Puissances du second ordre; elles justifieront nos regrets d'en avoir été exclus, et de n'y avoir pas même vu appeler la Fédération Germanique, quoiqu'elle ne puisse être comptée que parmi les Puissances du premier Ordre, deux de ses Membres s'y trouvant, et l'ensemble ne pouvant guère être subordonné aux Parties.

Voilà, M. le Baron, les observations que la Circulaire en question a fait naître ici sous le rapport de la forme. Nous manquons des données nécessaires pour avoir une opinion à l'égard des mesures dont elle fait part; le juste tribut d'admiration excepté, qui est dû à celles prises pour l'Italie, comme aux soins consacrés à la conservation de la paix et de la répression des principes subversifs de l'ordre social.

Quant aux observations qui la terminent, abstraction faite de la forme, nous ne pouvons qu'abonder dans leurs sens, attendu que les Puissances Signataires ne sauraient chercher les véritables moyens d'assurer le calme de l'Europe, de prouver le respect dû à l'esprit des Traités, et de leur prêter l'appui qu'elles réclament de la part de leurs Alliés, que dans les soins les plus efficaces de chaque Souverain pour le bonheur de ses Sujets, pour l'accomplissement scrupuleux des engagements pris envers eux pour la propagation des lumières et des sentimens religieux, et pour l'affermissement de l'empire des Lois.

Notre Auguste Maître, osant, sous tous ses Rapports, se flatter que son Administration et la Constitution qu'il a donnée à son Pays ne laissent rien à désirer à celui-ci; fermement résolu, de plus, de ne jamais dévier des principes d'Administration qu'il a suivis jusqu'à présent, et qui lui ont valu des résultats si parfaitement satisfaisans, ne doute pas d'avoir, pour sa part, répondu d'avance à tout ce que les Puissances Alliées attendent de lui, et d'avoir ainsi resserré les liens qui l'attachent à elles, et dont le maintien est l'objet de toute sa sollicitude.

En autorisant votre Excellence à faire usage de la présente communication, chaque fois que l'occasion s'en offrira, sans l'avoir recherchée, je saisis, etc.

WINTZINGERODE.

(2).—*Instructions to the Austrian Chargé d'Affaires at Stuttgart.*

MONSIEUR LE BARON,

Vienne, le 28 Mai, 1823.

L'ENVOYÉ de Wurtemberg a été chargé, dans ces dernières semaines, par sa Cour, de nous faire plusieurs ouvertures. Elles exigent des réponses de notre part, et l'Empereur m'a ordonné de les consigner dans une Dépêche que vous seriez chargé de communiquer à M. le Comte de Wintzingerode.

Je m'acquiesce, par la présente, de cet ordre.

La pensée, la seule pensée de l'Empereur, dans toutes les Questions Politiques de notre temps, se concentre dans la nécessité d'opposer au torrent de l'erreur, aux œuvres d'une Faction conjurée contre toutes les Institutions existantes, aux complots conçus par l'ambition criminelle des énergumènes, et soutenus par la faiblesse et l'incertitude habituelles aux grandes masses, ce qui doit servir à sauver le Corps Social d'une dissolution que la Faction lui prépare, et qu'elle s'efforce de couvrir de l'insidieux prétexte de réformes salutaires.

Les moyens les plus sûrs pour arriver au but que Sa Majesté Impériale regarde comme le premier de ses devoirs, se trouvent dans le maintien le plus franc, le plus prononcé et le mieux constaté des bases sur lesquelles se fonde cette union, que la voix générale de l'Europe a désignée sous la dénomination honorable de l'*Alliance*.

Les Puissances, en invalidant un seul des principes de cette glorieuse union, mettraient en doute la rectitude de leur conduite dans le passé, le plus ferme appui du présent, et toutes les garanties de l'avenir. Jamais l'Empereur ne se prêtera à donner à ses Alliés un exemple auquel il a la conviction de ne point être exposé de leur part.

A la fin de leur réunion à Vérone, les Empereurs d'Autriche et de Russie, et le Roi de Prusse, ont cru devoir suivre une marche entièrement conforme à celle qu'ils avaient observée dans des réunions précédentes.

Celle de Vérone n'ayant eu pour but que de raffermir, dans l'intérêt général de l'Europe, les bases de l'Ordre Social, ébranlé par des entreprises odieuses sur quelques points du Continent, en plaçant sur une ligne de principe et d'action commune les Puissances appelées à prendre part à cette action réparatrice, les trois Monarques ont adressé à leurs Missions près de toutes les Cours et de tous les Gouvernemens réguliers, un véritable compte rendu de l'immuabilité de leurs principes, de l'application qu'ils venaient d'en faire dans des cas spéciaux, et de leurs vœux de voir les Gouvernemens Européens, tous membres d'une même famille, se serrer sur la ligne de ces principes de salut commun pour eux et pour les Peuples.

La voix d'un seul Gouvernement s'est élevée contre cette démarche des trois Monarques. Confondant le bien avec le mal, les principes de l'*Alliance* avec les écarts de l'ambition d'un conquérant, établissant

des réserves contre des intentions que dix années d'expérience ont suffisamment prouvé ne pas exister, ce Gouvernement a prêté son appui à des accusations que l'honneur seul des Princes leur eût imposé le devoir de combattre, si l'honneur avait pu être séparé ici de l'intérêt de la cause commune.

Le ménagement dont les trois Cours se sont fait une loi dans la poursuite du grief le mieux fondé vous est connu.

La trop déplorable Circulaire du 2 Janvier n'a point tardé de paraître dans les feuilles du parti révolutionnaire. Nous savons qu'à Stuttgart on s'est plu à attribuer à l'Autriche cette publication. Nous n'avons qu'une réponse à faire à une supposition aussi odieuse, et que jamais, au reste, ne nous a été adressée par le Cabinet Wurtembergeois.

Nous ne sommes pas dans l'habitude de jeter dans le Public des brandons de discorde entre les Gouvernemens, et de fournir des armes à nos adversaires; nous ne sommes pas enfin les Correspondans des Feuilles Radicales Françaises.

A la suite de cette Publication, un article explicatif a paru dans la Gazette de Stuttgart; \* article qui a dû nous frapper d'autant plus qu'il était rédigé dans un sens absolument opposé à l'esprit et au langage hostile que les Feuilles Publiques du Wurtemberg n'ont cessé de tenir, sur ce qu'il y a de plus cher et de plus sacré pour les Mo-

\* Note insérée dans la Gazette de Stuttgart du 25 Février.—Le Journal des Débats du 18, et Le Moniteur du 19 de ce Mois, publient une pièce datée de Stuttgart, qui d'après sa forme, paraît être une Dépêche adressée par notre Ministre des relations extérieures à un Ministre du Roi, accrédité près d'une Cour Etrangère.

Sans être autorisés à nous prononcer sur la question de savoir si la Dépêche dont il s'agit est authentique ou non, nous pouvons cependant assurer, ce que d'ailleurs la forme et le contenu de cette pièce indiquent déjà, qu'elle ne devait point être rendue publique, et qu'elle n'a pu l'être que par une indiscretion très-repréhensible, qui, si un Fonctionnaire Wurtembergeois s'en était rendu coupable, attirerait naturellement sur lui une grave responsabilité.

Quoi qu'il en soit, nous croyons qu'il est de notre devoir d'aller au-devant des fausses inductions que pourraient tirer à cette occasion certains esprits ennemis de l'ordre social, qui voudraient voir régner dans les Cabinets la même discorde qui trouble la tranquillité et le bonheur des Peuples.

Il ne peut ni ne doit être douteux que tous les Gouvernemens sont animés du même désir : que tous leurs vœux, tous leurs efforts, sont dirigés vers le même but; celui de maintenir l'ordre, d'affermir l'empire des Lois, bases sûres du bien public, et de combattre cette Anarchie Révolutionnaire, qui détruit irrémédiablement le bonheur des Nations.

Notre Gouvernement, sincèrement d'accord sur ce point avec les autres Gouvernemens, ne saurait l'être moins, lorsqu'il s'agit de reconnaître la pureté des intentions et le désintéressement des Souverains Alliés, ainsi que les droits qu'ils ont acquis par leurs efforts pour atteindre ce même but, à la gratitude et à la confiance de tous les Gouvernemens et de tous les Peuples.



narques Alliés, sur le principe et l'objet de leur union. Heureuse toutefois de trouver un terme de rapprochement, l'Autriche, qui, la première, lorsqu'il ne pouvait être question que de récriminations, avait annoncé au Cabinet Wurtembergeois qu'elle se tiendrait sur la ligne de ses Alliés, a été la première à saisir une démonstration de regret de la part de ce Cabinet, et à s'attacher au bien qui semblait se trouver dans ses paroles.

Nous connaissons nos Alliés, et nous étions certains de faire en ceci ce que chacun d'eux eût fait à notre place, s'il s'était trouvé sur la ligne de Correspondance la plus courte.

Dans les Instructions qui vous furent adressées à cette époque, il nous resta cependant un vœu à former, ce fut celui que Sa Majesté Wurtembergeoise voulût bien, par suite des principes qu'elle venait de faire énoncer avec autant d'énergie, se lier à la marche que nous n'avons cessé de suivre dans l'intérêt de l'union la mieux constatée entre les Membres de la Confédération. Pour arriver à ce but, nous exprimâmes le désir que le vote du Wurtemberg à la Diète fût confié à un homme qui n'aurait point manifesté dans toutes les occasions des opinions contraires, non-seulement à notre marche dans les Affaires Fédérales, mais aux principes mêmes de l'Alliance.

Le Baron de Wangenheim fut le seul des Représentans à la Diète qui refusa d'accéder au *Conclusum* du 24 Février.

Ce que la Publication dans la Gazette de Stuttgart semblait indiquer, le Ministre à la Diète l'a invalidé. Lequel des deux, dans une occasion aussi solennelle, a été l'interprète des sentimens véritables du Gouvernement; est-ce le Gazetier ou le Ministre? Le Ministre a été confirmé dans sa place; le jugement ne saurait être douteux aux yeux du Public, comme il ne saurait l'être à ceux des Puissances.

L'Empereur doit consulter, dans ses relations avec le Gouvernement Wurtembergeois, deux lignes de considération dont chacune lui impose des devoirs particuliers. Heureuse aussi souvent qu'il peut les confondre en une seule, il admet des circonstances, et ce ne sera jamais Sa Majesté Impériale qui les créera, où leur séparation devient indispensable. L'Empereur est à la fois le Monarque d'un puissant Empire, et il s'honore d'être l'un des Membres de la Fédération Germanique. La Fédération étant formée d'Etats Souverains, nous sommes loin de ne pas reconnaître les égards que les Membres qui la composent se doivent réciproquement, et les devoirs que leur impose le lien fédératif.

C'est dans sa qualité de Puissance que l'Empereur se sent blessé par les termes de la Circulaire du 2 Janvier dernier. Prêt à regarder comme un tempérament la Déclaration dans la Gazette de Stuttgart, quelque peu solennel que fût le caractère de cette Déclaration, le bien qu'elle pouvait faire a été annulé par la ligne de conduite du Représentant de Wurtemberg à la Diète. Sa Majesté Impériale se doit dès



lors à elle-même et au soutien des principes qu'elle professé et professera uniformément et immutablement avec ses Augustes Alliés, de ne pas prolonger un état de choses dans lequel rien ne correspond ni avec ses sentimens, ni avec ses vœux ; et sans toucher à aucun des rapports consacrés par l'Union Fédérative de l'Allemagne, elle est réduite à chercher dans un changement de relations diplomatiques la satisfaction qu'elle n'a pu obtenir par les propositions les plus justes et les plus conciliantes.

Vous êtes chargé, M. le Baron, d'annoncer à M. le Comte de Wintzingerode que l'Empereur a rappelé de son poste son Envoyé à Stuttgart.

Les communications que M. le Baron de Grempp a été dans le cas de nous faire, et en particulier en date du — Avril dernier, nous font espérer que l'opposition constante de l'Envoyé de Wurtemberg à la Diète va céder enfin aux nouvelles directions qui lui ont été données par sa Cour. Nous désirons que tel soit le cas ; les Affaires Fédérales, aussi dignes de notre sollicitude que de tous les autres Membres de ce grand Corps politique, gagneront autant à cet ordre de choses qu'elles ont souffert par la marche qui a eu lieu jusqu'ici. Nous désirons ce que doit désirer le Roi ; car la consolidation et l'affermissement des rapports légalement établis pour la paix et le bonheur de l'Allemagne, ne peuvent avoir moins de prix pour le Gouvernement Wurtembergeois qu'ils n'en ont pour le nôtre.

Vous annoncerez que M. le Comte de Thurn sera remplacé quand ce que le Roi a cru ne pas pouvoir faire jusqu'à présent sera effectué, ou bien par le rappel de M. de Wangenheim, ou par la marche du temps et par une expérience qui sera accueillie par Sa Majesté Impériale avec une satisfaction véritable.

Vous trouverez ci-joint en original et en copie, la Lettre de Rappel de M. le Comte de Thurn, et vous continuerez à traiter avec le Gouvernement Wurtembergeois les affaires qui regarderont les intérêts du service ou ceux des Sujets de Sa Majesté l'Empereur.

Recevez, etc.

METTERNICH.

(3.)—*DEPECHE du Ministre des Relations Extérieures du Wurtemberg, au Chargé d'Affaires de Sa Majesté Le Roi de Wurtemberg, près de la Cour d'Autriche.*

MONSIEUR LE BARON,

Stuttgart, le 16 Juin, 1823.

Le Chargé d'Affaires de la Cour d'Autriche s'est acquitté, le 2 de ce mois, de la Commission dont, d'après votre Dépêche N° 34, Son Altesse M. le Prince de Metternich vous avait prévenu, le 28 du mois passé, M. le Baron, en me remettant, avec les Lettres de Rappel de M. le Comte de Thurn, la Dépêche dont j'ai l'honneur de vous transmettre Copie ci-contre.

Le Chargé d'Affaires de Russie me remit le même jour les Lettres de Rappel de M. le Général de Benkendorff, et le Ministre de Prusse réclama une Audience pour présenter les siennes au Roi.

Il suffira de jeter un regard calme et impartial sur le passé, pour comprendre combien cette détermination des trois Cours Alliées a dû nous surprendre, et combien peu les motifs allégués dans la Dépêche de M. le Prince de Metternich servent à diminuer cette impression.

Récapitulons :—

L'entrevue du Roi avec l'Empereur de Russie, à Mittenwalde avait fait naître des bruits qui réclamaient une rectification envers nos Missions à l'étranger. Elle fut donnée par notre Circulaire du 2 Janvier.

Celle des trois Cours Alliées sur le Congrès de Vérone ayant paru à la même époque, elle devint le sujet de quelques observations ajoutées à la nôtre.

Des causes connues donnèrent à celle-ci une publicité à laquelle elle n'était pas destinée, à laquelle nous ne pouvions qu'être parfaitement étranger.

Il nous était d'après cela impossible de rendre de cette pièce un compte quelconque ; aussi fut-il décliné lorsque la Cour d'Autriche nous en adressa des plaintes dans une Dépêche de M. le Prince de Metternich au Baron d'Oechsner, en date du 29 Janvier.

En attendant, notre Circulaire parut dans les feuilles Françaises. Nous éprouvâmes trop de regrets de cette publication pour ne pas les exprimer publiquement moyennant un Article Officiel, inséré dans la Gazette de la Cour, du 25 Février.

Cet Article contient à la fois une profession de nos principes politiques, propres à répondre à toute fausse induction.

Nous eûmes la satisfaction de leur voir rendre une justice entière et parfaite par la Cour d'Autriche, qui, ayant dès le commencement posé en principe de vouloir se tenir sur la même ligne de conduite avec ses Augustes Alliés, déclara, dans une Dépêche de Monsieur le Prince de Metternich, à Monsieur le Baron d'Oechsner, en date du 8 Mars, que, dès ce moment, toute explication ultérieure sur la susdite pièce se trouve abandonnée par l'Empereur.

Une autre Dépêche de la même date exprime le désir que le Baron de Wangenheim, notre Ministre à la Diète, reçut une autre destination. L'accomplissement de ce désir n'était en aucune manière rattaché, comme condition, à la déclaration précitée ; il était motivé par la ligne de conduite suivie jusqu'ici par ce Ministre ; cette ligne de conduite n'était désignée qu'en termes généraux, celle exceptée qu'il avait tout récemment suivie, lors des délibérations de la Diète, sur la Circulaire des trois Cours du 14 Décembre dernier, à laquelle cette Dépêche consacra d'amples développemens.

Donc notre vote isolé du 24 Février, conforme à celui que M. de Wangenheim avait déjà émis le 20 Février, était connu du Cabinet d'Autriche, lorsqu'il se déclara parfaitement satisfait par notre Article Officiel du 25 Février, et il ne se plaignit nullement alors d'une contradiction entre cet Article et le vote de notre Ministre, contradiction qui effectivement n'existe pas.

Les votes que M. de Wangenheim avaient donnés au Protocole sur cet objet, lui avaient été prescrits par ses instructions; celles-ci étaient parties du point de vue: que la réponse de la Diète à la communication des trois Cours devaient exprimer la reconnaissance la plus entière des *intentions* bienfaisantes et conservatrices de ces Cours, mais qu'elle ne devait se permettre aucune opinion sur les *principes* et les *mesures* par elles adoptés; vu que, d'un côté, une manifestation de ce genre exigerait, d'après les réglemens de la Diète, une discussion plus approfondis, et des instructions plus particulières, et que, de l'autre, une différence d'opinions entre les Puissances Européennes sur ces objets pourrait compromettre l'attitude éminemment neutre que l'Acte fédéral assigne à la Fédération.

L'émission d'un vote isolé à la Diète ne peut en soi-même faire l'objet d'un grief; tout dépend des raisons sur lesquelles il repose, et une exposition détaillée du point de vue dont nous étions partis en cette occasion, avait déjà été adressée spontanément à la Cour d'Autriche, en date du 27 Février; elle resta sans réponse.

Des développemens ultérieurs lui furent encore donnés par les réponses aux Dépêches de M. le Prince de Metternich, du 8 Mars, qui nous furent adressées le 23 du même mois.

Ces réponses, tout en ne point refusant pour la suite le rappel de M. de Wangenheim, développèrent, avec l'abandon d'une entière confiance, les difficultés qui s'y opposaient.

Votre Dépêche du 5 Avril, M. le Baron, nous informa que ces difficultés n'avaient point paru suffisantes au Cabinet de Vienne, pour se désister de son désir à cet égard; qu'au contraire, M. le Prince de Metternich avait, dans une conversation que vous eûtes avec lui, représenté le rappel de M. de Wangenheim sous le point de vue d'une condition sous laquelle la déclaration du 8 Mars aurait été donnée.

Ce point de vue était aussi nouveau pour nous que le motif qui en est donnée dans la Dépêche de M. le Prince de Metternich, du 28 Mai, où il est dit que M. de Wangenheim aurait manifesté, dans *toutes les occasions* des opinions contraires, non-seulement à la marche du Cabinet de Vienne dans les Affaires Fédérales, mais aux principes mêmes de l'Alliance.

Nous n'ignorons pas que des plaintes avaient été élevées contre ce Ministre; mais nous ignorions absolument, et nous ignorons encore que, dans une seule occasion il ait manifesté des opinions contraires aux principes de l'Alliance, et il nous serait facile de prouver que,

dans plusieurs délibérations d'une haute importance, il s'est appliqué non à soutenir opiniâtrement des opinions contraires à celles du Cabinet de Vienne, mais bien à trouver des termes moyens pour concilier les opinions divergentes.

Cependant cette marche rétrograde de celui-ci était d'autant plus sensible au Roi, qu'il attache plus de prix à ses relations avec Sa Majesté Impériale.

Devant se ménager la conscience de n'avoir rien négligé pour les maintenir telles que ses sentimens et les intérêts de son Pays les réclament, Sa Majesté ne balança point de se rapprocher, à mesure que le Cabinet de Vienne paraissait s'éloigner. La Dépêche que j'eus l'honneur de vous adresser, en date du 17 Avril, M. le Baron, en fait foi; elle exprime dans toute leur vivacité nos regrets du peu de succès de nos démarches précédentes; elles communiqua les instructions récentes que nous avions spontanément données à notre Ministre à la Diète; elle donna un gage non équivoque que M. de Wangenheim serait rappelé, s'il devait, contre toute probabilité, s'écarter de la ligne de conduite que ces instructions lui prescrivaient, et elle exprimait enfin l'espoir que, d'après cela, la Cour de Vienne ne rétracterait point l'aveu d'être parfaitement satisfaite, donné sans aucune condition.

Selon les rapports que vous me fîtes, M. le Baron, sur la manière dont vous vous êtes acquitté de l'ordre de porter cette Dépêche à la connaissance de M. le Prince de Metternich, ce Ministre, tout en se réservant une réponse ultérieure, ne put cependant refuser une justice entière et parfaite aux principes des instructions données à M. de Wangenheim; il les paya même de retour en nous communiquant les instructions de M. le Baron de Münch, et tout en vous prévenant que Sa Majesté l'Empereur destinait une autre place à M. le Comte de Thurn, rien dans ses communications, telles que vous nous en avez rendu compte, ne fit pressentir ni que la Cour de Vienne insistait sur le rappel instantané de M. de Wangenheim, ni qu'elle le considérait comme une satisfaction dont il n'avait jamais été question, ni enfin que son ajournement conditionnel servirait, sans avertissement et sans aucune ouverture préalable, de motif non-seulement à la Cour d'Autriche, mais même aux deux autres Cours Alliées, pour apporter, en retirant leurs Ministres accrédités auprès du Roi, un changement dans leurs relations diplomatiques.

Cet exposé fidèle justifiera pleinement l'impression, déjà désignée, que la Dépêche de M. le Prince de Metternich, du 28 Mai, a fait éprouver au Roi.

En me rapportant à son contenu, je dois, d'ordre de Sa Majesté, y répondre par les observations suivantes :

Il n'est pas possible qu'un doute quelconque puisse exister sur l'accord parfait de la pensée du Roi avec celle des Alliés, concentré dans la nécessité de raffermir le principe Monarchique et de combattre



le principe Révolutionnaire. A chaque doute de ce genre, comme à chaque soupçon que Sa Majesté puisse méconnaître les droits éternels des Souverains Alliés à la reconnaissance de l'Europe, pour la sollicitude et les sacrifices avec lesquels ils poursuivent ce but, la tranquillité de son Pays, l'amour de ses Sujets, tous les actes de son Gouvernement, toutes nos communications diplomatiques, l'Article tant cité du 25 Février, et même le vote de M. de Wangenheim, du 6 et du 20 Février, serviraient de réponse.

Si des motifs, puisés dans les droits de tout Gouvernement Indépendant, ne nous ont pas permis de répondre jusqu'ici aux accusations dirigées contre notre Circulaire du 2 Janvier, et du reste pleinement démenties par les paroles même de cette pièce, on ne l'attendra plus de nous, lorsque toutes les explications compatibles avec ces droits ont été données et répétées, et lorsque la Cour d'Autriche nous a déclaré en son nom, comme en celui de ses Alliés, et sans condition quelconque : "Que toute explication ultérieure sur cette pièce était abandonnée."

Rien, depuis cette déclaration, n'a été changé, et rien n'a justifié le reproche d'avoir démenti les principes dont la profession publique avait provoqué cette déclaration ; le vote de M. de Wangenheim avait, comme je l'ai démontré plus haut, précédé notre Article Officiel ; il serait facile de prouver, s'il le fallait, qu'ils sont loin de se contredire ; mais si la Dépêche de Monsieur le Prince de Metternich reproche au vote d'avoir démenti l'Article, cet anachronisme ne peut s'expliquer que par une erreur, sur laquelle nous ne doutons pas que la Cour d'Autriche ne revienne d'autant plus volontiers que les conséquences qu'elle lui a données sont plus graves, vu que ce reproche est cité comme motif principal du rappel de son Ministre.

Ma Dépêche du 17 Avril a déclaré que le Roi était parfaitement disposé, dans les cas y énoncés, de donner à M. de Wangenheim une autre destination. A mesure qu'il eût été plus agréable à Sa Majesté de témoigner, en surmontant les graves inconvéniens de cette mesure, sa déférence pour le désir de l'Empereur, s'il avait été répété, à mesure aussi elle doit regretter que le prix infini qu'elle attache à l'estime de ses Augustes Alliés ne lui permette point de se décider à cette démarche, aussi long-temps qu'une condition presque comminatoire y sera attachée, à moins qu'un des cas sans lesquels elle a déjà été promise ne vienne à échoir.

Le Roi, loin de méconnaître les deux qualités également respectables de Monarque d'un puissant Empire et de Membre de la Fédération Germanique, qui se réunissent dans l'Auguste Personne de Sa Majesté l'Empereur d'Autriche, à la ferme conscience de n'avoir blesé en rien les égards dus à l'une comme à l'autre ; d'avoir, au contraire, en toute occasion, fait preuve des sentimens d'estime et d'amitié qu'il lui porte, comme du zèle le plus sincère pour la cause commune à tous les Gou-

vernemens légitimes, et de n'avoir, par conséquent, jamais pu se trouver dans le cas de lui faire une réparation, qui de plus n'a jamais été réclamée.

Sa Majesté se flatte que les développemens ci-dessus, en modifiant les suppositions qui devaient établir la nécessité et le droit d'une satisfaction à prendre, feront passer la même conviction dans l'âme de ce Souverain éclairé. Partant, le Roi ne saurait trouver dans le rappel de M. le Comte de Thurn aucun motif pour apporter un changement à ses relations diplomatiques, qui ne serait en harmonie ni avec sa conviction intime sur l'état de la question, ni avec les sentimens qu'il a voués à Sa Majesté l'Empereur; il devrait même craindre, en tenant une conduite différente, d'infirmer l'expression des uns et de l'autre, qu'il s'est empressé à répéter en toute occasion.

En conséquence, le Roi vous ordonne, M. le Baron, de continuer les relations qui vous sont confiées sur le même pied que par le passé, tant que cela pourra être agréable à Sa Majesté l'Empereur.

Vous êtes chargé de communiquer les présentes à M. le Prince de Metternich, et de remettre en même temps à Son Altesse, les lettres de récréance de M. le Comte de Thurn, que j'ai l'honneur de vous transmettre ci-contre.

*Le Baron Grempp.*

WINTZINGERODE.

*Mem.—Extrait de la Gazette de Stutgardt, du 18 Décembre, 1823.*

Nous avons lu avec une étrange surprise, dans les numéros 326 et 341 du Constitutionnel, deux actes qui, d'après leur forme et teneur, semblent avoir le caractère d'authenticité.

En les admettant comme tels, ce serait un soin aussi superflu qu'offensant pour les Gouvernemens immédiatement intéressés à la chose, de vouloir établir pour la première fois ici la supposition que la publicité donnée à ces actes n'a pu qu'être complètement improuvée par eux.

Car on ne peut admettre qu'un Gouvernement régulier, même quand il se verrait dans la nécessité de mettre au jour ses démêlés avec un autre, pût choisir, pour une pareille mesure, qui, dans l'intérêt bien entendu de tous les Gouvernemens, doit toujours être regardée comme extrême, une autre forme que celle d'une déclaration publique reconnue et conforme aux usages diplomatiques.

Mais il est encore moins imaginable qu'aucun Gouvernement pût jamais oublier sa dignité, au point d'entreprendre comme correspondant d'un Journal, en lui communiquant des actes détachés de leur connexion; une attaque secrète avec des armes, dont un adversaire qui se respecte devrait dédaigner l'usage.

Mais comment pourrait-on mettre le moins du monde en doute qu'une telle entreprise, exécutée sans la permission des Gouvernemens, seul cas où elle serait possible, ne dût être regardée par eux comme le plus injurieux empiècement sur le droit réservé à eux seuls d'expliquer leurs rapports mutuels?

Il y a des principes qu'aucun Gouvernement, quel que puissent être ses rapports momentanés envers un autre, ne peut négliger, sans se dégrader et agir, en quelque sorte, hostilement contre lui-même. Le premier, et le plus important de ces principes, c'est que la base de toute autorité publique régulière, malgré toutes les différences dans les formes, est une base commune et générale,

***SPEECH of the King, on the Closing of the Diet of Sweden.—22d December, 1823.***

MESSIEURS !

QUOIQUE le Pacte Fondamental ne vous accorde que quatre mois lorsque vous êtes assemblés, j'ai cru devoir céder à vos vœux, en vous permettant de prolonger vos Séances sept mois de plus. Au premier apperçu politique, on auroit, peut-être, le droit de s'étonner de la longueur de cette Session ; mais l'expérience des choses, l'habitude de traiter les grandes affaires, échouent souvent devant les divers intérêts inhérents à l'état social de l'homme. Les conjonctures exercent encore un empire particulier au dessus de tout calcul et de toute combinaison, et les événemens, quelquefois résultats du hazard ou de quelques causes imprévues, trompent les efforts de la prudence la plus consommée. Si vous n'avez pas maintenant rempli les espérances de tous, vous avez préparé à la Diète future la facilité de poser les bases d'une amélioration financière, réclamée par toutes les classes.

La liberté, en fournissant à l'homme la connoissance de la dignité de son être, lui donne la force et la résignation de supporter avec patience les vicissitudes de la vie. Mais cette liberté disparaît bientôt lorsque le Gouvernement n'est pas investi d'une autorité assez étendue, pour conserver au Peuple ce qu'il a pu acquérir.

Vous avez vu les événemens qui ont affligé les Pays les plus florissans de l'Europe. Lorsqu'on agite les Etats, c'est en dernière analyse le Peuple qui souffre le plus. Cette conviction doit nous déterminer à ne jamais perdre de vue son bien-être et sa tranquillité. Le premier des biens qu'il a le droit d'exiger de nous, c'est son repos intérieur ; et pour l'obtenir, sa voix nous commande de faire exécuter, sans distinction, les lois qui forment sa sauvegarde.

Nous ressentons l'heureuse influence d'une position presque insulaire ; si cependant les lois qui nous régissent, n'ont pas acquis le

qui ne peut être ébranlée sur aucun point séparément, sans que cet ébranlement ne se communique à tous les autres ; à côté de ce principe est celui, qu'aucun Gouvernement Monarchique surtout ne peut jamais impunément abandonner le haut rang où il est placé dans l'ordre des choses, et méconnaître le véritable caractère des moyens et de la force d'influence qui résultent de son principe vital.

Le maintien sacré de ce haut rang est le premier devoir comme la condition indispensable de la dignité, de la force, et de la consistance de tout Gouvernement. C'est le premier objet à prendre en considération, de manière qu'aucune passion, aucun motif d'avantage momentané ne puisse y porter atteinte.

Qui pourrait douter que des vérités aussi simples ne soient aussi un objet de conviction pour nos Gouvernemens, quand nous les voyons tous les jours subordonner des questions d'un intérêt momentané aux grands principes sur lesquels repose la conservation de l'ordre existant ? Qui pourrait douter que ce fait, qui a donné lieu immédiatement à ces réflexions, ne puisse autrement s'expliquer que par une imprudence condamnable, ou l'oubli le plus coupable du devoir ?

dégré de perfection qu'on peut désirer, ce n'est qu'au tems à y amener des changemens. Vouloir les opérer brusquement, ce serait mettre en problème tous les avantages du présent et les belles espérances de l'avenir. Les peuples ont leur caractère particulier. Précipiter la marche naturelle de leur génie, c'est les exposer à des catastrophes, dont le tems présent nous fournit des preuves irrécusables.

J'ai suivi le même système de circonspection dans l'application de nos devoirs réciproques, et j'ai dû me refuser à toute interprétation partielle de nos Lois fondamentales. Ne voulant que conserver mes attributions légales, sans empiéter sur les vôtres, je serai toujours disposé à me concerter avec vous, sur tout ce qui peut donner plus de clarté à notre pacte, et nous conduire ainsi à augmenter successivement la prospérité publique, d'une manière solidaire et complètement unie.

Notre exportation a été très active et la balance du commerce, pour cette année et les précédentes, a été à notre avantage. Les récoltes ont été abondantes, et néanmoins le cultivateur est gêné. Il continuera de l'être jusqu'à ce qu'un nouveau système hypothécaire le place dans une situation plus assurée que celle où il se trouve maintenant. Si l'espoir que je nourris de voir sa situation s'améliorer, ne se justifie pas, je réunirai de nouveau autour de moi les États Généraux, afin de leur proposer des mesures dont l'efficacité ne serait douteuse que pour ceux, dont le secours n'est pas du ressort de notre influence.

Le comité chargé de la rédaction du Code Civil a terminé ses travaux. Ce Code est soumis à mon examen, et à celui de mes Conseillers. Il vous sera présenté à la prochaine Session, avec les modifications ou améliorations que j'aurai jugé à propos d'y introduire. Le Code des délits et des peines est aussi l'objet de ma sollicitude. Sa rédaction portera l'empreinte de la garantie individuelle et de la sûreté générale.

Les sommes que vous avez mises à ma disposition pour l'achèvement des grands travaux du canal de Gothie, et pour d'autres ouvrages d'un intérêt général, me paraissent suffisantes, et j'espère pouvoir remplir votre attente et la mienne.

La marche de l'Administration se développe d'une manière si évidente, qu'il est impossible à l'observateur même le moins clairvoyant, de ne pas reconnaître ses progrès. Heureuses les Nations qui, au sein de la paix publique, peuvent ainsi augmenter leur bien-être et simplifier leurs institutions!

Le système de neutralité que mon Gouvernement s'est tracé pour toutes les affaires qui ne touchent pas essentiellement et immédiatement à l'existence des deux Royaumes, nous garantit que cette neutralité continuera à être respectée. De notre côté nous ne négligerons rien pour en maintenir la durée. Les relations d'amitié existantes avec



toutes les Puissances de l'Europe sont l'augure d'une paix durable; elle forme l'objet de nos vœux.

Je vous remercie, Messieurs, des preuves multipliées d'affection et de dévouement que vos m'avez données ainsi qu'à chacun des Membres de ma famille. Je regrette que la séparation de la Diète, jointe à la mauvaise saison, aient mis un obstacle à l'exécution du désir que vous m'avez manifesté pour le Couronnement de la Reine, mon Epouse. Ce désir sera rempli à la prochaine réunion des Etats Généraux.

En retournant dans vos foyers et au sein de vos familles, fortifiez la paix et l'union. Soyez amis, soyez Suédois. Ce beau nom vous rappelle que l'empire de la constance est le premier de tous, mais que la faiblesse et la discorde, en détruisant les Etats, ravissent la liberté aux hommes.

Je vous renouvelle, Messieurs, l'assurance de tous mes sentimens et de ma bienveillance Royale.

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*INSTRUCTIONS to the Chargés d'Affaires of Prussia, Russia, and Austria, at the Court of Madrid, relative to the internal state of Spain.—Verona. November and December, 1822.*

(1.)—*Le Comte de Bernstorff au Chargé d'Affaires de Prusse, à Madrid.*  
MONSIEUR, *Vérone, le 22 Novembre, 1822.*

AU nombre des objets qui fixaient l'attention et réclamaient la sollicitude des Souverains et Cabinets réunis à Vérone, la situation de l'Espagne et ses rapports avec le reste de l'Europe ont occupé une première place.

Vous connaissez l'intérêt que le Roi, notre Auguste Maître, n'a jamais cessé de prendre à Sa Majesté Catholique et à la Nation Espagnole.

Cette Nation si distinguée par la loyauté, et l'énergie de son caractère, illustrée par tant de siècles de gloire et de vertus, et à jamais célèbre par le noble dévouement et l'héroïque persévérance qui l'ont fait triompher des efforts ambitieux et oppressifs de l'Usurpateur du Trône de France, a des titres trop anciens et trop fondés à l'intérêt et à l'estime de l'Europe entière, pour que les Souverains puissent regarder avec indifférence les malheurs qui l'accablent et ceux dont elle est menacée.

L'événement le plus déplorable est venu subvertir les antiques bases de la Monarchie Espagnole, compromettre le caractère de la Nation, attaquer et empoisonner la prospérité publique dans ses premières sources.

Une Révolution, sortie de la révolte militaire, a soudainement rompu tous les liens du devoir, renversé tout ordre légitime et décom-

posé les élémens de l'édifice social, qui n'a pu tomber sans couvrir le Pays entier de ses décombres.

On cru pouvoir remplacer cet édifice en arrachant à un Souverain, déjà dépouillé de toute autorité réelle et de toute liberté de volonté, le rétablissement de la Constitution des Cortès de l'Année 1812, qui confondant tous les élémens et tous les pouvoirs, ne partant que du seul principe d'une opposition permanente et légale contre le Gouvernement devait nécessairement détruire cette autorité centrale et tutélaire qui fait l'essence du Système Monarchique.

L'événement n'a pas tardé à faire connaître à l'Espagne les fruits d'une aussi fatale erreur.

La Révolution, c'est à dire, le déchainement de toutes les passions contre l'ancien ordre de choses, loin d'être arrêtée ou comprimée, a pris un développement aussi rapide qu'effrayant. Le Gouvernement, impuissant et paralysé, n'a plus eu aucun moyen, ni de faire le bien, ni d'empêcher ou d'arrêter le mal. Tous les Pouvoirs se trouvent concentrés, cumulés et confondus dans une Assemblée unique: cette Assemblée n'a présenté qu'un conflit d'opinions et de vues, et un froissement d'intérêts et de passions, au milieu desquels les propositions et les résolutions les plus disparates se sont constamment croisées, combattues ou neutralisées. L'ascendant des funestes doctrines d'une philosophie désorganisatrice n'a pu qu'augmenter l'égarement général, jusqu'à ce que, selon la pente naturelle des choses, toutes les notions d'une saine politique fussent abandonnées pour de vaines théories, et tous les sentimens de justice et de modération sacrifiés aux rêves d'une fausse liberté. Dès-lors des Institutions établies sous le prétexte d'offrir des garanties contre l'abus de l'autorité, ne furent plus que des instrumens d'injustice et de violence, et un moyen de couvrir ce système tyrannique d'une apparence légale.

L'on n'hésita plus à abolir sans ménagement les droits les plus anciens et les plus sacrés, à violer les propriétés les plus légitimes, et à dépouiller l'Eglise de sa dignité, de ses prérogatives, et de ses possessions. Il est permis de croire que le pouvoir despotique exercé par une faction pour le malheur du Pays, se serait plutôt brisé entre ses mains, si les déclamations trompeuses sorties de la Tribune, les vociférations féroces des Clubistes, et la licence de la Presse, n'avaient pas comprimé l'opinion et étouffé la voix de la Partie saine et raisonnable de la Nation Espagnole qui, l'Europe ne l'ignore pas, en forme l'immense majorité. Mais la mesure de l'injustice a été comblée, et la patience des Espagnols fidèles paraît enfin avoir trouvé son terme. Déjà le mécontentement éclate sur tous les points du Royaume, et des Provinces entières sont embrasées par le feu de la Guerre Civile.

Au milieu de cette cruelle agitation l'on voit le Souverain du Pays réduit à une impuissance absolue, dépouillé de toute liberté d'action et de volonté, prisonnier dans sa Capitale, séparé de tout ce qui lui

restait de serviteurs fidèles, abreuvé de dégoûts et d'insultes, et exposé du jour au lendemain à des attentats dont la Faction, si même elle ne les provoque pas sur lui, n'a conservé aucun moyen de le garantir.

Vous, Monsieur, qui avez été témoin de l'origine, des progrès et des résultats de la Révolution de l'Année 1820, vous êtes à même de reconnaître et d'attester qu'il n'y a rien d'exagéré dans le tableau que je viens d'en tracer rapidement. Les choses en sont venues au point que les Souverains réunis à Vérone ont enfin dû se demander quels sont aujourd'hui et quels seront désormais leurs rapports avec l'Espagne.

L'on avait pu se flatter que la maladie affreuse dont l'Espagne se trouve attaquée, éprouverait des crises propres à ramener cette ancienne Monarchie à un ordre de choses compatible avec son propre bonheur et avec des rapports d'amitié et de confiance avec les autres Etats de l'Europe. Mais cet espoir se trouve jusqu'ici déçu. L'état moral de l'Espagne est aujourd'hui tel, que ses relations avec les Puissances Etrangères doivent nécessairement se trouver troublées ou interverties. Des doctrines subversives de tout ordre social y sont hautement prêchées et protégées. Des insultes contre les premiers Souverains de l'Europe remplissent impunément les Journaux. Les Sectaires de l'Espagne font courir leurs Emissaires pour associer à leurs travaux ténébreux tout ce qu'il y a dans les Pays Etrangers de conspirateurs contre l'ordre public et contre l'autorité légitime.

L'effet inévitable de tant de désordres se fait surtout sentir dans l'altération des rapports entre l'Espagne et la France. L'irritation qui en résulte est de nature à donner les plus justes alarmes pour la paix entre les deux Royaumes. Cette considération suffirait pour déterminer les Souverains réunis à rompre le silence sur un état de choses qui, d'un jour à l'autre, peut compromettre la tranquillité de l'Europe.

Le Gouvernement Espagnol veut-il et peut-il apporter des remèdes à des maux aussi palpables et aussi notoires? Veut-il et peut-il prévenir ou réprimer les effets hostiles et les provocations insultantes qui résultent pour les Gouvernemens Etrangers de l'attitude que la Révolution lui a donnée et du système qu'elle a établi?

Nous concevons que rien ne doit être plus contraire aux intentions de Sa Majesté Catholique, que de se voir placée dans une position aussi pénible envers les Souverains Etrangers; mais c'est précisément parce que ce Monarque, seul organe authentique et légitime entre l'Espagne et les autres Puissances de l'Europe, se trouve privé de sa liberté et enchaîné dans ses volontés, que ces Puissances voient leurs rapports avec l'Espagne dénaturés et compromis.

Ce n'est pas aux Cours Etrangères à juger quelles Institutions répondent le mieux au caractère, aux mœurs et aux besoins réels de la Nation Espagnole; mais il leur appartient indubitablement de juger des effets que des expériences de ce genre produisent par rapport à



elles, et d'en laisser dépendre leurs déterminations et leur position future envers l'Espagne. Or, le Roi, notre Maître, est d'opinion que pour conserver et rasseoir sur des bases solides ses relations avec les Puissances Etrangères, le Gouvernement Espagnol ne saurait faire moins que d'offrir à ces derniers des preuves non-équivoques de la liberté de Sa Majesté Catholique, et une garantie suffisante de son intention, et de sa faculté d'écarter les causes de nos griefs et de nos trop justes inquiétudes à son égard.

Le Roi vous ordonne, Monsieur, de ne pas dissimuler cette opinion au Ministère Espagnol, mais de lui faire lecture de la présente Dépêche, d'en laisser une copie entre ses mains, et de l'inviter à s'expliquer franchement et clairement sur ce qui en fait l'objet. Agréez, etc.

M. de Schepeler.

BERNSTORFF

(2.)—*Le Comte de Nesselrode au Chargé d'Affaires de Russie à Madrid.*  
Monsieur, *Vérone, le 14 Novembre, 1820.*

LES Souverains et les Plénipotentiaires réunis à Vérone dans la ferme intention de consolider de plus en plus la paix dont jouit l'Europe, et de prévenir tout ce qui pourrait compromettre cet état de tranquillité générale, devaient, dès le moment où ils se sont assemblés, porter un regard inquiet et attentif sur une antique Monarchie que des troubles intérieurs agitent depuis 2 ans, et qui ne peut qu'exciter à un égal degré, la sollicitude, l'intérêt et les appréhensions des autres Puissances.

Lorsqu'au Mois de Mars, 1820, quelques Soldats parjures tournèrent leurs armes contre le Souverain et la Patrie, pour imposer à l'Espagne des Lois que la raison publique de l'Europe, éclairée par l'expérience de tous les siècles, frappait de la plus haute improbation, les Cabinets Alliés, et nommément celui de Saint-Pétersbourg, se hâtèrent de signaler les malheurs qu'entraîneraient après elles des Institutions qui consacraient la révolte militaire par le mode de leur établissement.

Ces craintes ne furent que trop-tôt et trop complètement justifiées. Ce ne sont plus des théories, ni des principes qu'il s'agit ici d'examiner et d'approfondir. Les faits parlent, et quel sentiment leur témoignage ne doit-il pas faire éprouver à tout Espagnol qui conserve encore l'amour de son Roi et de son Pays? Que de regrets s'attachent à la victoire des hommes qui ont opéré la Révolution d'Espagne! A l'époque où un déplorable succès couronna leur entreprise, l'intégrité de la Monarchie Espagnole formait l'objet des soins de son Gouvernement. Toute la Nation partageait les vœux de Sa Majesté Catholique, toute l'Europe lui avait offert une intervention amicale pour rasseoir sur des bases solides l'autorité de la Métropole dans les Contrées lointaines qui avaient jadis fait sa richesse et sa force. Encouragées par un funeste exemple à persévérer dans la Révolte, les Provinces, où elle avait déjà éclaté, trouvèrent dans les événements



du mois de Mars, la meilleure apologie de la désobéissance, et celles qui restaient encore fidèles, se séparèrent aussitôt de la Mère-Patrie, justement effrayées du despotisme qui allait peser sur son infortuné Souverain, et sur un Peuple que d'imprévoyantes innovations condamnaient à parcourir tout le cercle des calamités révolutionnaires.

Au déchirement de l'Amérique ne tardèrent pas à se joindre les maux inséparables d'un état de choses où tous les principes constitutifs de l'ordre social avaient été mis en oubli.

L'anarchie parut à la suite de la Révolution, le désordre à la suite de l'anarchie. De longues Années d'une possession tranquille cessèrent bientôt d'être un titre suffisant de propriété; bientôt les droits les plus solennels furent revoués en doute; bientôt des emprunts ruineux et des contributions sans cesse renouvelées, attaquèrent à la fois la fortune publique et les fortunes particulières. Comme aux jours dont l'idée seule fait encore frissonner l'Europe, la religion fut dépouillée de son patrimoine; le Trône du respect des Peuples; la Majesté Royale outragée, l'autorité transportée dans des réunions où les passions aveugles de la multitude, s'arrachaient les rênes de l'Etat. Enfin comme à ces mêmes jours de deuil si malheureusement reproduits en Espagne, on vit au 7 Juillet, le sang couler dans la demeure des Rois, et une guerre civile embrasser la Péninsule.

Depuis près de 3 ans, les Puissances Alliées s'étaient toujours flattées que le caractère Espagnol, ce caractère si constant et si généreux, dès qu'il s'agit du salut de la Patrie et naguères si héroïque quand il luttait contre un pouvoir enfanté par la Révolution, se réveillerait enfin jusque dans les hommes qui avaient eu le malheur d'être infidèles aux nobles souvenirs que l'Espagne peut citer avec orgueil à tous les Peuples de l'Europe. Elles s'étaient flattées que le Gouvernement de Sa Majesté Catholique, détrompé par les premières leçons d'une expérience fatale, prendrait des mesures, si non pour arrêter d'un seul effort, tant de maux qui déjà se débordaient de toutes parts, au moins pour jeter les fondemens d'un système réparateur et pour assurer graduellement au Trône ses droits légitimes et ses prérogatives nécessaires; aux Sujets, une juste protection, aux propriétés, d'indispensables garanties. Mais cet espoir a été complètement déçu. Le tems n'a fait qu'amener de nouvelles injustices; les violences se sont multipliées; le nombre de victimes a grossi dans une effrayante proportion, et l'Espagne a déjà vu plus d'un guerrier, plus d'un citoyen fidèle porter sa tête sur l'échaffaud.

C'est ainsi que la Révolution du 9 Mars avançait de jour en jour à ruine de la Monarchie Espagnole, lorsque deux circonstances particulières vinrent appeler sur elle la plus sérieuse attention des Gouvernemens Etrangers.

Au milieu d'un Peuple pour qui le dévouement à ses Rois est un esoin et un sentiment héréditaire; qui, pendant 6 années consécu-

tives, a versé le sang le plus pur pour reconquérir son Monarque légitime, ce Monarque et son Auguste Famille viennent d'être réduits à un état de captivité notoire et presque absolu. Ses frères, contraints de se justifier, sont menacés journellement du cachot ou du glaive, et d'impérieuses représentations lui ont interdit, avec son épouse mourante, la sortie de la capitale.

D'autre part, après les Révolutions de Naples et du Piémont, que les Conspirateurs Espagnols ne cessent de représenter comme leur ouvrage, on les entend annoncer que leurs plans de bouleversement n'ont pas de limites. Dans un Pays voisin, ils s'efforcent avec une persévérance que rien ne décourage, à faire naître les troubles et la rebellion. Dans des Etats plus éloignés, ils travaillent à se créer des complices; l'activité de leur prosélytisme s'étend partout, et partout elle prépare les mêmes désastres.

Une telle conduite devait forcément exciter l'animadversion générale. Les Cabinets, qui désirent sincèrement le bien de l'Espagne, lui manifestent depuis 2 Ans leur pensée, par la nature des rapports qu'ils entretiennent avec son Gouvernement. La France se voit obligée de confier à une Armée la garde de ses frontières, et peut-être faudrait-il qu'elle lui confie également le soin de faire cesser les provocations dont elle est l'objet. L'Espagne elle-même se soulève en partie contre un Régime que repoussent ses mœurs, la loyauté connue de ses habitans, et ses traditions toutes Monarchiques.

Dans cet état de choses, l'Empereur, notre Auguste Maître, s'est décidé à faire une démarche qui ne pourra laisser à la Nation Espagnole aucun doute sur ses véritables intentions, ni sur la sincérité des vœux qu'il forme pour son bonheur.

Il est à craindre que les dangers, toujours plus réels du voisinage, ceux qui planent sur la Famille Royale, et les justes griefs d'une Puissance limitrophe, ne finissent par amener entre elle et l'Espagne les plus graves complications.

C'est là l'extrémité fâcheuse que Sa Majesté Impériale voudrait prévenir, s'il est possible; mais tant que le Roi sera hors d'état de témoigner librement sa volonté, tant qu'à la faveur d'un ordre de choses déplorable, des Artisans de Révolution, liés par un Pacte commun à ceux des autres Contrées de l'Europe, chercheront à troubler son repos, est-il au pouvoir de l'Empereur, est-il au pouvoir d'aucun Monarque d'améliorer les relations du Gouvernement Espagnol avec les Puissances Etrangères?

D'un autre côté, combien ce but essentiel ne serait-il pas facile à atteindre, si le Roi recouvrait avec son entière liberté le moyen de mettre un terme à la Guerre Civile, de prévenir la Guerre Etrangère, et de s'entourer des plus éclairées et des plus fidèles de ses Sujets, pour donner à l'Espagne les Institutions que demandent ses besoins et ses vœux légitimes.

Alors, affranchie et calmée, elle ne pourrait qu'inspirer à l'Europe la sécurité dont elle jouirait elle-même ; et alors aussi les Puissances qui réclament aujourd'hui contre la conduite de son Gouvernement, s'empresseraient de rétablir avec elle des rapports d'amitié véritable et de mutuelle bienveillance.

Il y a long-tems que la Russie signale ces grandes vérités à l'attention des Espagnols. Jamais leur patriotisme n'eut de plus hautes destinées à remplir. Quelle gloire pour eux que de vaincre une seconde fois la Révolution, et de prouver qu'elle ne saurait exercer d'empire durable sur cette terre où d'anciennes vertus, un fond indélébile d'attachement aux principes qui garantissent la durée des sociétés, et le respect d'une sainte religion, finiront toujours par triompher des doctrines subversives, et des séductions mises en œuvre pour étendre leur fatale influence. Déjà une partie de la Nation s'est prononcée. Il ne tient qu'à l'autre de s'unir dès à présent à son Roi pour délivrer l'Espagne, pour la sauver, pour lui assigner dans la Famille Européenne une place d'autant plus honorable qu'elle aurait été arrachée, comme en 1814, au triomphe désastreux d'une usurpation militaire.

En vous chargeant, M. le Comte, de faire part aux Ministres de Sa Majesté Catholique des considérations développées dans cette dépêche, l'Empereur se plaît à croire que ses intentions et celles de ses Alliés ne seront pas méconnues. En vain la malveillance essaierait-elle de les présenter sous les couleurs d'une ingérence étrangère, qui prétendrait dicter des Lois à l'Espagne.

Exprimer le désir de voir cesser une longue tourmente, de soustraire au même joug un Monarque malheureux et un des premiers Peuples de l'Europe, d'arrêter l'effusion du sang, de favoriser le rétablissement d'une Administration tout-à-la-fois sage et nationale ; certes, ce n'est point attenter à l'indépendance d'un Pays, ni établir un droit d'intervention contre lequel une Puissance quelconque ait raison de s'élever. Si Sa Majesté Impériale nourrissait d'autres vues, il ne dépendrait que d'elle et de ses Alliés de laisser la Révolution d'Espagne achever son ouvrage. Bientôt tous les germes de prospérité, de richesse et de force, seraient détruits dans la Péninsule ; et si la Nation Espagnole pouvait aujourd'hui supposer des desseins hostiles, ce serait dans l'indifférence et dans l'immobilité seules qu'elle devrait en trouver la preuve.

La réponse qui sera faite à la présente déclaration va résoudre des questions de la plus haute importance. Vos Instructions de ce jour vous indiquent la détermination que vous aurez à prendre si les députés de l'Autorité Publique à Madrid, rejettent le moyen que vous leur offrirez d'assurer à l'Espagne un avenir tranquille et une gloire impérissable.

*le Comte de Bulgari.*

NESSELRODE.

(3).—*Le Comte de Nesselrode au Chargé d'Affaires de Russie à Madrid.*—(Supplémentaire.)

MONSIEUR LE COMTE, Vérone, le 14 Novembre, 1822.

DANS l'Instruction que vous recevez aujourd'hui, nous avons attaqué sans ménagement la Constitution votée par les Cortès en 1812, et nous n'avons pas balancé à attribuer au mode d'administration qu'elle consacre, presque tous les malheurs dont gémit l'Espagne.

Tant de faits démontrent cette vérité, que certainement personne en Europe n'osera la révoquer en doute. Une Charte qui établit pour le Peuple un Droit de Souveraineté, dont l'exercice est heureusement impossible, mais dont la simple théorie, une fois admise, enfante encore des calamités ; une Charte qui n'appelle à la confection des Lois que la seule classe intéressée à leur absence, qui ne laisse pas même au Monarque la faculté de se choisir librement une Epouse, et qui dissémine, pour ainsi dire, la Puissance publique entre les mains d'Autorités sans nombre, qu'instituent les 500 Articles dont elle se compose : une telle Charte ne saurait trouver pour défenseur aucun publiciste éclairé, aucun des hommes qui savent que l'ordre et la paix sont les premiers buts, comme les premiers élémens du bonheur des Sociétés.

Mais plus le Système de la Charte Espagnole est vicieux, plus les révolutionnaires s'efforceront de le maintenir, et par conséquent, plus ils chercheront d'argumens en faveur de leur ouvrage. Au nombre de ceux qu'ils essayeront de faire valoir, vous verrez probablement, M. le Comte, figurer en première ligne, la reconnaissance et la garantie de la Constitution des Cortès, stipulées en 1812, par le Traité de Welyky-Louky.\*—Il est donc indispensable que je vous fasse connaître à cet égard, la pensée de l'Empereur et l'explication cathégorique que vous aurez à donner.

Lors de la conclusion du Traité de Welyky-Louky, Ferdinand VII. était captif, et il n'existait en Espagne d'autre Autorité Espagnole que les Cortès réunis à Cadix. A la même époque, la Russie, en s'armant contre l'ennemi commun, devait nécessairement s'allier à l'Espagne. Elle le devait dans son propre intérêt, elle le devait dans l'intérêt de l'Europe, elle le devait enfin, dans l'intérêt de l'Espagne elle-même, qui ne pouvait recevoir ni trop d'encouragemens ni trop de secours. Mais dans l'état où les choses se trouvaient alors, toute Négociation avec le Roi était impossible. Il fallait conséquemment négocier avec les Cortès, et, en négociant avec eux, reconnaître et garantir le Régime National qu'ils venaient de créer pour leur Patrie. D'autre part, cette reconnaissance et cette garantie devaient nécessairement avoir le

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\* *Extract of the Treaty of Friendship and Alliance between Russia and Spain. Wiliki Luki, 20 July, 1812.*—Art. III. Sa Majesté l'Empereur de toutes les Russies reconnaît pour légitimes les Cortès Généraux et Extraordinaires réunis aujourd'hui à Cadix, ainsi que la Constitution qu'ils ont décrétée et sanctionnée.



caractère que portait ce Régime lui-même. Promulgué durant l'absence et la captivité du Roi, il exigeait la Sanction Royale dès que Sa Majesté Catholique serait rendue à la liberté. Il ne pouvait donc être et n'était réellement que provisoire et conditionnel, lors de la signature du Traité de Welyky-Louky. De-là aussi la nature provisoire et conditionnelle de la garantie accordée dans le temps par le Cabinet de St. Pétersbourg. Cette réserve n'avait pas besoin d'être exprimée d'une manière spéciale, car elle résultait implicitement de l'essence des objets auxquels la garantie elle-même était applicable. Et comment, en effet, stipuler une garantie perpétuelle, pour un acte qu'un tiers avait encore le droit de changer et de modifier à sa volonté? Ce changement ne tarda point à s'accomplir, et le Roi, rentré dans ses Etats, abolit la Constitution des Cortès. Ni l'Espagne, ni la Russie n'invoquèrent alors la garantie du Traité de 1812; l'Espagne, parce qu'elle voyait son Monarque user d'un pouvoir dont le légitimité était incontestable; la Russie, parce qu'elle se serait attribué une autorité supérieure à celle du Roi, si elle avait voulu maintenir contre son gré, la Charte de Cadix. Depuis ce moment, l'Empereur a toujours regardé comme aussi nulles de droit que de fait, une reconnaissance et une garantie stipulées dans des conjonctures où elles étaient nécessaires, sans jamais pouvoir être indéfiniment obligatoires.

D'ailleurs, supposé même que cette nullité n'existait pas, ou qu'elle fût moins évident, la Russie est trop franche, trop sincèrement amie de la Nation Espagnole, pour qu'un Traité quelconque puisse lui faire désirer la prolongation d'un régime qui a attiré sur ce Peuple si glorieux et si estimable, tous les maux de l'anarchie, tous les excès d'une révolution sanglante, et toutes les pertes que traînent à leur suite le crime joint à l'imprévoyance.

Dans une pareille situation, Sa Majesté ne peut reconnaître d'autre loi que celle du salut de l'Espagne, et c'est aussi la seule qu'elle soit décidée à suivre.

Tel est, M. le Comte, le langage que vous voudrez bien tenir, si dans les explications que vous allez avoir avec le Ministre Espagnol, ce dernier essaye de réclamer le bénéfice des Stipulations du Traité de Welyky-Louky, ou s'il prétend faire à la Russie le reproche de manquer à ses engagements. Recevez, &c.

*Le Comte de Bulgari.*

NESSELRODE.

4.)—*Le Prince de Metternich au Chargé d'Affaires d'Autriche, à Madrid.*

MONSIEUR,

*Vérone, le 2 Décembre, 1822.*

LA situation dans laquelle se trouve la Monarchie Espagnole à la suite des évènements qui s'y sont passés depuis deux ans, était un objet de trop haute importance pour ne pas avoir sérieusement occupé les Cabinets réunis à Vérone. L'Empereur, notre Auguste Maître, a voulu

que vous fussiez informé de sa manière d'envisager cette grave question; et c'est pour cet effet que je vous adresse la présente Dépêche.

La révolution d'Espagne a été jugée pour nous dès son origine. Selon les décrets éternels de la Providence, le bien ne peut pas plus naître pour les Etats que pour les individus, de l'oubli des premiers devoirs imposés à l'homme dans l'ordre social; ce n'est pas par de coupables illusions, pervertissant l'opinion, égarant la conscience des peuples, que doit commencer l'amélioration de leur sort; et la révolte militaire ne peut jamais former la base d'un Gouvernement heureux et durable.

La révolution d'Espagne, considérée sous le seul rapport de l'influence funeste qu'elle a exercée sur le Royaume, qui l'a subie, serait un événement digne de toute l'attention et de tout l'intérêt des Souverains Etrangers, car la prospérité ou la ruine d'un des Pays les plus intéressans de l'Europe, ne saurait être à leurs yeux une alternative indifférente; les ennemis seuls de ce Pays, s'il pouvait en avoir, auraient le droit de regarder avec froideur les convulsions qui le déchirent. Cependant une juste répugnance à toucher aux affaires intérieures d'un Etat indépendant, déterminerait peut être ces Souverains à ne pas se prononcer sur la situation de l'Espagne, si le mal opéré par sa révolution s'était concentré et pouvait se concentrer dans son intérieur. Mais tel n'est pas le cas: cette révolution, avant même d'être parvenue à sa maturité, a provoqué déjà de grands désastres dans d'autres Pays; c'est elle qui, par la contagion de ses principes et de ses exemples, et par les intrigues de ses principaux artisans, a créé les révolutions de Naples et de Piémont, c'est elle qui aurait embrasé l'Italie toute entière, menacé la France, compromis l'Allemagne, sans l'intervention des Puissances qui ont préservé l'Europe de ce nouvel incendie. Par-tout, les funestes moyens employés en Espagne pour préparer et exécuter la révolution, ont servi de modèle à ceux qui se flattaient de lui ouvrir de nouvelles conquêtes. Partout la Constitution Espagnole est devenue le point de réunion, et le cri de guerre d'une Faction, conjuré contre la sûreté des Trônes et contre le repos des Peuples.

Le mouvement dangereux que la révolution d'Espagne avait imprimé à tout le midi de l'Europe, a mis l'Autriche dans la pénible nécessité de recourir à des mesures peu d'accord avec la marche pacifique qu'elle aurait voulu invariablement poursuivre. Elle a vu une partie de ses Etats entourée de séditions, cernée par des complots incendiaires, à la veille même d'être attaquée par des conspirateurs dont les premiers essais se dirigeaient contre ses frontières. Ce n'est que par de grands efforts et de grands sacrifices que l'Autriche a pu rétablir la tranquillité en Italie, et déjouer les projets dont le succès n'eût été riens moins qu'indifférente pour le sort de ses propres Provinces. Sa Majesté Impériale ne peut d'ailleurs que soutenir dans les questions

relatives à la révolution d'Espagne les mêmes principes qu'elle a toujours hautement manifestés. Dans l'absence même de tout danger direct pour les peuples confiés à ses soins, l'Empereur n'hésitera jamais à désavouer et à réprouver ce qu'il croit faux, pernicieux et condamnable dans l'intérêt général des sociétés humaines. Fidèle au système de conservation et de paix, pour le maintien duquel elle a contracté avec ses Augustes Alliés des engagements inviolables, Sa Majesté ne cessera de regarder le désordre et les bouleversements, quelque partie de l'Europe qui puisse en être la victime, comme un objet de vives sollicitudes pour tous les Gouvernemens, et chaque fois que l'Empereur pourra se faire entendre dans le tumulte de ces crises déplorables, il croira avoir rempli un devoir dont aucune considération ne saurait le dispenser. Il me serait difficile de croire, M. le Comte, que le jugement énoncé par Sa Majesté Impériale sur les événemens qui se passent en Espagne, puisse être mal compris ou mal interprété dans ce Pays. Aucun objet d'intérêt particulier, aucun choc de prétentions réciproques, aucun sentiment de méfiance ou de jalousie ne saurait inspirer à notre Cabinet une pensée en opposition avec le bien-être de l'Espagne.

La maison d'Autriche n'a qu'à remonter à sa propre histoire pour y trouver les plus puissans motifs d'attachement, d'égard et de bienveillance, pour une Nation qui peut se rappeler avec un juste orgueil ces siècles de glorieuse mémoire où "le soleil n'avait pas de couchant pour elle"; pour une Nation qui, forte de ses institutions respectables, de ses vertus héréditaires, de ses sentimens religieux, de son amour pour ses Rois, s'est illustrée dans tous les tems par un patriotisme toujours loyal, toujours généreux, et bien souvent héroïque. A une époque peu éloignée de nous, cette Nation a encore étonné le Monde par le courage, le dévouement et la persévérance qu'elle a opposée à l'ambition usurpatrice, qui prétendait la priver de ses Monarques et de ses lois, et l'Autriche n'oubliera jamais combien la noble résistance du Peuple Espagnol lui a été utile dans un moment de grand danger pour elle-même.

Ce n'est donc pas sur l'Espagne, ni comme Nation, ni comme Puissance, que peut porter le langage sévère dicté à Sa Majesté Impériale par sa conscience et par la force de la vérité; il ne s'applique qu'à ceux qui ont ruiné et défiguré l'Espagne, et qui persistent à prolonger ses souffrances.

En se réunissant à Vérone à ses Augustes Alliés, Sa Majesté Impériale a eu le bonheur de retrouver dans leurs conseils les mêmes dispositions bienveillantes et désintéressées qui ont constamment guidé les siens. Les paroles qui partiront pour Madrid constateront ce fait, et ne laisseront aucun doute sur l'empressement sincère des Puissances à servir la cause de l'Espagne, en lui démontrant la nécessité de changer de route. Il est certain que les embarras qui l'accablent se sont accrus depuis peu dans une progression effrayante. Les mesures

les plus rigoureuses, les expédiens les plus hasardés ne peuvent plus faire marcher son administration. La guerre civile est allumée dans plusieurs de ses Provinces; ses rapports avec la plus grande partie de l'Europe sont dérangé ou suspendus; ses relations même avec la France ont pris un caractère si problématique, qu'il est permis de se livrer à des inquiétudes sérieuses sur les complications qui peuvent en résulter.

Un pareil état de choses ne justifierait-il pas les plus sinistres sentimens ?

Tout Espagnol éclairé sur la véritable situation de sa Patrie, doit sentir, que pour briser les chaînes qui pèsent aujourd'hui sur le Monarque et sur le Peuple, il faut que l'Espagne mette un terme à cet état de séparation du reste de l'Europe, dans lequel les derniers évènements l'ont jetée. Il faut que des rapports de confiance et de franchise se rétablissent entre elle et les autres Gouvernemens; rapports qui, en garantissant d'un côté sa ferme intention de s'associer à la cause commune des Monarchies Européennes, puissent lui fournir de l'autre côté les moyens de faire valoir sa volonté réelle, et d'écarter tout ce qui peut la dénaturer ou la comprimer. Mais pour arriver à ce but, il faut avant tout que son Roi soit libre, non-seulement de cette liberté personnelle que tout individu peut réclamer sous le règne des lois, mais de celle dont un Souverain doit jouir pour remplir sa haute vocation. Le Roi d'Espagne sera libre du moment qu'il aura le pouvoir de faire cesser les malheurs de son Peuple, de ramener l'ordre et la paix dans son Royaume, de s'entourer d'hommes également dignes de sa confiance par leurs principes et par leurs lumières, de substituer enfin à un régime reconnu impraticable par ceux mêmes que l'égoïsme ou l'orgueil y tiennent encore attachés, un ordre de choses dans lequel les droits du Monarque seraient heureusement combinés avec les vrais intérêts et les vœux légitimes de toutes les classes de la Nation. Lorsque ce moment sera venu, l'Espagne fatiguée de sa longue tourmente, pourra se flatter de rentrer en pleine possession des avantages que le ciel lui a départis, et que le noble caractère de ses habitans lui assure; elle verra renaître les liens qui l'unissaient à toutes les Puissances Européennes; et Sa Majesté Impériale se félicitera de n'avoir plus à lui offrir, que les vœux qu'elle forme pour sa prospérité et tous les bons services qu'elle sera en état de rendre à un ancien amie et allié.

Vous ferez de la présente Dépêche, Monsieur le Comte, l'usage le plus approprié aux circonstances dans lesquelles vous vous trouverez en la recevant. Vous êtes autorisé à en faire lecture au Ministre des Affaires Etrangères, ainsi qu'à lui en donner copie, s'il le demande.

*Le Comte Brunetti.*

METTERNICH.



*CIRCULAR to the Ministers of Austria, Prussia, and Russia, at Foreign Courts, relative to the Affairs of Spain. Verona, 14th December, 1822.*

CIRCULAIRE.

MONSIEUR,

Vérone, le 14 Décembre, 1822.

Vous avez été instruit par les Pièces qui vous furent adressées au moment de la clôture des Conférences de Laybach, au mois de Mai 1821, que la réunion des Monarques Alliés et de leurs Cabinets se renouvellerait dans le courant de l'Année 1822, et que l'on y prendrait en considération le terme à fixer aux mesures qui, sur les propositions des Cours de Naples et de Turin, et de l'aveu de toutes les Cours d'Italie, avaient été jugés nécessaires pour raffermir la tranquillité de la Péninsule, après les funestes événemens des Années 1820 et 1821.

Cette réunion vient d'avoir lieu, et nous allons vous en faire connaître les principaux résultats.

D'après la Convention signée à Novare, le 24 Juillet 1821, l'occupation d'une ligne Militaire dans le Piémont par un Corps de troupes auxiliaires, avait été éventuellement fixée à une année de durée, sauf à examiner, lors de la reunion de 1822, si la situation du Pays permettrait de la faire cesser ou rendrait nécessaire de la prolonger.

Les Plénipotentiaires des Cours signataires de la Convention de Novare, se sont livrés à cet examen, conjointement avec le Plénipotentiaire de Sa Majesté le Roi de Sardaigne, et il a été reconnu que l'assistance d'une Force Alliée n'était plus nécessaire pour le maintien de la tranquillité du Piémont. Sa Majesté le Roi de Sardaigne ayant indiqué elle-même le terme qu'elle jugeait convenable de fixer pour la retraite successive des troupes auxiliaires, les Souverains Alliés ont accédé à ses propositions, et il a été arrêté par une nouvelle Convention, que la sortie de ces troupes du Piémont, commencerait dès le 31 Décembre, de l'Année présente, et serait définitivement terminée par la remise de la forteresse d'Alexandrie au 30 Septembre, 1823.

D'un autre côté, Sa Majesté le Roi des Deux-Siciles a fait déclarer aux trois Cours qui avaient eu part à la Convention signée à Naples le 18 Octobre, que l'état actuel de son Pays lui permettait de proposer une diminution dans le nombre des troupes auxiliaires stationnées dans différentes parties du Royaume. Les Souverains Alliés n'ont pas hésité à se prêter à cette proposition, et l'armée d'occupation du Royaume des Deux Siciles sera dans le plus court délai diminuée de 17,000 hommes.

Ainsi s'est réalisée, autant que les événemens ont répondu aux vœux des Monarques, la Déclaration faite au moment de la clôture du Congrès de Laybach : "Que loin de vouloir prolonger au-delà des limites d'une stricte nécessité, leur intervention dans les affaires d'Italie,

Leurs Majestés, desiraient bien sincèrement que l'état des choses qui leur avait imposé ce pénible devoir, vint à cesser le plus tôt possible et ne se reproduisît jamais." Ainsi s'évanouissent les fausses alarmes, les interprétations hostiles, les prédictions sinistres que l'ignorance et la mauvaise foi avaient fait retentir en Europe, pour égarer l'opinion des Peuples sur les intentions franches et loyal des Monarques ! Aucune vue secrète, aucun calcul d'ambition ni d'intérêt n'avait eu part aux résolutions qu'une nécessité impérieuse leur avait dictées en 1821 ; résister à la Révolution, prévenir les désordres, les crimes, les calamités innombrables qu'elle appelait sur l'Italie toute entière ; y rétablir l'ordre et la paix : fournir aux Gouvernemens légitimes l'appui qu'ils étaient en droit de réclamer ; tel a été l'unique objet des pensées et des efforts des Monarques. A mesure que cet objet s'accomplit, ils retirent et retireront des secours qu'un besoin trop réel avait seul pu provoquer et justifier : heureux de pouvoir abandonner aux Princes que la Providence en a chargés, le soin de veiller à la sûreté et à la tranquillité de leurs Peuples, et d'enlever ainsi à la malveillance jusqu'au dernier prétexte dont elle ait pu se servir pour répandre des doutes sur l'Indépendance des Souverains de l'Italie.

Le but du Congrès de Vérone, tel qu'un engagement positif l'avait désigné, aurait été rempli par des résolutions adoptées pour le soulagement de l'Italie ; mais les Souverains et les Cabinets réunis n'ont pu se dispenser de porter leurs regards sur deux graves complications, dont le développement les avait constamment occupés depuis la réunion de Laybach.

Un événement d'une importance majeure avait éclaté vers la fin de cette dernière réunion. Ce que le génie révolutionnaire avait commencé dans la Péninsule occidentale, ce qu'il avait tenté en Italie, il était parvenu à l'exécuter aux extrémités orientales de l'Europe. A l'époque même où les révoltes militaires de Naples et de Turin cédèrent à l'approche d'une force régulière, le brandon de l'insurrection fut lancé au milieu de l'Empire Ottoman. La coïncidence des événemens ne pouvait laisser aucun doute sur l'identité de leur origine. Le même mal se reproduisant sur tant de points divers, et toujours avec des formes et un langage analogue, quoique, sous des prétextes différens, trahissait trop évidemment le foyer commun d'où il était sorti. Les hommes qui avaient dirigé ce mouvement s'étaient flattés d'en tirer parti, pour semer la division dans les Conseils des Puissances, et pour neutraliser les forces que de nouveaux dangers pouvaient appeler sur d'autres points de l'Europe. Cet espoir fut trompé. Les Monarques, décidés à repousser le principe de la révolte, en quelque lieu et sous quelque forme qu'il se montrât, se hâtèrent de la frapper d'une égale et unanime réprobation. Invariablement occupés du grand objet de leurs sollicitudes communes, ils surent résister à toute

considération qui aurait pu les détourner de leur route ; mais écoutant en même tems la voix de leur conscience et d'un devoir sacré, ils plaiderent la cause de l'humanité, en faveur des victimes d'une entreprise aussi irréfléchie que coupable.

Les nombreuses communications confidentielles qui ont eu lieu entre les cinq Cours pendant cette époque, une des plus mémorables de leur alliance, ayant placé les questions de l'Orient sur une base d'unanimité, et d'accord complètement satisfaisante, leur réunion à Vérone n'a eu qu'à consacrer et à confirmer ces résultats, et les Puissances amies de la Russie peuvent se flatter qu'elles feront disparaître, par des démarches communes, les obstacles qui ont pu retarder l'accomplissement définitif de leurs vœux.

D'autres évènements dignes de toute la sollicitude des Monarques ont fixé leurs vues sur la position déplorable de la Péninsule occidentale de l'Europe.

L'Espagne subit le sort réservé à tous les Pays qui ont eu le malheur de chercher le bien dans des voies qui n'y conduissent jamais. Elle parcourt aujourd'hui le cercle fatal de sa révolution ; d'une révolution que des hommes égarés ou pervers ont prétendu représenter comme un bienfait, comme le triomphe même d'un siècle de lumières. Tous les Gouvernemens ont été témoins des efforts que ces hommes ont faits pour persuader à leurs contemporains, que cette révolution était le fruit nécessaire et heureux des progrès de la civilisation, et le moyen par lequel elle a été opérée et soutenue, le plus bel élan d'un patriotisme généreux. Si la civilisation pouvait avoir pour but la destruction de la société, et s'il était permis d'admettre que la force militaire pût s'emparer impunément de la direction des Empires dont elle n'est appelée qu'à maintenir la paix intérieure et extérieure, certes, la Révolution Espagnole aurait des titres à l'admiration des siècles, et la révolte militaire de l'Ile de Léon pourrait servir de modèle aux réformateurs. Mais la vérité n'a pas tardé à reprendre ses droits, et l'Espagne a fourni, aux dépens de son bonheur et de sa gloire, un triste exemple de plus des conséquences infallibles de tout attentat contre les lois éternelles du monde moral.

Le pouvoir légitime enchaîné et servant lui-même d'instrument pour renverser tous les droits, et toutes les libertés légales, toutes les classes de la population bouleversées par un mouvement révolutionnaire : l'arbitraire et l'oppression exercés sous les formes de la loi ; un Royaume livré à tous les genres de convulsions et de désordres ; de riches Colonies justifiant leur émancipation par les mêmes maximes sur lesquelles la Mère-patrie a fondé son droit public, et qu'elle tenterait en vain de condamner dans un autre Hémisphère ; la guerre civile consumant les dernières ressources de l'Etat : tel est le tableau que nous présente la situation actuelle de l'Espagne ; tels sont les malheurs qui affligent un Peuple loyal et digne d'un meilleur sort ; telle est enfin la cause



directe des justes inquiétudes que tant d'élémens réunis de troubles et de confusion ont pu inspirer aux Pays immédiatement en contact avec la Péninsule. Si jamais il s'est élevé au sein de la civilisation une Puissance ennemie des principes conservateurs, ennemie surtout de ceux qui font la base de l'Alliance Européenne, c'est l'Espagne dans sa désorganisation présente.

Les Monarques auraient-ils pu contempler avec indifférence tant de maux accumulés sur un Pays, et accompagnés de tant de dangers pour les autres? N'ayant à consulter dans cette grave question que leur propre jugement et leur propre conscience, ils ont dû se demander si, dans un état de choses que chaque jour menace de rendre plus cruel et plus alarmant, il leur était permis de rester spectateurs tranquilles, de prêter, même par la présence de leur Représentans, la fausse couleur d'une approbation tacite aux actes d'une faction, déterminé à tout entreprendre pour conserver son funeste pouvoir. Leur décision n'a pu être douteuse. Leurs Missions ont reçu l'ordre de quitter la Péninsule.

Quelles que puissent être les suites de cette démarche, les Monarques auront prouvé à l'Europe que rien ne peut les engager à reculer devant une détermination sanctionnée par leur conviction intime. Plus ils vouent d'amitié à Sa Majesté Catholique et d'intérêt au bien-être d'une Nation que tant de vertus et de grandeur ont distinguée dans plus d'une époque de son histoire, et plus ils ont senti la nécessité de prendre le parti auquel ils se sont arrêtés, et qu'ils sauront soutenir.

Vous vous convaincrez par le précédent exposé que les principes qui ont constamment guidé les Monarques dans les grandes questions d'ordre et de stabilité, auxquelles les évènements de nos jours ont donné une si haute importance, n'ont point été démentis dans leurs dernières transactions. Leur union, essentiellement fondée sur ces principes, loin de s'affaiblir, acquiert, d'époque en époque plus de cohésion et de force. Il serait superflu de venger encore la loyauté et la bienveillance de leurs intentions contre de méprisables calomnies que chaque jour l'évidence des faits réduit à leur juste valeur. L'Europe entière doit enfin reconnaître que la marche suivie par les Monarques est également en harmonie avec l'indépendance et la force des Gouvernemens, et avec les intérêts bien entendus des Peuples. Ils ne regardent comme Ennemis que ceux qui conspirent contre l'autorité légitime des uns, et en imposent à la bonne foi des autres, pour les entraîner dans un abîme commun. Les vœux des Monarques ne sont dirigés que vers la Paix; mais cette Paix, bien que solidement établie entre les Puissances, ne peut répandre sur la société la plénitude de ses bienfaits, tant que la fermentation qui agite encore les esprits dans plus d'un Pays, sera entretenue par les suggestions perfides et par les tentatives criminelles d'une faction, qui ne veut que Révolutions et bouleversemens; tant que les Chefs et les instrumens de cette faction, soit qu'ils marchent à front découvert, attaquant les Trônes et les Institutions, soit



qu'ils travaillent dans les ténèbres, organisant des projets sinistres, préparant des complots ou empoisonnant l'opinion publique, ne cesseront de tourmenter les Peuples par le tableau sombre et mensonger du présent, et par des alarmes chimériques sur l'avenir. Les mesures les plus sages des Gouvernemens ne prospéreront, les améliorations les mieux combinées ne seront couronnées de succès, la confiance enfin ne renaîtra parmi les hommes, que lorsque ces fauteurs de trames odieuses seront réduits à une impuissance complète ; et les Monarques ne croiront point avoir rempli leur noble tâche, avant de leur avoir arraché les armes qu'ils pourraient tourner contre la tranquillité du Monde.

En faisant part au Cabinet près duquel vous êtes accrédité, des notions et des déclarations que renferme la présente Pièce, vous aurez soin de rappeler en même temps ce que les Monarques regardent comme la condition indispensable de l'accomplissement de leurs vues bienveillantes. Pour assurer à l'Europe, avec la Paix dont elle jouit sous l'égide des Traités, cet état de calme et de stabilité, hors duquel il n'y a pas de vrai bonheur pour les Nations, ils doivent compter sur l'appui sincère et constant de tous les Gouvernemens. C'est au nom de leurs premiers intérêts, c'est au nom de la conservation de l'ordre social et au nom des générations futures, qu'ils le réclament. Qu'ils soient tous pénétrés de cette grande vérité, que le pouvoir remis entre leurs mains est un dépôt sacré, dont ils ont à rendre compte et à leurs Peuples et à la postérité, et qu'ils encourent une responsabilité sévère, en se livrant à des erreurs, ou en écoutant des Conseils, qui tôt ou tard les mettraient dans l'impossibilité de sauver leurs Sujets des malheurs qu'ils leur auraient préparés eux-mêmes. Les Monarques aiment à croire que partout ils trouveront dans ceux qui sont appelés à exercer l'Autorité suprême, sous quelque forme que ce soit, de véritables Alliés, les Alliés ne respectant pas moins l'esprit et les principes que la lettre et les stipulations positives des Actes qui forment aujourd'hui la base du système Européen ; et ils se flattent que leurs paroles seront regardées comme un nouveau gage de leur résolution ferme et invariable de consacrer au salut de l'Europe tous les moyens que la Providence a mis à leur disposition.

Recevez, Monsieur, l'assurance, &c.

LETTERNICH. NESSELRODE. BERNSTORFF.

**INSTRUCTIONS** to the Representatives of Spain, at the Courts of Vienna, Berlin, and St. Petersburg, relative to the Decisions of the Congress of Verona. (Translation.)

CIRCULAR.) Palace, January 9, 1823.

HIS Catholick Majesty's Government has received the communication of a Note from that of ————— to its Chargé

d'Affaires at this Court, a Copy of which Note is transmitted to you for your information.

This Document, full of perverted facts, of calumnious suppositions, of accusations as unjust as they are unfounded, and of vague demands, does not call for a categorical or formal answer on any of the points alluded to in it. The Spanish Government will take a more suitable opportunity of presenting to all Nations, in a publick and solemn manner, its principles and sentiments, its determinations, and the justice of the Cause of the generous Nation at the head of which it is placed, and contents itself for the present with stating:

1. That the Spanish Nation is governed by a Constitution which was solemnly recognized by the Emperor of all the Russias, in the Year 1812.

2. That the Spaniards, lovers of their Country, who, in the beginning of 1820, proclaimed anew that Constitution which was abolished by violence in 1814, not only were not perjured men, but had the unfading honour of being the instrument of the general will of the Nation.

3. That the Constitutional King of the Spains is in the free exercise of the rights assigned to him by the Fundamental Code, and whatever may be alleged to the contrary, proceeds from the Enemies of Spain, for the purpose of calumniating and degrading it.

4. That the Spanish Nation has never interfered with the Institutions, or internal Affairs of any other State.

5. That Spain is more deeply interested than any other Country in applying a remedy to the evils with which it may be afflicted.

6. That these evils are not a consequence of the Constitution, but of the intrigues of those who attempt to overturn it.

7. That the Spanish Nation will never acknowledge in any Power a right to interfere or intermeddle in its affairs.

8. That His Catholick Majesty's Government will not depart from the line traced out for it, by its duty, its regard for the honour of the Nation, and its determination to adhere invariably to the Fundamental Code, sworn to in the Year 1812.

You are authorized to communicate this Despatch, verbally, to the Minister of Foreign Affairs, at ———, giving him a Copy of the same, if he requests it. His Majesty hopes that your prudence, zeal, and patriotism, will suggest to you the firm line of conduct, worthy of the Spanish Name, which you ought to follow under the present circumstances.

I have the honour to communicate this to you by His Majesty's Orders, and remain, &c.

EVARISTO SAN MIGUEL

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*COMMUNICATIONS between the Chargés d'Affaires of Austria, Prussia, and Russia, and the Spanish Minister, previous to their departure from Madrid.—January, 1823.*

(1.)—*The Austrian Chargé d'Affaires to the Spanish Minister.*

MONSIEUR,

*Madrid, le 10 Janvier, 1823.*

LES Souverains Alliés, réunis à Vérone, ont jugé à propos de rompre le silence sur les malheurs et les désordres qui désolent l'Espagne. Leur devoir et leur conscience les ont obligés à parler, et le Soussigné, Chargé d'Affaires d'Autriche, a eu l'honneur de faire connaître au Colonel San-Miguel, Secrétaire-d'Etat de Sa Majesté Catholique, les sentimens et les vœux de l'Empereur.

La réponse que Son Excellence vient de faire à cette Communication verbale, prouve que les intentions de Sa Majesté ont été méconnues et ses paroles prises en mauvaise part; le Soussigné ne s'abaissera pas à réfuter les épithètes calomnieuses avec lesquelles on a voulu dénaturer son sens véritable; l'Espagne et l'Europe en jugeront bientôt. La Cour d'Autriche croirait cependant ne pas manifester assez ouvertement son improbation sur la cause des maux qui oppriment une Nation noble et généreuse, pour laquelle elle professe une estime profonde, et à laquelle elle porte un vif intérêt, si elle prolongeait ses Relations Diplomatiques avec le Gouvernement Espagnol. Le Soussigné, conformément à ses ordres, déclare à M. le Secrétaire-d'Etat des Affaires Etrangères, que sa Mission est terminée, et pris Son Excellence de lui faire expédier ses Passeports.

Le Soussigné a l'honneur d'offrir, &c.

LE COMTE DE BRUNETTI.

*San Excellence M. de San Miguel.*

(2.)—*The Spanish Minister to the Austrian Chargé d'Affaires.*

(Translation.)

SIR,

*Palace, January 11, 1823.*

I HAVE received the Note which you were pleased to address to me yesterday, and, confining myself, for the present, to informing you that it is matter of indifference to His Catholick Majesty's Government whether it maintains, or not, Relations with that of Vienna, I forward, by Royal Order, the Passports which you demand.

I avail myself, &c.

*The Count Brunetti.*

EVARISTO SAN MIGUEL.

(3.)—*The Prussian Chargé d'Affaires to the Spanish Minister.*

MONSIEUR,

*Madrid, le 10 Janvier, 1823.*

LES observations que le Soussigné, Chargé d'Affaires de Sa Majesté le Roi de Prusse, a eu l'honneur de soumettre, le 6 du Courant, à

Son Excellence M. le Colonel San-Miguel, Secrétaire d'Etat de Sa Majesté Catholique, ayant été l'objet d'une réponse peu conforme aux désirs de sa Cour, ils se trouve dans le cas de mettre à exécution l'ordre du Roi son Maître, et il déclare au Ministère Espagnol que Sa Majesté ne saurait plus maintenir avec l'Espagne des relations, qui, dans les circonstances actuelles, ne seraient point en rapport avec le but, ni avec les sentimens d'amitié et d'intérêt, que le Roi, a manifesté invariablement à Sa Majesté Catholique.

Le Soussigné en s'acquittant de cet ordre, saisit l'occasion pour assurer que le Roi, son Auguste Maître, ne cessera jamais de faire des vœux sincères pour le bonheur d'une Nation, que Sa Majesté voit avec douleur marcher à sa ruine, et devenir la merci de toutes les horreurs de l'anarchie et de la guerre civile.

J'ai l'honneur de prier Votre Excellence de me faire remettre les Passeports nécessaires pour sortir d'Espagne, et je lui renouvelle les assurances, &c.

SCHEPELER.

*Son Excellence le Colonel San Miguel.*

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(4.)—*The Spanish Minister to the Prussian Chargé d'Affaires.*

(Translation.)

SIR,

*Palace, January 11, 1823.*

I HAVE received the Note which you were pleased to address to me, under date of yesterday the 10th inst.; and, contenting myself with assuring you, in reply, that the wishes which His Catholick Majesty's Government forms, for the welfare of the Prussian Dominions, are not less ardent than those expressed by His Majesty the King of Prussia, towards Spain, I inclose to you, by Royal Order, the Passports which you desire.

I take advantage, &c.

*M. de Schepeler.*

EVARISTO SAN MIGUEL

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(5.)—*The Russian Chargé d'Affaires to the Spanish Minister.*

MONSIEUR,

*Madrid, le 28 December, 1822.  
9 Janvier*

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur de toutes les Russies, a vu avec une véritable peine que la réponse de Son Excellence M. San-Miguel à la communication verbale du 6 courant, est bien loin de remplir les vœux dont il avait été l'organe.

Pour exposer d'une manière plus claire la justice de la cause qu'il a soutenue, et pour faire apprécier les intentions bienveillantes de la Russie, il a l'honneur d'adresser officiellement à Son Excellence M. San-Miguel, la Note ci-jointe. Les faits qu'elle renferme sont d'une notoriété générale; aucun raisonnement ne saurait les détruire. Elle va être publiée dans toute l'Europe, qui pourra juger entre les Puissances que le noble désir du bien anime, et un Gouvernement qui paraît être déterminé à combler le calice de tous les malheurs de l'Espagne.



Quant aux décisions dont la Note de Son Excellence M. San-Miguel fait mention, toute la responsabilité pèsera sur la tête des personnes qui doivent en être considérées comme les seuls auteurs, lorsque ces mêmes personnes privent leur Souverain Légitime de sa liberté, tandis qu'elles livrent l'Espagne à tous les maux d'une sanglante anarchie, et par le moyen de leurs intelligences coupables, veulent que les autres Nations soient atteintes des calamités qu'elles ont attirées dans leur Patrie, la Russie ne peut conserver de rapports avec les Autorités qui tolèrent ou qui excitent ces désordres.

En conséquence, le Soussigné a l'honneur de demander à Son Excellence M. San-Miguel ses Passeports, ainsi que ceux des employés qui composent la Légation Impériale Russe auprès de Sa Majesté Catholique.

Le Soussigné profite de cette occasion, &c.

*Son Excellence M. San Miguel.*

LE COMTE DE BULGARI.

(6.)—*The Spanish Minister to the Russian Chargé d'Affaires.*

(Translation.)

SIR,

*Palace, 11 January, 1823.*

I HAVE received the very insolent Note which you addressed to me yesterday, and, confining my Answer to informing you, that you have scandalously abused (perhaps through ignorance) the Law of Nations, which must always be respectable in the eyes of the Spanish Government, I transmit to you, by His Majesty's Order, the Passports which you have demanded, and hope that you will be pleased to leave this Capital in as short a time as possible.

I have the honour, &c.

*The Count Bulgari.*

EVARISTO SAN MIGUEL.

(7.)—*The Russian Chargé d'Affaires to the Spanish Minister.*

MONSIEUR,

*Madrid, le  $\frac{1}{13}$  Janvier, 1823.*

J'AI reçu la Note que Votre Excellence m'a transmise sous la date d'avant-hier.

Le respect que je dois aux formes et aux principes admis et consacrés par toutes les Nations policées, m'empêche non-seulement de répondre à cette Note, mais même de la porter à la connaissance de mon Gouvernement.

Je m'empresse en conséquence de la renvoyer à Votre Excellence; car les yeux de l'Empereur, mon Maître, ne sauraient se souiller par la lecture de cette production que je m'abstiens de qualifier, et où Sa Majesté Impériale et l'Europe chercheraient en vain les dernières traces d'un Gouvernement qui sait se respecter.

J'ai l'honneur d'être, &c.

*Son Excellence M. San Miguel.*

LE COMTE DE BULGARI.

**CORRESPONDENCE between France and Spain, relative to the internal affairs of the latter Kingdom.—1822, 1823.**

(1.)—*Instructions to the French Minister at Madrid.*

MONSIEUR LE COMTE,

Paris, le 25 Décembre, 1822.

VOTRE situation politique pouvant se trouver changée par suite des résolutions prises à Vérone, il est de la loyauté Française de vous charger de donner connaissance des dispositions de Sa Majesté Très Chrétienne, au Gouvernement de Sa Majesté Catholique,

Depuis la Révolution arrivée en Espagne au mois d'Avril 1820, la France, malgré les dangers qu'avoit pour elle cette Révolution, a mis tous ses soins à resserrer les liens qui unissent les deux Rois et à maintenir les relations qui existent entre les deux Peuples.

Mais l'influence sous laquelle s'étoient opérés les changemens survenus dans la Monarchie Espagnole, est devenue plus puissante par les résultats même de ces changemens, comme il avait été aisé de le prévoir.

Une Constitution que le Roi Ferdinand n'avait ni reconnue ni acceptée en reprenant la Couronne lui fut depuis imposée par une Insurrection militaire; la conséquence naturelle de ce fait a été que chaque Espagnole mécontent s'est cru autorisé à chercher par le même moyen, l'établissement d'un ordre de choses plus en harmonie avec ces opinions et ces principes; l'emploi de la force a créé le droit de la force.

De-là les mouvemens de la garde à Madrid, et l'apparition de corps armés dans diverses parties de l'Espagne. Les Provinces limitrophes de la France ont été principalement le théâtre de la guerre civile. De cet Etat de trouble de la Péninsule est résulté pour la France la nécessité de se mettre à l'abri. Les événemens, qui ont eu lieu depuis l'établissement d'une armée d'observation aux pieds des Pyrénées ont suffisamment justifié la prévoyance du Gouvernement de Sa Majesté.

Cependant le Congrès indiqué dès l'année dernière pour statuer sur les affaires d'Italie se réunissoit à Vérone.

Partie intégrante de ce Congrès, la France a dû s'expliquer sur les armemens auxquels elle avait été forcée d'avoir recours, et sur l'usage éventuel qu'elle en pouvait faire. Les précautions de la France ont paru justes à ses Alliés, et ils ont pris la résolution de s'unir à elle pour l'aider (si il en était jamais besoin) à maintenir sa dignité et son repos.

La France se serait contentée d'une résolution à la fois si bienveillante et si honorable pour elle; mais l'Autriche, la Prusse et la Russie, ont jugé nécessaire d'ajouter à l'acte particulier de l'Alliance une manifestation de leurs sentimens.

Des Notes Diplomatiques sont à cet effet adressées par ces trois Puissances à leurs Ministres respectifs à Madrid; ceux-ci les com-

communiqueront au Gouvernement Espagnol et suivront dans leur conduite ultérieure les ordres qu'ils auront reçus de leurs Cours.

Quant à vous, Monsieur le Comte, en donnant ces explications au Cabinet de Madrid, vous lui direz que le Gouvernement du Roi est intimement uni avec ses Alliés dans la ferme volonté de repousser par tous les moyens les principes et les mouvemens Révolutionnaires; qu'il se joint également à ses Alliés dans les vœux que ceux-ci forment pour que la noble Nation Espagnole trouve elle-même un remède à ses maux; maux qui sont de nature à inquiéter les Gouvernemens de l'Europe et à leur imposer des précautions toujours pénibles.

Vous aurez surtout voir de faire connaître que les Peuples de la Péninsule rendus à la tranquillité, trouveront dans leurs voisins des amis loyaux et sincères. En conséquence, vous donnerez au Cabinet de Madrid, l'assurance que les secours de tous genres, dont la France, peut disposer en faveur de l'Espagne, lui seront toujours offerts pour assurer son bonheur et accroître sa prospérité. Mais vous lui déclarerez en même tems que la France, ne se relâchera en rien des mesures préservatrices qu'elle a prises tant que l'Espagne continuera d'être déchirée par les factions. Le Gouvernement de Sa Majesté, ne balancera pas même à vous rappeler de Madrid, et à chercher ses garantis dans des dispositions plus efficaces, si ses intérêts essentiels continuent à être compromis, et s'il perd l'espoir d'une amélioration qu'il se plaît à attendre des sentimens qui ont si longtemps uni les Espagnoles et les Français dans l'amour de leurs Rois et d'une sage liberté.

Telles sont, Monsieur le Comte, les instructions que le Roi m'a ordonné de vous transmettre, au moment où les Notes des Cabinets de Vienne, de Berlin et de St. Petersbourg vont être remises à celui de Madrid.

Ces instructions vous serviront à faire connaître les dispositions et la détermination du Gouvernement Français dans cette grave occurrence.

Vous êtes autorisé à communiquer cette Dépeche, et à en fournir copie si elle vous est demandée. Agréez, &c.

*Le Comte de La Garde.*

DE VILLELE.

(2.)—*Instructions to the Spanish Minister at Paris.*

Translation.)

*Madrid, January 9, 1823.*

THE Government of His Catholick Majesty has just received the communication of a Note sent by His Most Christian Majesty to his Minister at this Court, and of which your Excellency will herewith receive a Copy for your information.

The Government of His Catholick Majesty has few observations to make on that Note; but in order that your Excellency may not be embarrassed as to the conduct you have to pursue at this conjuncture,

it has thought fit to explain to you with frankness its feelings and its resolutions.

The Spanish Government was never without the conviction that the Institutions adopted spontaneously by Spain would excite the jealousy of some of the Cabinets of Europe, and would be the object of the deliberations of the Congress of Verona. But, firm to its principles, and resolved to defend, at any price, its present political system and the Independence of the Nation, it has quietly awaited the result of that Congress.

Spain is governed by a Constitution, promulgated, accepted, and sworn to in 1812, and recognized by all the Powers which assembled in the Congress of Verona. Perfidious Counsellors prevented His Catholick Majesty, Ferdinand VII., from swearing, on his return to Spain, to that Fundamental Code, which the whole Nation desired, and which was destroyed by force without any remonstrance of the Powers which had recognized it; but the experience of 6 years, and the general desire, induced His Majesty, in 1820, to comply with the wishes of the Spanish people.

It was not a military Insurrection which established this new order of things at the commencement of 1820. The courageous men who declared themselves in the Isle of Leon, and successively in the other Provinces, were no other than the organs of the general opinion and wish of the Nation.

It was natural for a change of this nature to produce some Malcontents. This is the inevitable consequence of every Reform which has for object the correction of abuses. There will always be persons in a Nation who will not submit themselves to the empire of reason and justice.

The Army of Observation which the French Government maintains at the foot of the Pyrenees cannot relieve the disorders which afflict Spain. Experience, on the contrary, has shown, that the existence of this *Sanitary Cordon*, which has since been denominated the Army of Observation, has only served to increase the hopes of Fanaticks, who have raised in several of our Provinces the cry of Rebellion, and encourage the expectation of an approaching invasion of our Territory.

As the principles, the views, or the fears which have influenced the conduct of the Cabinets assembled at Verona, cannot serve as a rule for the Spanish Government, it abstains, for the present, from answering that part of the Instructions of the Count de la Garde, which relates to that Congress.

The days of calm and tranquillity which the Government of His Most Christian Majesty wishes to the Spanish Nation, the latter desires with not less anxiety for itself and its Government. Let both of them, persuaded that the remedy for their evils can be the work of



time and perseverance alone, endeavour as much as possible to accelerate such useful and salutary effects.

The Spanish Government justly appreciates the offers made by His Most Christian Majesty, to contribute as far as lies in his power to its happiness; but is persuaded that the measures and precautions which His Majesty has adopted can produce only contrary results.

The aid which the French Government should, at this moment, give to that of Spain ought to be purely negative; it should dissolve its Army of the Pyrenees—repulse the factious enemies of Spain, who have taken refuge in France,—and assume an energetic tone towards those who take pleasure in misrepresenting, in the most shameful manner, the Government of His Catholick Majesty, as well as the Institutions of Spain and her Cortes. This is what the right of Nations requires—a right respected by those over whom civilization exercises its sway.

To say that France wishes for the welfare and tranquillity of Spain, whilst the brands of discord, which feed the evils by which she is afflicted, are kept continually lighted, is to plunge into an abyss of contradiction.

Whatever be the determination which the Government of His Most Christian Majesty may deem it advisable to take at this conjuncture, that of His Catholick Majesty will continue quietly to proceed in the path pointed out by its duty, the justness of its cause, the character of constancy and attachment to Constitutional Principles, which eminently distinguish the Nation, at the head of which it finds itself placed; and, without entering for the present into the analysis of the hypothetical and ambiguous expressions of the Instructions sent to the Count de la Garde, it has only to observe, that the repose and prosperity of the Nation, as well as every thing that can multiply the elements of its prosperity, can interest no one more warmly than itself; that its motto and the rule of its conduct, now and hereafter, are, a constant attachment to the Constitution of 1812, Peace with other Nations, and above all, a determination never to acknowledge, in any power, the right of interfering in its affairs.

Your Excellency is authorized to read this Note to the Minister for Foreign Affairs, and to give him a Copy, if he request it. Your judgment and your prudence will suggest to you the line of conduct, firm and worthy of Spain, which you are to follow on this occasion.

Such is the Communication which His Majesty orders me to make to you, &c.

EVARISTO SAN MIGUEL.

*The Duke of San Lorenzo.*

(3.)—*Instructions to the French Minister at Madrid.*

MONSIEUR LE COMTE,

Paris, le 18 Janvier, 1823.

J'AI reçu sous la date du 10 Janvier, la Dépêche, No. 5. que vous m'avez fait l'honneur de m'adresser. En rendant justice aux termes

mésurés, dans lesquels est écrite la Note de M. de San Miguel à M. le Duc de San Lorenzo, le Conseil des Ministres n'a pu néanmoins se dissimuler que le Gouvernement Espagnol rejetait toute mesure conciliatrice. Non seulement le Gouvernement ne donne aucun espoir d'une amélioration qu'on se plaisait à attendre des sentimens, qui ont si longtems uni les Espagnols et les Français dans l'amour de leur Roi et d'une sage liberté; mais il faut encore que la France retire son Armée d'Observation, et qu'elle repousse les Etrangers qui lui ont demandé un asile. La France est peu accoutumée à entendre un pareil langage; elle en excuse toutefois la hauteur par la considération de l'état de fermentation où se trouve actuellement l'Espagne.

Nous ne renoncerons jamais au glorieux privilège que nous tenons de nos ancêtres; quiconque touche le sol Français est libre, et jouit des droits d'une inviolable hospitalité. Les victimes des troubles qu'agitent l'Espagne, se sont réfugiées parmi nous. Elles ont été accueillies avec les égards que l'on doit au malheur; mais on ne leur a pas permis de conserver leurs armes, et le Droit des Nations a été scrupuleusement respecté. L'Espagne en a-t-elle agi ainsi envers la France? Elle a reçu des coupables condamnés par nos Tribunaux. Nous connaissons jusqu'aux états nominatifs des Sujets du Roi à qui le Gouvernement Espagnol a promis de l'emploi, dans des Corps destinés à combattre leur Patrie. Nous aurions pu récriminer; nous avons gardé le silence par amour pour la paix.

D'une autre part, est on bien fondé à demander la dissolution de notre Armée d'Observation, au moment même où les Troupes Constitutionnelles viennent de violer deux-fois le Territoire Français? Je vous ai transmis, Monsieur le Comte, dans ma dernière Dépêche, les preuves officielles de cet événement déplorable.

L'état de confusion où se trouve l'Espagne, compromet nos intérêts essentiels. Elle déclare qu'elle ne veut pas y apporter de remède, et elle exige, en même tems, que nous réuoncions à des précautions que sa résolution même nous oblige à prendre; il est pénible d'avoir à faire remarquer de pareilles contradictions.

Dans sa sollicitude pour la prospérité de la Nation Espagnole, et pour le bonheur d'un Pays gouvernée par un Prince de sa Famille, Sa Majesté avait voulu que son Ministre restât à Madrid, après le départ des Chargés d'Affaires de l'Autriche, de la Prusse, et de la Russie; ces derniers vœux n'ont point été écoutés; sa dernière espérance a été trompée; le génie des Révolutions, qui a si longtems désolé la France, a dominé les Conseils de l'Espagne. Eh bien! nous en appelons au témoignage de l'Europe. Elle dira si nous n'avons pas fait tout ce qui nous était possible de faire pour entretenir avec l'Espagne des relations que nous ne sommes forcés de rompre qu'avec le plus vif regret. Mais, aujourd'hui que toutes les espérances sont déçues, que l'expression des sentimens les plus modérés ne nous a attiré que

de nouvelles provocations, il ne peut convenir, Monsieur le Comte ni à la dignité du Roi, ni à l'honneur de la France que vous résidiez plus longtems à Madrid. En conséquence, le Roi vous ordonne de demander des Passeports pour vous et pour toute votre Légation, et de partir, sans perdre un moment, aussitôt qu'ils vous auront été délivrés. Vous voudrez bien instruire de votre départ, par une Circulaire, nos Agens Commerciaux dans les Ports et Villes d'Espagne. Je leur ferai part des volontés du Roi, quand votre rappel pourra être connu ici officiellement. Aussitôt que vous aurez touché le sol de la France, vous voudrez bien m'expédier une Estafette pour m'instruire de votre arrivée.

Vous êtes autorisé, en demandant vos Passeports, à donner Copie de cette Lettre à M. de San Miguel. Agréez, &c.

*Le Comte de la Garde.*

CHATEAUBRIAND

(4).—*Instructions (confidential) to the French Minister at Madrid.*

MONSIEUR LE COMTE,

*Paris, le 18 Janvier, 1823.*

J'ai l'honneur de vous transmettre aujourd'hui par ma Dépêche No. 4, les ordres du Roi : il vous enjoignent de demander vos Passeports, et de quitter l'Espagne avec toute votre Légation. Mais je dois vous donner cette Lettre quelques éclaircissemens sur les expressions que M. San Miguel trouve amphibologiques dans la Dépêche de M. de Villèle en date du 25 Décembre dernier. Ces expressions ne sont amphibologiques que pour ceux qui ne veulent pas les entendre, mais pour que les ennemis de la France ne puissent pas dire que vous avez quitté Madrid sans que l'on sût au juste ce qu'elle desirait, je vais m'expliquer.

Pour rétablir l'ordre en Espagne, pour rendre la sûreté à la France, et aux autres Etats du Continent, il y a un moyen aussi simple qu'efficace ; tout sera fini le jour où Ferdinand VII. pourra apporter lui-même, et de sa propre autorité les modifications nécessaires aux Institutions qui lui ont été imposées. Avec cette concession libre des Institutions rectifiées par Sa Majesté Catholique, le Roi notre Auguste Maître pense, qu'il faut encore une Amnistie générale pour tous les Actes Politiques fait depuis 1812, jusqu'au jour de sa promulgation. Tout Espagnol devra se soumettre à ce nouvel ordre des choses, qui recevra, du retour à Madrid des Ministres Etrangers, la seule sanction et la seule garantie que peut porter un tel acte de la part des autres Gouvernemens.

Cet heureux changement maintiendrait la Paix entre la France et l'Espagne, mais il est évident aujourd'hui que ce changement ne peut opérer tant que vous resterez à Madrid. Depuis le départ des Légations d'Autriche, de Prusse, et de Russie, jusqu'au moment où vous recevrez cette lettre, quinze jours seront écoulés et l'on ne vous a point écouté. Lord Fitz-Roy Somerset et Sir William à Court n'ont



pas été plus heureux que vous. Votre présence à Madrid comme moyen de conciliation est donc prouvée totalement inutile. Votre rappel au contraire est nécessaire au maintien même de la Paix, puisqu'il peut seul autoriser la réunion sur notre frontière des 100,000 hommes que nous tenons prêts à cet effet. Lorsque M. le Duc d'Angoulême qui doit les commander sera rendu sur les bords de la Bidassoa, le Roi Ferdinand pourra se présenter sur la rive opposée, à la tête de ses Troupes. Les deux Princes pourront avoir une entrevue. Cette entrevue peut être suivie d'un Traité de Paix, de Modifications Constitutionnelles, et de l'Amnistie, que Sa Majesté Très Chrétienne demande; non seulement alors notre Armée se retirera, mais nos soldats, nos vaisseaux, nos finances, seront à la disposition de l'Espagne; nous nous estimerons trop heureux d'avoir contribué à son rétablissement, et de l'avoir réconciliée avec les Puissances Continentales.

Telles sont, M. le Comte, les dispositions du Gouvernement Français. Il ne prétend imposer aucune forme de Gouvernement à aucun Peuple, mais il ne peut regarder comme légitimes et solides des institutions qui ne sont pas sorties d'une source légitime.

*Le Comte de la Garde.*

CHATEAUBRIAND.

**NOTIFICATIONS of the French Government, respecting the  
Blockade of certain Spanish Ports. July to October, 1823.**

(1.)—*Circular to the Ministers of Foreign Powers.*

*Blockade of Cadiz, Barcelona, Santona, and Saint Sebastian.*

MONSIEUR,

Paris, le 24 Juillet, 1823.

LE Gouvernement Français, fidèle aux principes de générosité qu'il a manifestée, en ne délivrant pas de Lettres de Marque et en laissant passer librement tous les bâtimens de Commerce, avait cru qu'il n'avait pas besoin de signifier le Blocus effectif des Ports d'Espagne devant lesquels il a établi des croisières. Il avait pensé que les droits de la guerre et des Nations étaient assez connus, et que la conduite loyale de la France serait assez appréciée, pour qu'on ne cherchât pas à forcer les blocus qu'il a formés, et à ravitailler les places assiégées par les forces de terre et de mer de Sa Majesté Très Chrétienne.

L'expérience a démontré au Gouvernement Français qu'il s'était trompé; tous les jours, des bâtimens, sous différens Pavillons, essayent d'introduire des vivres et des munitions dans les ports de Cadix, de Barcelone, de Santona, et de Saint-Sébastien. Plusieurs de ces bâtimens, surtout à Cadix, ont été arrêtés par les vaisseaux du Roi. Leurs cargaisons ont été mises en dépôt.

Le Gouvernement de Sa Majesté, desirant qu'à l'avenir, les Sujets des Puissances neutres, ne s'exposent plus à des inconvéniens, en diri-



geant des Expéditions Commerciales sur les Ports bloqués, se voit forcé de déclarer le Blocus effectif des Ports de Cadix, Barcelone, Santona et Saint-Sébastien. Je vous prie, Monsieur, de vouloir bien l'annoncer à votre Gouvernement, et lui faire connaître que, conformément aux principes du droit maritime, les bâtimens, de quelque Nation qu'ils soient, qui tenteraient de s'introduire dans les Ports ci-dessus désignés, seront arrêtés par les forces de Sa Majesté, et pourront encourir la confiscation.

Le Gouvernement du Roi espère que la mesure qu'il a du prendre, sera de peu de durée, et que bientôt les places bloquées pourront de nouveau s'ouvrir au commerce de tous les Etats.

J'ai l'honneur d'être, etc.

CHATEAUBRIAND.

(2).—*Circular.—Blockade of Ferrol and Corunna.*

MONSIEUR,

Paris, le 26 Juillet, 1823.

JE m'empresse de vous prévenir que, pour compléter la mesure dont j'ai eu l'honneur de vous donner connaissance par ma lettre du 24 de ce mois, le Gouvernement de Roi s'est déterminé à déclarer en état de blocus effectif les Ports de Ferrol et de la Corogne.

Je vous prie, Monsieur, de vouloir bien l'annoncer à votre Gouvernement, et je profite de cette occasion, etc.

CHATEAUBRIAND.

(3).—*Circular.—Blockade of Ferrol raised.*

MONSIEUR,

Paris, le 3 Août, 1823.

SA Majesté, ayant été instruite que ses troupes étaient entrées au Ferrol le 15 Juillet par capitulation, a donné ordre que le blocus que ses vaisseaux avaient formé devant cette place et devant la Corogne, soit levé pour le Ferrol, et ne fût plus maintenu que devant la Corogne, selon les usages de la guerre reconnus et avoués en pareil cas.

Je vous prie de vouloir bien transmettre cette information à votre Gouvernement, et je saisis cette occasion, etc.

CHATEAUBRIAND.

(4).—*Circular.—Blockade of Corunna, St. Sebastian, and Santona, raised.*

MONSIEUR,

Paris, le 7 Octobre, 1823.

J'AI l'honneur d'annoncer à Votre Excellence, que le Gouvernement du Roi vient de donner l'ordre de lever le blocus des Ports Espagnols de la Corogne, de Saint-Sébastien et de Santona, qui se sont rendus aux forces de Sa Majesté. En conséquence, les bâtimens

neutres qui se présenteront devant ces Ports y seront admis sans difficulté.

Je prie Votre Excellence de vouloir bien donner à sa Cour connaissance de cette disposition, et j'ai l'honneur d'être, etc.

CHATEAUBRIAND.

*DECREE of the Spanish General Morales, relative to the Blockade of the Spanish Main, and the punishment of Foreigners found in the Service, or in the Territories in possession of the Spanish American Insurgents; and Protections of Officers of the British, American, and Netherlands Governments against the same.*

*September to December, 1822.*

(1.)—*Decree of General Morales. Maracaybo, 15 September, 1822\*.*

By Don Francisco Thomas Morales, Field Marshal of the National Armies, and Commander-in-Chief of that employed on the Spanish Main, &c.

WHEREAS, notwithstanding the Blockade imposed upon all the Ports of the Spanish Main, in possession of the Insurgents, many Foreigners have found means to introduce themselves into the said Ports, some for the purpose of assisting in the Rebellion, and others with the intention of opening and carrying on trade, and also relations of a punishable nature, militating against the Sovereignty and the Legitimate Rights of the Spanish Nation, against the purity and sanctity of our Holy Religion, and against the honest and virtuous customs that formerly honoured these happy Countries; and whereas I do not feel less interested in the vindication of objects of so great and important a nature, than in the re-establishment of the good National customs which the inconsiderate protection granted to the said Foreigners has caused to disappear from Venezuela; I do therefore by virtue of the Power and Authority in me vested, and in order to put an end at once to evils so alarming, hereby order and decree as follows:

ART. I. Such Foreigners as shall hereafter be taken or found in the Military Service, or in any branch of administration of the Enemy; such as shall be convicted of having a share in any Printing Office; or of being Editors or Compilers of any Journal, Pamphlet, or Work, relative to the present War, the Affairs of revolted America, the Roman Catholick Religion, or that shall be in any manner offensive to the Nation, its Government, or subjects, shall suffer death, after under-

\* Mem. This Decree was revoked by a Proclamation of General Morales, of the 8th February, 1823, which also gave publicity to the Law of the Cortes, of the 27 June, 1821, in favour of Foreigners resorting to South America.

going a short Military trial, and whatever property they possess, whether real or personal, or in moveables, shall be forfeited to the use of the Publick Treasury.

II. Such Foreigners as may be found in the Country, who are not in the exercise of any of the employments, or who do not come under any of the descriptions mentioned in the foregoing Article, but who may have come to the Country while it was in possession of the enemy, shall be condemned to labour at the Publick works, for three Years, and all the property that they may be possessed of shall be confiscated to the use of the National Treasury.

III. Such Foreigners as have been found in this Capital, and in the Territory reduced by the Spanish Arms, to whom a remission of the fate which their persons, as well as their properties, deserved, has been granted by the National generosity; in consequence of their acts, and their political and religious conduct not being then so well known as they are at the present day, shall quit the Spanish Territory, (and be allowed to go to any other Country they may chuse), within the limited term of eight days, with their baggage, and such property as they have been permitted to retain, and shall be prohibited from returning to the said Spanish Territory, under pain of death, unless it be under the conditions and circumstances that may be prescribed, for the purpose of carrying on a lawful Trade with the Ports of Venezuela.

And in order that the Blockade, as well as the present Decree may be made known to all, that they may have their full effect, that they may be supported by the civil and military authorities, and that the Foreigners alluded to may not again violate the former, I hereby direct that the same be proclaimed in this Capital, and throughout the other Provinces as soon as they become pacified, and that the present Decree be printed and circulated through the Colonies, and wherever it may be necessary.

Given at the Head Quarters at Maracaybo, the 15th September, 1822.

F. THOMAS MORALES.

JOSE ALVARO, *Secretary.*

(2.)—*Protest of the Dutch Governor of Curaçoa.*

*The Rear Admiral, Governor of Curaçoa and its Dependencies, to His Excellency the General in Chief of the Spanish Army on the Main.*

SIR, Curaçoa, November 5, 1822.

I HAD the honour, on the 4th inst. to receive your Excellency's Letter of the 18th October, together with an authentick Copy of your Excellency's Decree, dated 15th September, ult. relative to the treatment which Foreigners have to expect from your Excellency, as ex-

pressed in the said Decree, if they are found in the Service, or in the Territories in possession, of the Enemies of the Spanish Nation on the Main.

I will not enter into the measures of policy and safety which your Excellency may think proper to adopt, wherever you have lawful authority, with regard to the Rights of Nations and Warfare. I feel myself, however, in consequence of your Excellency's said Decree, obliged to oppose those measures which may be made applicable to, or exercised on Dutch Subjects, who may be found engaged in lawful trade, or in the peaceable prosecution of their profession.

I refer myself to what I have already stated with regard to the Blockade, namely: I will not acknowledge any other than such as is declared in conformity to the Laws of Nations, and is duly enforced.

With respect to the threatened proceedings, I most solemnly deny the right your Excellency presumes to have, of putting them in force against peaceable Dutchmen, Subjects of the Kingdom of The Netherlands, who may be found trafficking, or in the prosecution of their business or interests, which are not prohibited by Laws and Customs generally admitted and acknowledged by Subjects of Neutral Powers, who do not interfere in the disputes or wars of others.

I thus protest against all and every act of violence or ill-treatment, and against all injustice exercised by your Excellency on Dutch Subjects, either in their persons or property, for which, and for the consequences whereof, I hold your Excellency responsible, whilst I reserve to myself all such measures and steps, which your Excellency's proceedings may render necessary for the maintenance of the dignity and rights of the Dutch Nation, and for the protection of the persons and properties of its Subjects.

I remain, with all consideration,  
His Excellency General Morales.

CANTZ'LAAR.

Make known the above-mentioned Letter, with its annexed Document, by publication in the usual manner, and through the medium of the Curaçoa Gazette, in order that the said Decree of the General-in-Chief of the Spanish Army on the Main, and our Answer thereto, may come to the knowledge of all Dutch Subjects.

CANTZ'LAAR.

### (3.)—*Protest of Captain Spence, United States' Navy.*

From the Commander of The United States Ship Cyane, and Senior Naval Officer in the West Indies, to His Excellency Francis Thomas Morales, General-in-Chief of the Spanish Royal Forces on the Main.  
SIR,

Curaçoa, November 15, 1822.

I HAVE been presented with your Excellency's Publick Decree of the 15th September last; a declaration of the most despotick and sanguinary nature, against all Foreigners, whose love of glory, com-



mercial pursuit, and lawful occupations, may enlist them in the Service of, or detain them in the Territories possessed by, the Enemies of Spain, recognized by The United States as Independent Governments.

A Manifesto so extraordinary, so hostile to the Rights of Nations, so disparaging and prejudicial to the character of the era in which we live, cannot fail to excite astonishment, and to attract the attention of all who wish to preserve civilization from the encroachments of barbarism, or have rights to protect from Military misrule and invasion.

As Commander-in-Chief of the Royal Forces, ineffectually employed in Venezuela, you are accountable to your King only for your proceedings against his Subjects. But, for acts of rapacity, cruelty, and oppression, exercised against Foreigners—for their illegal imprisonment—for the seizure and confiscation of their property—for their degradation under the aforesaid Proclamation, you are answerable to the World, because, by such acts of hostility, you wage an indiscriminate War against all Governments, and, by trampling on the sacred Rights of Man, place at defiance Nations who hold the Laws and humane usages of civilized Society as rules of action.

War, under the mildest aspect, is a calamity to be deplored; but when to its inseparable horrors are superadded cruelties, perpetrated without necessity, and men, pursuing peaceable avocations, are included in the most sanguinary proscriptions, without reference or respect to the Nation which owes them protection, it becomes a demoniac scourge, a hydra curse, which policy and humanity are equally interested in arresting.

Against such a course of violence as you have proclaimed to the World; in behalf of my Countrymen, I protest, and do here by premonition your Excellency, that, to enforce the penalty, punishment and ignominy, threatened in your Manifesto, against the Citizens of The United States, who are at present, or who may hereafter be found by your Excellency in the Independent Territories to which you refer, prosecuting their Commercial concerns under the guarantee of Laws and usages, which no Christian Soldier, fighting either for glory, his Monarch, or his Country, can violate with impunity,—the Soldier, whose sword is stained with the blood of unoffending men, superfluously shed, wins not the wreath of the Warrior, but the reputation of a recreant.

The Blockade declared by General Morillo, to which your Excellency alludes, exists not; neither has it, at any anterior period, been enforced in conformity to rules prescribed by the accepted decisions of the highest Authorities, rendered valid by time and general acquiescence. It therefore, has hitherto been a mere pretext for the interception of our lawful trade—for the seizure and detention of our property—for the abuse and maltreatment of our Mariners—for purposes of plunder and outrage—all of which evils it has produced.

For spoliation committed on the commerce of The United States, under the sanction of that Paper Interdiction, restitution will be required—and to the dignity which characterizes the Government of the Republic, is Spain indebted for that magnanimous forbearance from reprisal, justifiable on every principle of self-preservation and defence.

The Citizens of The United States, from the peaceful and neutral course prescribed by their Government, are justly entitled to the respect of the Belligerent Parties, and if their enterprise induces them to reap the advantages of a lawful Trade within Territories alternately in the occupancy of either, they are there as Citizens of a truly Neutral Power—a Power that has at no time afforded aid, or exercised influence of any kind, in the present unhappy and calamitous conflict.

Between The United States and the Sovereign of Spain there exists a Treaty, recently made, and consecrated by the most formal observances, the acknowledged basis of which is good will and a cordial spirit of conciliation. How, then, in the face of this pledge of concord, do you, Sir, undertake to threaten with forfeitures and ignominious penalties—with slavery and death—the Citizens of a Republic, who have a right to expect under this token of friendship, safety and exemption from molestation?

Wrongs and injuries that may accrue to Citizens of the Union from your unlawful Decrees, whether visited on their Persons or Property, will be numbered with the catalogue of outrages already sustained, and for which Spain must be accountable. Against all such wrongs and injuries I protest, and do hereby solemnly call upon your Excellency to abstain from the adoption of measures fraught with most evil consequences—measures coercing a spirit of retaliation and reaction, the end and issue of which may be conceived, foreseen, and prevented, by your Excellency. And I invite your Excellency, as a lover of the character and honour of Spain, of the amity and good faith so happily preserved between her and the Republic, to annul all such restrictions as lead to a violation of the Laws of Nations—as infringe the just Rights of Citizens of The United States—as deprive them of the benefits of Peace, and tend to augment to an alarming amount the account which hereafter must inevitably be balanced between the two Nations.

I have the honour to be, &c.

H. E. General Morales.

ROBERT TREAT SPENCE.

(4).—*Protest of the Admiral, and Commander in Chief of the British Naval Forces, in the West Indies, &c.*

H. B. M. Ship Sybille, Port Royal Harbour,

Sir, Jamaica, Dec. 5, 1822.

I HAVE received your Excellency's Dispatch of the 10th October, with a Copy of your Proclamation, upon reducing the Province of Maracaibo:—

Against your right of declaring Ports and Coasts in a state of Blockade, without the means of enforcing it by Vessels of War, it is my duty to protest, and I now do so, as I before did to Field Marshal Don Miguel de la Torre, in a Letter, of which the inclosed is a Copy, and which, I presume, was delivered to you upon succeeding to the Command of the Spanish Army on the Main.

The Law of Nations, as therein asserted, has been recognised by the Government of His Britannick Majesty, as also by the other European Powers, and it behoves your Excellency to be cautious how you violate it. Should you do so, by seizing British Vessels, which have not acted contrary to any known Law, but taken merely on the plea of breaking your supposed Blockade, which Blockade I declare to be illegal, I shall immediately reclaim them, with compensation for any loss or damage they may sustain in consequence thereof; and if that be denied, I shall be under the necessity of directing them to be retaken by force, if necessary, and the Vessel of War by which they may have been molested, to be brought into Port Royal, where she will be detained until satisfaction be rendered for the outrage.

The feelings of surprise and indignation which the barbarity and wanton cruelty of the language of your Proclamation are calculated to excite are not to be expressed; but I shall not suffer it to be given to the World without protesting against it, and denying the existence of any circumstances which can justify it.

That a few peaceable Men, opening and carrying on a trade with the Inhabitants of South America, can militate against the Sovereignty and legitimate rights of the Spanish Nation—sully the purity or invade the sanctity of your Holy Religion—or destroy the honest and virtuous customs heretofore existing in that Continent, as you say they do, is difficult to conceive, and as you offer no experience to prove that it is so, I can only consider your assertions as a necessary prelude to the sanguinary Edicts which immediately follow them.

That Foreigners found in the Military Service of the Republic of Colombia, or having a share in a Printing-office, or Editors of any Journals, &c., by means of which the publick mind may be agitated, either with reference to War or Religion, are responsible Persons, is not denied; though I protest against its being the Law of civilised warfare to subject Persons of this description to death, in the summary manner your Proclamation decrees; but that those found in any branch of the Administration of the Republic, or in any manner have done that which is offensive to the Spanish Nation, to its Government, or Subjects, should be made liable to the same severity of punishment, is a most cruel and arbitrary decree; and I do therefore protest against it, as relates to the Subjects of His Britannick Majesty.

That Foreigners found in the Country, not coming within the foregoing descriptions, but who went to it whilst in possession of the



Independents, should be condemned to labour at the Publick Works, as decreed in the second Article of your Proclamation, is an unheard-of barbarous threat, unparalleled in the Wars of Civilized Nations, and such as, I am convinced, Spain cannot authorise; I therefore consider myself bound to protest, in the strongest manner, against its being acted upon towards British Subjects.

The term of 8 days granted to the Foreigners at Maracaibo, whose lives were spared, was much too short for mercantile Men to arrange their accounts; and as their stay could not have interfered with your future operations, because they might have been placed under surveillance, this time appears unnecessarily confined and arbitrary.

As I find that your Excellency, after assuring the Officer who waited upon you from His Britannick Majesty's Sloop Surinam, that British property should be respected, and repeating the same in your letters to me, has condemned the whole of it, upon the ground that its coming to Maracaibo was in violation of your Blockade, I demand its immediate restitution; because, for the reasons before stated, it has been unlawfully seized; and I likewise do the same with reference to British Property which may fall into your hands in your progress through other Provinces.

It is proper to inform your Excellency, that the Lieutenant Governor of this Island joins with me in the sentiments I have expressed, and his Honour would have conveyed the same to you from under his own hand, had you made known to him the Proclamation herein noticed.

Captain Rowley, the bearer of this Dispatch, will afford your Excellency an opportunity of returning any British Property that may have been seized at Maracaibo under a false impression.

I have the honour, &c.

*His Excellency Don F. T. Morales.*

C. ROWLEY.

(Enclosure.)—Rear Admiral Rowley to Field Marshal La Torre.

*H. B. M. Ship Serapis, Port Royal Harbour,  
Jamaica, August 21, 1821.*

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Communication of the 6th of June, which reached me on the 21st of last month, informing me that you had considered it your duty to direct that all the Ports and Coasts belonging to the Provinces of Maracaibo, Coro and Barcelona, should be under blockade; and conveying to me this intelligence with a view to its general publicity, that no English Subject might risk his property by a contravention thereof.

Against this Blockade it is my duty to protest; as I consider the Law of Nations to be, that the legality of a Blockade must essentially depend upon the adequacy of the blockading force, to hold the Ports



and Coasts intended to be blockaded, in such a constant state of Blockade, that no Vessel can enter or depart without imminent danger of detention; that, if the force is inadequate to enforce the Blockade generally, the whole Blockade in all its parts is thereby vitiated; nor can the blockading Ships enforce it partially where they may happen to be present.

With this view of the Blockade which your Excellency has declared, I must warn you of the consequences that may follow from your attempting to apply to the Ships and Property of His Britannick Majesty's Subjects, a restraint not warranted by the Law of Nations, under the pretext of Blockade. I have, &c.

C. ROWLEY.

*H. E. Field Marshal Don M. de la Torre. Maracaibo.*

***PROCLAMATION of the Emperor of Brazil to the People of Portugal, on his elevation to that dignity.—21st October, 1822.***

(Translation.)

PORTUGUESE!—The greatest force is insufficient against the will of a People determined to live no longer in a state of slavery. The history of the World has confirmed this truth, and it is further confirmed by the rapid events which have occurred in this vast Empire, which, deceived by the flattering promises of the Congress at Lisbon, the falsehood of which soon appeared, was betrayed in its most sacred rights and most obvious interests, and had presented to it only the prospect of re-colonization; and of legal despotism, a thousand times more tyrannical than the arbitrary acts of a single Despot. The great and generous Brazilian People have been successively influenced by unbounded credulity, justifiable distrust, and mortal hatred, and have finally come to the firm resolution of establishing a Legislative Assembly of their own, from whose wisdom and prudence the new social Compact which is to govern the Country shall emanate, and that Assembly is about to commence its glorious task: the same great and generous People have unanimously chosen me for their Perpetual Defender; an honourable charge which I have proudly accepted, and which I am determined to execute even to the sacrifice of my life.

This first step, which ought to have opened the eyes of the Congress of Lisbon to the abyss into which the whole Nation was about to be precipitated, which ought to have rendered it more circumspect in its conduct, and more just in its acts, has only served to inflame the corroding passions of the Demagogues, who, to your shame, are seated in the august sanctuary of the Laws. All measures tending to retain Brazil under the iron yoke of slavery have obtained the approbation of that Congress. It decreed troops for the purpose of conquering

Brazil, under the frivolous pretext of suppressing factions. The Brazilian Deputies were publicly insulted, and their lives threatened. The Senhor, Don John VI., my August Father, has been compelled to descend from the high dignity of a Constitutional Monarch, owing to the severe captivity in which he is held, and to act the part of a mere publisher of the delirious Decrees of his corrupt Ministers, or of the factious Members of the Congress, whose names will be handed down with their crimes to the execration of posterity: and I, the Heir to the Throne, have been held up to scorn, and abused by the very persons who ought to teach the People to respect me, in order that they might themselves be respected.

Under such critical circumstances, the heroic People of Brazil, finding all means of conciliation exhausted, availed themselves of a right, the possession of which no one can dispute. On the 12th of the present month, they proclaimed me their Constitutional Emperor, and declared their own Independence. By this solemn Act, an end has been put to the distrust and suspicion of the Brazilians of the plans of dominion contemplated by the Lisbon Congress; and the uninterrupted series of monuments placed in the path of eternal time, to record to this People their past misfortunes, now only serve to convince them how far Brazil would have been advanced in prosperity, if at an earlier period she had been separated from Portugal; if her good sense and reason had sanctioned sooner a separation made by nature.

Such is the state of Brazil. Though from the 12th of this month Brazil no longer forms an integral part of the ancient Portuguese Monarchy, still nothing prevents the continuation of their ancient commercial relations, as I have declared in my Decree of the 1st of August last, provided Portugal do not send more Troops to invade any of the Provinces of this Empire.

Portuguese!—I offer you the space of 4 months to make your decision. Decide, and chose, either the continuance of a Friendship, founded on the dictates of justice and generosity, and in the ties of blood and reciprocal interests, or a most violent War, which can alone terminate in the recognition of the Independence of Brazil, or in the ruin of both Countries.

THE EMPEROR.

*Palace of Rio de Janeiro, October 21, 1822.*

***PROCLAMATION of the Emperor of Brazil, recalling  
Brazilians from Foreign Countries.—8 January, 1823.***

BRAZILIANS!

(Translation.)

As soon as the Independence of Brazil had been proclaimed throughout this vast Empire, and the sincere wishes and affection of its generous Inhabitants had raised me to the Constitutional Throne of

Southern America, the Country imposed on such of its Children as were absent, the sacred duty of abandoning the Enemy's Country, and of returning to their own, to join their Brethren, and partake in their labours, as well as in the glory which they are about to acquire by their noble efforts to render American Independence general and permanent.

Your Emperor, your perpetual Defender, and Friend, has no doubt of your honour or patriotism. He is assured that you will immediately come and range yourselves round his Constitutional Throne, the surest guarantee of the perpetuity of your Independence.

Come, and employ your patriotism, talents and virtues, advantageously, in the service of the Empire, and for the happiness of our dear Country. Powerful motives and difficulties, designedly created by our implacable enemies, may, probably, oppose your wishes and delay your return. Let not these difficulties and obstacles discourage you; patriotism and love of glory will teach you to overcome them.

I fix six months as the term for your return to your homes; come and co-operate with your Fellow Citizens in the great work of our political regeneration. Brazil requires it, and your Emperor commands it.

If it should happen, which God forbid! that, at the expiration of this term, any degenerate or deluded Brazilian shall obstinately remain among our Enemies, he shall cease to form part of the great Brazilian Family; he shall be considered a Subject of Portugal, and lose all the Rights of a Citizen of the Empire, and the whole of his Property shall be liable to the Penalty of Sequestration, according to the tenor of my Imperial Decree of the 11th of December last.

Brazilians! I flatter myself you will answer this call of honour and national dignity: my expectation will not be deceived.

Palace of Rio de Janeiro, January 8, 1823.

THE EMPEROR.

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*DECREE of the Emperor of Brazil, declaring the Port of Bahia, occupied by Portuguese Troops, in a state of Blockade.—29th March, 1823.* (Translation.)

It being one of my most sacred duties, as Constitutional Emperor and Perpetual Defender of this Empire, to take every measure authorized by the Law of Nations, to secure the tranquillity of the State, and to repel force by force; and it being notorious that the Portuguese Troops who make War on this Empire remain in Bahia, because the Port of that City is open and free; I am pleased to declare, as I do declare, the said Port in a state of rigorous Blockade. The entry of all Vessels whatever, National or Foreign, Men of War or Merchant Vessels, is henceforth prohibited, during so long as the Portuguese Troops shall continue there: and all Vessels which may in any man-

ner act contrary to this my Imperial Decree, shall be liable to the penalties established in similar cases by the Law of Nations.

Luis da Cunha Moreira, my Councillor of State, Minister and Secretary of State for the Affairs of Marine, will so understand it, and cause it to be executed, sending the necessary Instructions.

Palace of Rio de Janeiro, 29th March, 1823. Second of Independence and of the Empire.

[His Imperial Majesty's Initials.]

LUIS DA CUNHA MOREIRA.

**REPORT of the Minister of Finance to the Emperor of Brazil.—26th September, 1823.**

(Extract.)

(Translation.)

IF, in 1812, in spite of intrigue and cabal, I dared to remove the thick and mysterious veil which covered the then Royal Treasury, persuaded that the extinction of patriotism and public disquietude keep pace with public distress, and that the ruin of States, and the fall of Empires are the consequences of financial disorders, whilst there is never any cause for apprehension, so long as, by a wise administration, the Publick Revenue is sufficient to defray the Publick Expenses; I now feel it my bounden duty, in this season of our Independence and Liberty, possessed of a General, Constituent, and Legislative Assembly of this Empire, to render an account of the condition in which I found the Publick Treasury, when, on the 21st of July last, I entered on my functions as Chief of that Department. In doing so, I shall not confine myself to a bare exposition of the state of the National finances; but, impelled by the desire of contributing to the publick welfare as far as my talents and experience allow me, I shall point out the means which suggest themselves to my mind, for extricating us from our present embarrassments, and for enabling us to raise this nascent Empire to the strength, opulence, splendour, and consideration, of which it is susceptible, and for which it has so many capabilities, in order that the General, Constitutional, and Legislative Assembly may afterwards deliberate on my Report, and adopt such measures as it may deem expedient.

The delay which has occurred in presenting my ideas, from the 21st of July to the present time, should not excite surprise. My Report embraces the accounts which I immediately required from all branches of the Treasury. It was necessary to ascertain the amount of the receipts and expenditures as far as it was practicable; the Publick Debt, active and passive; and the extraordinary resources which had been provided to meet the extraordinary demands; but, as no Statements existed to further the prompt execution of my order to that effect, notwithstanding the assiduity and zeal of the officers of the Treasury, I have only recently received the documents containing the



information detailed in my Report. I could not therefore, till now, present to your Imperial Majesty the state of the Treasury of Rio Janeiro at the end of June, in any thing like a correct form, or describe the particulars supplied by the Treasury, respecting the publick finances of the other Provinces of the Empire of Brazil.

By the Account of Receipt and Expenditure for the first 6 months of 1823, No. 1, your Imperial Majesty will perceive all the expences of that half Year, and the amount of monies that have been paid into the publick coffers ; the sum remaining in the Treasury, at the end of June, being 278,103 Milreas.

By the Account, however, No. 2, your Majesty will see, that on the 30th of June, when the balance was struck, there was only in the Treasury a disposable sum of 210,014 Milreas, including in that amount 132,658 Milreas on the books of the customs, and deducting a sum of 70,000 Milreas of the *decima*, and of the interest of the loan which was about to be paid, besides other indispensable and extraordinary charges.

By No. 3, your Majesty will learn that, out of the total proceeds of the loan, voluntary gifts, subscription for the Navy, and sequestrations, up to the 30th June, amounting to 596,304 Milreas, there has been expended of those extraordinary resources the sum of 386,289 Milreas.

No. 4 will make known to your Majesty, that, according to the estimate of the various receipts which may be expected in the next half Year, we shall obtain from the ordinary income of the Publick Treasury the sum of 1,769,000 milreas.

By the Estimate of expences, No. 5, your Majesty will find the application to be made of that sum.—Imperial Household, 96,200; Ministry of War, 625,560; Marine, 294,000; Treasury, 753,240.

By the Estimate, No. 6, the extraordinary charges will amount to 900,000 milreas.

The Estimate, No. 7, of the Publick Debt, at the end of 1821, shows that the Treasury was then under obligation for 9,870,918 milreas.

By the state of the Publick Debt, presented in No. 8, your Majesty will see, that in June, 1822, this Debt amounted to 10,176,580 milreas, being an increase of 305,662 milreas in six months.

No. 9 shows, that at the end of June, 1823, this Debt amounted to 12,055,582 milreas, to which, adding the sum of 100,563 milreas, when entered into the Treasury, as the proceeds of sequestrations, the amount will be 12,156,145 milreas, being an increase in one Year of 979,565 milreas.

No. 10 exhibits this increase under the different heads.

By the Accounts No. 11, the income and expenditure of the respective provinces of Minas Geraes, Goiaz, Matto Grosso, Santa Catharina, Rio Grande do Sul, and S. Paulo, will appear. The annual *excess* of Minas Geraes amounts to near 60,000 milreas; that of Goiaz near 20,000; that of Matto Grosso to 10,544; that of Santa Catharina, to 34,870; making in all more than 125,000 milreas.

No. 12 shews that the other provinces of Spirito Santo, Bahia, Pernambuco, Rio Grande, Alagoas, Parahiba, Piahy, Ceará, Maranhao, and Para, are likewise in arrear; and that of Santo Spirito to an annual *deficit* of 33,172 milreas.

By this simple and clear statement, your Majesty will perceive, that I have been placed at the head of a Treasury, indebted at the end of June to the amount of nearly 30,500,000 of Crusadoes (about £2,500,000 sterling), daily beset with its Creditors, who justly demand the money due to them; and without possessing any extraordinary resources to meet the extraordinary charges, which, at a moderate calculation, amount to 900,000 milreas. From none of the Provinces of the Empire can we at present expect assistance; nay, we shall be obliged to extend assistance to them, as has already been done, to the amount of nearly 280,000 milreas annually. Notwithstanding the activity in collecting the Taxes, and an exact controul of the expences, it has been necessary to recur to Loans, Donations, naval Contributions, and even Sequestrations, yielding in all 1,000,000 of Crusadoes. It is also evident, that, notwithstanding the hope of the happiest results from the system of administration which the wisdom of the General Constituent Assembly will doubtless establish, these results will not be sufficient for the payment of 30,500,000 of Crusadoes, and at the same time provide for the ordinary and extraordinary charges necessary for the consolidation of an Empire, where every thing has to be created, and where it is necessary to extend a liberal and generous hand, if we desire to establish our independence, and be ranked among Nations of the first order. The consequences of not fulfilling its obligations are terrible at all times to States, but how much more especially must they be so, in the dangerous season of our political regeneration, when we ought to avoid creating distrust, and seek to ward off misery and distress from the Publick Servants and National Creditors.

Leaving out of view the payment of the future ordinary expences for which provision will, no doubt, be made by the imposition of Taxes. I shall advert to an operation in aid of our credit which I think indispensable under present circumstances. Great resources are necessary to enable the Constitutional Chief of this rising Empire to consolidate our independence, to defend us from our enemies, to promote instruction and publick prosperity, according to the Laws and Constitution of the State.

These means have been offered to us by English Capitalists without solicitation. Such is the idea which they form of the resources and exuberant wealth of the new Empire, as of those of other Nations of Europe and America, and such the interest they take in the establishment of Brazilian independence. By the proposal, No. 13, which I received on the 20th of July, your Majesty will see the offer of a loan of the sum of 2,500,000 milreas, and the conditions required for prompt payment; £100,000 being promised per month for 5 successive months, as soon as the contract shall be sanctioned by the General Constituent and Legis-

lative Assembly, and even before all the terms of the Loan are definitively arranged in the market in London, which, when concluded, will place the rest of the Loan at the disposal of the Brazilian Nation.

The conditions are so clear, that I think any further explanation unnecessary; it is no less clear, that the Assembly may have at its disposal 20,000,000 of crusadoes, to employ in any way it may think proper, to support the independence, and to develop the riches of Brazil. Without considerable means, we cannot accomplish so mighty an undertaking. The United States and the old Governments of Europe have resorted to loans in critical circumstances like ours. Let us not be apprehensive of distress or poverty in the Country of Gold and Diamonds. Let us profit by our resources; let us take advantage of the precious commodities which belong to us, to defend ourselves against our enemies.

The first and most essential part of the operation, viz. the prospectus of the loan, has been prepared by an experienced London Banker, on the proposal of Edward Oxenford and other English capitalists. According to their plan, £2,500,000 sterling, to be advanced by them, will be employed in the following manner:—

The 8th part of £3,333,333 (the sum in stock, to be sold to obtain £2,500,000 at 75 per cent.) to be employed as a sinking fund.....	£416,666
To pay the two first six months' interest.....	200,000
For the Publick Service of Brazil.....	1,883,334
	<hr/>
	£2,500,000

It would be of great consequence to us to have this Plan altered in the following manner:—

For sinking fund the first Year.....	£60,000
To pay the interest the two first half Years.....	200,000
For the Publick Service of the Empire of Brazil.....	2,240,000
	<hr/>
	£2,500,000

It is clear, that, if the £416,666, the eighth part of £3,333,333, is necessary for a Sinking Fund at a compound interest of 4 per cent. to pay up the capital in 54 years, the same effect would follow in 30 years, according to the above alteration, by an annual payment of £60,000, laid out at compound interest at 4 per cent. It is likewise clear, that, in the beginning of the 7th Year, the Sinking Fund, by my plan, would reach £473,896, which exceeds the £416,666 reserved for the fund of the London plan. It is easy to perceive, that were this change adopted, without essentially altering the terms, we should obtain an advantage of 27 millions of Crusadoes.

MANUEL JACINTO NOGUEIRA DA GAMA.

**CONVENTION** between the *Cisplatine State* and the  
*Province of Entre Rios*.—*St. José, 11th December, 1822.*  
 (Translation.)

ARTICLES of Convention and Friendship, proposed by Major, Secretary, Don John Florence Perea, charged with this Commission on the part of the Government of the Province of Entre Rios, admitted by the Most Illustrious and Most Excellent Baron de Laguna, Captain-General of the Cisplatine State.

ART. I. The Most Excellent General Baron de Laguna will acknowledge the limits of the Province of Entre Rios; both Governments agreeing, on this principle, to remain within their lines in the best neutrality and good harmony.

II. All Traitors who have conspired against that Province shall be ordered to quit the neighbourhood of the Right Bank of the River Uruguay, and, neither directly, nor indirectly, shall any protection be given to them in carrying on hostilities against the Province of Entre Rios.

III. The Government of the Province of Entre Rios shall act in like manner, respecting the Cisplatine State, towards those who may have views opposed to the interests of that State.

IV. The Property of both Territories shall be religiously preserved and respected; and that which may have been illegally carried away shall be restored to the Proprietors, whenever they are claimed in a legal manner by them, or by the Chiefs of both lines.

V. It shall not be permitted, under the most sacred responsibility, (should it unfortunately happen, owing to causes not within the sphere of the faculties of the Governments,) to declare War, or to take any hostile step, without previous declaration or intimation; observing, in either case, the forms practised by Civilized Nations; and Notice being always given 15 days previous to hostilities.

VI. This Treaty shall take effect in 20 days, counting from the date of its being concluded, in order that the Ratification of both Chiefs may be sent from each State to the other.

CONDITIONS under which the General Baron de Laguna admits these Proposals:

I. Both Governments shall respect the Line of the Limits of the Territories, and oblige themselves not to pass them with an Armed Force, under any pretext, during the friendship and good harmony which they promise to keep and maintain by all possible means; nor to interfere, directly or indirectly, in any internal political discussions that may arise within either of the said Territories.

II. and III. Both Governments bind themselves not to give any aid, directly or indirectly, to Traitors, or other persons, who may have fled, or may hereafter fly, into either of the two Territories, for



having conspired against publick order and tranquillity, and to prevent every aggression they may attempt to make, with an Armed Force.

IV. Both Governments bind themselves to respect the goods, merchandize, and property of the Neighbours on both sides, and to restore them immediately that they are legally claimed.

V. Both Governments impose upon themselves the obligation of not committing any hostility, under any pretext, before making, reciprocally, representations and reclamations upon the causes of complaint which may arise, whether from the want of fulfilling what is agreed upon in this, or in any of the preceding Articles, or from any other unforeseen accident, and engage to clear up amicably any doubt, consistent with the national honour, and the publick convenience of the respective Provinces.

VI. This Convention shall be signed in duplicate, in order that both Governments may be duly acquainted with it.

*St. Jozé, 11th December, 1822.*

BARON de LAGUNA.

JOHN FLORENCE PEREA.

Uruguay, 20th December, 1822.—The present Treaty is confirmed and ratified, with the Amplifications that accompany it.

LUCIO MANCILLO.

**RAPPORT du Comte de Juffroy au Vicomte de Montmorency,  
Ministre des Affaires Etrangères de France, à l'arrivée de  
ce dernier au Congrès de Vérone.** (Extrait.)

MONSEIGNEUR,

*Vienne, le 23 Septembre, 1822,*

VOTRE Excellence a approuvé mon voyage à Vienne. Elle a été témoin, depuis mon arrivée, du degré de confiance que les principaux Cabinets de l'Europe m'accordent. La première considération m'oblige, comme Français, et protégé par votre Excellence, de lui parler avec une entière franchise; la seconde considération me fait espérer que mes réflexions lui paraîtront de quelque poids.

Le système qui unit les Cours de Russie, d'Autriche, de Prusse, et les Puissances Secondaires qui en dépendent, n'a fait que se fortifier depuis le dernier Congrès. Ce Système est une détermination invariable de s'opposer, non-seulement à la propagation des principes révolutionnaires, mais encore à celle des principes qui seraient favorables, directement ou indirectement, à la cause des révolutionnaires.

Depuis son arrivée à Vienne, votre Excellence a pu reconnaître que le tableau que je lui avais tracé, dès l'instant de son avènement au Ministère, des dispositions des Cabinets et du caractère des hommes qui les composent, était exact sous tous les rapports. Votre Excellence avait saisi avec perspicacité l'ensemble de ce tableau: plût à Dieu que tous les Ministres ses Collègues eussent apprécié également leur situa-

tion et mon récit ! Les instructions que votre Excellence a reçues pourront lui faire juger si mes craintes sont fondées.

Une grande question, celle du sort de l'Espagne, va être agitée au Congrès. C'est la question principale, et le Voyage de votre Excellence a eu principalement cet objet en vue ; car les intérêts des États d'Italie, le maintien des Troupes dans cette Péninsule, et les transactions qui pourront concerner quelques économies dans l'occupation, sont des objets trop secondaires pour mériter de la part de France, des Mesures Diplomatiques extraordinaires telle que la présence de votre Excellence au Congrès. Je ne parle pas des affaires de l'Orient qui sont décidées par le fait.

La France se trouve en ce moment, par rapport à l'Espagne, à peu près dans la même position où se trouvait l'Autriche par rapport du Royaume de Naples révolté. Sa situation géographique, et les dangers du voisinage, sont les mêmes : c'est évidemment à la France qu'appartient aujourd'hui le rôle que l'Autriche a joué avec tant de succès il y a 18 mois. Je dirai plus ; il faut que la France, sous peine de compromettre sa dignité et ses intérêts, prenne l'initiative dans cette affaire, et provoque, auprès du Congrès, la discussion sur les moyens à prendre pour mettre un terme aux malheurs de l'Espagne.

Ces moyens doivent être pris d'un commun accord. Les Cabinets, et particulièrement le Cabinet Autrichien, auquel on doit la justice de dire, qu'il est le mieux informé de tout ce qui se passe en Europe, n'ignorent point les tentatives infructueuses que la France a faites, depuis l'origine de la Révolution Espagnole jusqu'aux tristes événemens du 7 Juillet dernier, pour intervenir dans cette Révolution, pour la diriger, la modifier, ou transiger avec elle.

L'Europe sait que ces tentatives ont eu pour but d'imposer à la Nation Espagnole la Charte Française, ou une Constitution analogue sur celle qui nous régit. Je dis *imposer* ; car, bien que quelques Espagnols appartenant, soit à la classe des Révolutionnaires, soit à celle des niais à leur suite, aient appuyé auprès du Gouvernement Français un tel projet, on sait que la masse du peuple Espagnol le repousse, et réclame ses anciennes institutions, ses anciennes Lois, ses anciennes mœurs. La Proclamation de la Junte de Catalogne est, à cet égard, l'expression du vœu National, du vœu de tous ceux qui, à travers la Révolution d'Espagne, ont conservé le noble, le véritable caractère Espagnol, et je dois dire à votre Excellence, avec la plus profonde conviction, que le Manifeste de la Junte Provisoire a été jugé ainsi par les Cabinets réunis.

La situation de votre Excellence est donc assez délicate. (Elle me permettra, dans le zèle qui m'anime, de hasarder cette expression.) On croit que le Gouvernement Français, par une conséquence de sa propre situation inquiète et incertaine, a une tendance naturelle au prosélytisme Constitutionnel, à la propagation des Chartes, et à s'isoler

par-là des Monarchies fondées sur un principe différent. Ce système, reproché à la France, a été soutenu avec fureur par MM. Benjamin Constant, Foy et Bignon : et nul Ministre, à l'exception de votre Excellence, n'a entrepris de le combattre à la tribune. Les opinions de vos Collègues, Monseigneur, sont loin d'être manifestées à ce sujet.

Or, bien que la Charte Française soit respectée et garantie par les dispositions des Puissances Alliées envers la France, il est, dans l'ordre établi par cette Charte, quelques dispositions déjà reconnues dangereuses, inutiles et inapplicables à tout autre pays.

Par exemple, en ce qui concerne l'Espagne, il est démontré à tous les hommes d'Etat avec lesquels votre Excellence aura à traiter, que l'abolition des ordres, la destruction des privilèges, l'institution d'une Chambre Législative basée sur l'élection populaire et sur une turbulente égalité de droits ; la formation d'une Chambre des Pairs, qui serait, au profit de quelques intrigans parvenus et de quelques nobles corrompus ; une tolérance religieuse illimitée, au détriment de la Religion Catholique Nationale ; la publicité de la Tribune et la liberté incendiaire de la Presse ; il est démontré, dis-je, que ces innovations et plusieurs autres seraient inconciliables, non-seulement avec les vœux et les besoins de l'Espagne, mais encore avec la tranquillité de l'Europe, déjà trop longtemps troublée par les essais réitérés de ces théories modernes, dont nous subissons nous-mêmes si souvent les inconvéniens.

Je sais, Monseigneur, que la Charte Française est sacrée pour les Ministres qui gouvernent par elle, et qui en ont juré l'observation. Moi-même, simple sujet, bien que je considère quelques-unes de ses dispositions comme imparfaites, et d'autres comme incommodes au pouvoir souverain, je m'y sou mets comme à l'œuvre du Roi, et je ne vois pas d'ailleurs par quoi l'on pourrait la remplacer en France ; mais ce respect pour la Charte n'entraîne pas l'obligation de la proposer au-dehors. Si nous voulons que l'Europe ne se mêle jamais de nos affaires, évitons de troubler son repos et de lui inspirer des inquiétudes, en nous faisant les apôtres d'un Système déjà condamné par le bon sens des principaux Cabinets.

C'est d'ailleurs dans l'intérêt de notre propre Charte qu'il est essentiel de ne faire aucune concession à la Révolution d'Espagne. Dans ce Pays, les institutions ne sont que suspendues : les intérêts, qu'on nomme imprudemment ici révolutionnaires, n'y sont point encore consolidés ; une Charte quelconque n'y serait agréée que par cette faction Européenne qui en veut directement à l'existence des Trônes, et qui, en désespoir de cause, accepterait une Charte comme un moyen de discorde favorable à ses vues. Aussitôt qu'on aurait donné en Espagne quelque consistance à cette faction, en lui accordant, au moyen d'une transaction *Constitutionnelle*, la faculté de se placer dans le Gouvernement lui-même, ainsi qu'elle l'a fait chez nous, elle

conspirerait avec nos propres Révolutionnaires, avec ces hommes qui, au nom de la Charte, attaquent chez nous l'Autorité Royale, soit à la Tribune, soit à main armée.

Riégo, Quiroga, et les autres parjures de l'Armée, n'ont-ils pas été surnommés héroïques par des Députés de la Charte Française? Berton, n'a-t-il pas comparé son attentat, avec assez de justesse, à celui des Immortels de l'Andalousie? et ces Députés, et ce Berton et consorts n'avaient-ils pas sans cesse la Charte à la bouche? Il est clair que l'opposition hostile que les autels et les Trônes en général, mais particulièrement le Catholicisme et les Bourbons, ont à combattre, serait doublée par la connivence qui existe entre les factieux d'Espagne et ceux de France, si l'on donnait aux premiers les moyens d'amnistier leurs attentats et de prendre place dans un Gouvernement fondé sur une transaction avec la révolte. Comment supposer d'ailleurs que l'Europe *pût souffrir* une telle transaction, qui serait un encouragement publiquement donné aux mécontents et aux ambitieux de toutes les Nations, qui se révolteraient, dans l'espoir fondé d'obtenir une Charte, c'est-à-dire l'impunité, des emplois, et des honneurs?

Voilà, Monseigneur, la manière de voir des Cabinets avec lesquels vous avez à traiter. Votre présence ici est faite pour dissiper des défiances, pour détruire des préventions. Néanmoins je ne puis me dispenser de vous faire remarquer quelques circonstances qui affaiblissent l'impression favorable que votre Mission a produite ici.

Rien, dans les actes du Ministère actuel, n'a encore prouvé à l'Europe, que ce Ministère ait abandonné le système si déplorablement suivi par ses prédécesseurs, qui, dans la vue de procurer à la France une sorte de patronage constitutionnel, favorisaient les révoltes dans les pays voisins, et offraient aux novateurs l'appui de la France, sous condition d'accepter la Charte. Ce système a échoué complètement; il *échouera toujours*; il serait à désirer que Votre Excellence put convaincre ses collègues de cette vérité, dont l'évidence lui sera démontrée pendant son séjour ici.

Hormis l'arrivée de Votre Excellence au Congrès, rien n'a rassuré jusqu'ici les craintes de l'Europe; au contraire, certains discours Ministériels, certaines réticences sans sujet, des articles Ministériels insérés aux Débats, et ailleurs, qui ont consterné les hommes monarchiques de tous les pays, et dont Votre Excellence sait que les cabinets se sont plaints officiellement; enfin et surtout la conservation et le choix de certains Agens diplomatiques dont les opinions sont trop connues, semblent indiquer que le politique de MM. Pasquier et consorts l'emporte encore dans le conseil du Roi.

J'ai déjà eu l'occasion de communiquer à Votre Excellence les renseignements qui m'étaient parvenus sur la position équivoque où M. de Chateaubriand s'était placé à Londres, et sur l'impression défavorable que son nom seul produisait sur les Cours Alliées. Le temps n'est



plus où la diplomatie particulière put l'emporter sur l'union générale. L'idée de former une ligue défensive, ou plutôt offensive, entre les Gouvernemens *Constitutionnels*, contre les Monarchies, n'est pas de saison, et le grand apôtre des Chartes est trop bien connu ici : l'arrivée de M. de Chateaubriand à Vérone est donc peu opportune ; c'est, il faut le dire, un contresens diplomatique, à moins que le Ministère de Louis XVIII. ne veuille fonder ses rapports avec ses alliés sur une défiance réciproque. Croire que M. de Chateaubriand sera admis à connaître les résolutions intimes des Cabinets, c'est se faire une illusion plus grande que toutes celles que le célèbre écrivain a consignées dans sa prose poétique. Je dois dire aussi à Votre Excellence, que cette légion de Diplomats que la France a envoyés au Congrès actuel, ressemble plus, aux yeux des Puissances, à une armée d'observation qu'à une légation d'amitié et de confiance.

D'après les communications qui m'ont été faites, je dois certifier à Votre Excellence que les Cabinets d'Autriche, de Russie et de Prusse, pendant les dix jours qui viennent de s'écouler, se sont mis parfaitement d'accord, par écrit, sur toutes les questions qui vont s'agiter au Congrès. Ils répondront à tout d'une voix unanime. Votre Excellence sentira combien cette circonstance est grave, qu'est qu'une union entre cinq Puissances, dans laquelle trois d'entre elles se présentent d'abord avec une opinion unique toute formée.

Que peut faire la France dans ce cas ? rompre ou se trouver à la suite, ainsi qu'elle l'a fait jusqu'ici. Il importe à sa dignité, de paraître en même temps que les autres, de discuter avec égalité.

Votre Excellence comprendra mieux que je ne pourrais le dire, combien le fait que je viens de lui soumettre est digne de sa plus profonde attention. Il touche aux bases fondamentales de l'Alliance, qui ne peut subsister que lorsque la dignité de chaque Partie Contractante est conservée. C'est à Votre Excellence à réparer le tort que les Ministères précédens ont fait à notre diplomatie.

Ce fait prouvera du moins à Votre Excellence, que l'Alliance monarchique est devenue aussi simple dans sa marche que formidable dans les ressources qu'elle présente. La France veut-elle s'isoler d'un tel système quand elle peut y occuper un des premiers rangs ? Il est impossible de prévoir au juste les dispositions que le Duc de Wellington apportera au Congrès. La mort de Lord Londonderry fait craindre quelque changement défavorable dans les dispositions du Cabinet de Londres. En définitive, s'il ne veut rien faire pour l'Espagne, on est sûr qu'il laissera tout faire. Dans tous les cas, c'est à vous, Monseigneur, d'entamer ce point important. Si la restauration de l'Espagne ne se fait pas à l'aide de la France, elle se fera tôt ou tard sans elle. Déjà un Roi Bourbon a été rétabli sur le trône de Naples par des étrangers, sans que nous ayons pu lui porter autre assistance que l'offre inutile d'une Charte de transaction avec ses sujets rebelles. Continuerons-

nous de jouer ce rôle peu convenable et peu digne d'une grande Monarchie ! Laisserons-nous toujours à l'Europe le soin de venger l'autorité royale chez nos voisins, chez nos parens ? et le Gouvernement du chef de la dynastie de Louis XVI. ne sera-t-il occupé qu'à proposer sans cesse des garanties en faveur des Sujets révoltés contre les Rois de cette Auguste Famille ?

Dans la circonstance présente, je crois que la Providence offre à Votre Excellence une occasion de faire un grand bien et d'acquiescer une grande gloire. Quelle que soit la nature des instructions que Votre Excellence a reçues du Conseil des Ministres, il est impossible que ces instructions soient assez précises pour l'empêcher de profiter de cette occasion.

La restauration française a été imparfaite, parce que la révolution avait duré un quart de siècle, et parce que l'expérience des restaurations n'était pas encore acquise. La restauration d'Espagne doit être complète. Les principes religieux et monarchiques doivent être rétablis dans toute la pureté et dans tout leur éclat. Les cabinets professent unanimement cette opinion, et elle sera manifestée à Votre Excellence.

Eh bien, Monseigneur, ce que l'Europe desire et projette, c'est à la France à exécuter. La France a dans ce moment les yeux fixés sur l'importante mission que vous êtes venu remplir. Il n'y a rien à gagner en opposant des délais aux vœux de l'Europe, il n'y a rien à perdre en s'empressant de les accomplir, vû que, plus tôt, ou plus tard, l'Espagne sera délivrée et restaurée. Que ce soit vous, Monseigneur, qui reportiez l'honneur d'y avoir contribué le premier. La mémoire de vos aïeux vous sollicite à cette entreprise. Ce n'est pas pour rien que la Providence a placé un Montmorency au timon des affaires, lorsqu'un Roi Bourbon est dans les malheurs.

Il est peut-être réservé à un Descendant du premier Baron Chrétien d'attacher son nom au raffermissement des autels, de la foi Catholique en Espagne, et au rétablissement du sceptre que Louis-le-Grand déposait dans les mains de son petit-fils.

ACHILLE DE JOUFFROY.

S. E. Le Vicomte de Montmorency.

**PROCLAMATION of the Duke d'Angoulême, on the Entrance of the French Army into Spain.—April 2, 1823.**

ESPAGNOLS,

LE Roi de France, en rappelant son Ambassadeur de Madrid, avait espéré que le Gouvernement Espagnol, averti de ses dangers, reviendrait à des sentimens plus modérés et cesserait d'être sourd aux conseils de la bienveillance, et de la raison. Deux mois et demi se sont écoulés, et Sa Majesté a vainement attendu qu'il s'établît en Espagne un ordre de choses compatible avec la sûreté des Etats voisins.

Le Gouvernement Français a supporté, deux années entières, avec une longanimité sans exemple, les provocations les moins méritées. La faction Révolutionnaire qui a détruit dans votre pays l'Autorité Royale, qui tient votre Roi captif, qui demande sa déchéance, qui menace sa vie et celle de sa famille, a porté au-delà de vos Frontières ses coupables efforts. Elle a tout tenté pour corrompre l'Armée de Sa Majesté Très-Chrétienne, et pour exciter des troubles en France, comme elle était parvenue, par la contagion de ses doctrines et de ses exemples, à opérer les soulèvemens de Naples et du Piémont. Trompée dans ses coupables espérances, elle a appelé des Traîtres condamnés par nos tribunaux à consommer, sous la protection de la rébellion triomphante, les complots qu'ils avaient formés contre leur patrie.

Il est tems de mettre un terme à l'anarchie qui déchire l'Espagne, qui lui ôte le pouvoir de pacifier ses Colonies, qui la sépare de l'Europe, qui a rompu toutes ses relations avec les Augustes Souverains que les mêmes intentions et les mêmes vœux unissent à Sa Majesté Très Chrétienne, et qui compromet le repos et les intérêts de la France.

Espagnols, la France n'est point en guerre avec votre Patrie. Né du même sang que vos Rois, je ne puis désirer que votre indépendance, votre bonheur, et votre gloire. Je vais franchir les Pyrénées à la tête de 100,000 Français, mais c'est pour m'unir aux Espagnols, amis de l'ordre et des lois, pour les aider à délivrer leur Roi prisonnier, à relever l'autel et le trône, à arracher les prêtres à la proscription, les propriétaires à la spoliation, le peuple entier à la domination de quelques ambitieux qui, en proclamant la liberté, ne préparent que la ruine de l'Espagne.

Espagnols ! tout se fera pour vous et avec vous : les Français ne sont et ne veulent être que vos auxiliaires ; votre drapeau flottera seul sur vos Cités ; les Provinces, traversées par nos soldats, seront administrées au nom de Ferdinand par des Autorités Espagnoles. La discipline la plus sévère sera observée ; tout ce qui sera nécessaire au service de l'armée sera payé avec une religieuse exactitude. Nous ne prétendons ni vous imposer des lois, ni occuper votre pays ; nous ne voulons que votre délivrance. Dès que nous l'aurons obtenue, nous rentrerons dans notre Patrie, heureux d'avoir préservé un Peuple généreux des malheurs qu'enfante une révolution, et que l'expérience ne nous a que trop appris à connaître.

Au Quartier-général à Bayonne, le 2 Avril, 1823.

LOUIS-ANTOINE.

Par Son Altesse Royale le Prince Général en Chef,

Le Conseiller d'état, Commissaire Civil de Sa Majesté Très Chrétienne,  
DE MARTIGNAC.

***SPEECH of the King of Spain, on closing the Extraordinary Cortes.—Madrid, 19th February, 1823.***

SENHORS DEPUTIES,

(Translation.)

IN closing this extraordinary Session, I take pleasure in expressing my satisfaction and acknowledgment, for the decision, disinterestedness, and patriotism, which have marked your proceedings.

It has been necessary to make sacrifices of men and money in order to remedy the evils of the State; and the salutary effect which it was hoped those sacrifices would produce, have been such as correspond with the effectual manner in which they were conceded. The factious who meditated the overthrow of the Fundamental Law of the State, are retreating before the valour of the National Troops. The Junta of perjured men, styling themselves the Spanish Regency, has disappeared like a cloud of mist; and the Rebels, who calculated on triumphs so easy and secure, now begin to feel the sad result of their disorders.

The Troops who so gloriously support the National Cause are worthy of all praise. Besides the reward which victory has secured to them, they must experience no small satisfaction in seeing that the Extraordinary Cortes has been occupied in providing for them a system of Regulations analogous to the Fundamental Code by which we are governed. This measure, which is already considerably advanced, is to them a certain-guarantee that the Civil and Military Laws will be speedily placed on a footing of harmony, and that there will be an end to that conflict between them which gives rise to so much dissatisfaction and discord.

Other measures, equally important, have distinguished this Extraordinary Session. The Regulation of the Police, the Law for Recruiting, the Powers granted to my Government, with the view of consolidating the Constitutional System, and some other points which have come under the consideration of the Cortes during this period, attest the assiduity and firmness with which the Representatives of the People repay the confidence of their Constituents.

Some of the days of this Session will be celebrated for the pure patriotism which they have exhibited. In those days recompenses have been decreed to those whose conduct, on the 7th of July, entitled them to the gratitude of their Country, and the Principal Chiefs who figured in that memorable event were presented at its bar. The Sittings of the 9th and 11th of January were distinguished beyond the others, and will form the chief splendour of this Extraordinary Cortes. The voice of National honour has resounded, in the most sublime manner, in the Sanctuary of the Laws, and every Spaniard felt penetrated with the conviction that nothing was equal to the happiness of possessing a Country.

Some of our Diplomatic Relations have been interrupted during the Sittings of this Cortes; but these misunderstandings between Cabinet



and Cabinet, have increased the moral force of the Nation in the eyes of the Civilized World, where honour, probity, and justice, are professed. Seeing that Spain does not capitulate in order to her degradation, a just idea will be formed of the firmness of her character, and of the happy influence of the Institutions by which she is governed.

The King of France has declared his intentions, with respect to Spain, to the two Chambers of the Legislative Body. Mine are already publick, and are recorded in the most solemn manner. Valour, decision, constancy, love of National Independence, and the increased conviction of the necessity of preserving the National Code of 1812: these are the vigorous answers which the Nation must give to the anti-social principles contained in the Speech of the Most Christian Monarch.

The circumstances in which the publick affairs are placed are of a serious character; but there is no reason to be apprehensive either for my Government or for the Cortes. My firm and constant union with the Deputies of the Nation will be the secure guarantee of a happy issue, and of the new days of glory which are preparing for us. The day for the opening of the Session of the Cortes is near at hand. A new field of patriotism is about to present itself to the Representatives of the Nation, and new motives offer themselves to me for making my sentiments publick.

FERDINAND.

***SPEECH of the King of Spain, on the Opening of the Cortes.—Madrid, 1st March, 1823.***

GENTLEMEN,

(Translation.)

THE extraordinary circumstances under which the Session of the Cortes for this Year commences, open a vast field for the patriotism of the Representatives of the Spanish Nation, and will ensure them a distinguished place in the annals of the Country.

Spain, at present the great object of the attention of Europe, is about to solve the problem which occupies alike, Kings and their Subjects. In it are centered the hopes, the fears, the interests of humanity, and the caprices of ambition and pride.

The Continental Powers which compose the Holy Alliance have used their voice against the Political Institutions of this Nation, which has conquered its Independence and liberty with its blood! Spain, in answer to the insidious accusations of those Powers, has declared solemnly to the World, that her fundamental Laws can alone be dictated by herself.

This simple and clear principle can only be attacked by sophisms supported by Arms; and those who, in the 19th century, are forced to have recourse to arguments of this description, give the best possible proof of the injustice of their Cause.

His Most Christian Majesty has informed us, that 100,000 Frenchmen are coming to settle the domestick concerns of Spain, and to reform the errors of our Political Institutions. Since what period have Soldiers been employed to correct Laws? And when have we ever found a military invasion the harbinger of happiness to any Nation?

It is useless to refute errors so opposed to all social Laws; and it would be unworthy of the Constitutional King of Spain, to enter upon a defence of the just Cause of his People, before those, who, in order to violate all sentiments of decency, have assumed the cloak of the most detestable hypocrisy.

I trust that the energy, the firmness, and the constancy of the Cortes, will give the best answer to the Speech of His Most Christian Majesty. I trust that, firm in their principles, and determined to pursue the line of their duty, they will ever prove to be the Cortes of the 9th and 11th of January; worthy, in every respect, of the Nation which has confided to them its fate.

I trust that reason and justice will not prove less courageous than the genius of oppression and slavery. The Nation that capitulates with an Enemy whose bad faith is notorious, is already a conquered Nation; and no ignominy is equal to that of receiving Laws imposed by an Armed Force.

If War, then, be an unavoidable evil, the Nation is brave, and will struggle once more for its Independence and its Rights. The path of glory is well known to it, and the sacrifices which such a struggle requires, will be made with pleasure. Firmness and patriotism offer us a thousand resources, which, in the hands of Spaniards, will always produce the happiest results.

For my part, I promise anew to the Cortes, to co-operate, by every means in my power, towards realising the hopes which all the Friends of liberty have conceived of Spain, by making use of every effort to repel force by force. My removal, together with that of the Cortes, to some Point less exposed to the influence of military operations, will paralyze the plans of the Enemy, and prevent any suspension of the authority of the Government, which ought to be felt in every corner of the Monarchy.

The Army, which has already rendered such important services to the just Cause, is in a state of rapid organization, agreeably to the late Decrees of the Cortes. The victories, which it is gaining over the factions within, will be the forerunners of other more interesting ones over our foreign Enemies.

The Provinces, generally, have shewn a sufficiently good spirit. The evils which they have suffered from the, so called, Defenders of the Faith, have dissipated the illusions of the ignorant, and have convinced them that the Constitution is the only true path.

The changes which have occurred in our Diplomattick relations

with other Powers have not diminished the courage of the Nation. The timid, who never know how to appreciate their own resources, and the designing, who turn their weakness to account, can never change the sentiments of a Nation, ever scrupulous where its honor is concerned, and unaccustomed to enter into any compromise with injustice.

The different branches of Administration present, at this moment, a very favourable prospect. The Cortes will continue, with their usual zeal, the important labours which they have already commenced; and the national prosperity to which they are directed, will consolidate the Constitutional System, which valour and energy must defend.

FERDINAND.

*MANIFESTO of His Catholick Majesty to the Spanish Nation, on the French Invasion of Spain.—Seville, 23d April, 1823.*

SPANIARDS !

(Translation.)

WHEN Napoleon, after having reduced the Continent of Europe to silence and obedience, offered us the cruel alternative of desolation or ignominy, without hesitating a moment, you adopted the resolution of resisting him; and, pursuing the arduous path which that resolution presented to you, you ascended to the summit of glory, and established your Independence. After the attempt thus made by the Destroyer of the Rights of Nations, it seemed that those who arrogate to themselves the title of Pacificators and Restorers of Order in Europe, would not repeat an example so fatal, without apprehension for its results. It was imagined that the noble and valorous People, who opened the way to the triumphs obtained over the Attila of France, would be secure of the respect of Sovereigns so deeply their debtors. Unfortunately, this expectation has not been realized, and, in the short space of 15 Years, unhappy Spain finds herself again involved in calamities equal to those she had previously suffered. It might be said, that Buonaparte, in revenge for his astonishing fall, has risen from the grave to animate with his ambition our imprudent Enemies, to fascinate them with his illusions, and impel them to the fatal precipice where their Predecessors perished.

For this frantic desire of governing and controlling every thing, and for the scandalous aggression which the French Government has committed in order to attain its ends, certain pretexts, equally vain and indecorous, are put forward as motives or excuses. The restoration of the Constitutional System in Spain is called a military insurrection; my acceptance of it, violence; my adherence to it, captivity; and the Cortes and the Government, which enjoy my confidence and that of the Nation, a faction: and these are the grounds on which they resolve to disturb

the peace of the Continent, to invade the Spanish Territory, and again to distract this unhappy Country with fire and sword.

But whom would they deceive by such absurd suppositions? Can it be Europe, where reason and equity have already treated such notions with the justice they merit? Or can it be Spain, in which they would diffuse them, notwithstanding the vehement indignation which they have inspired? I need not, Spaniards, remind you of the events of the Restoration. You, and all the World, well know, that though a few brave Soldiers had the good fortune and the glory to be the first to raise the cry of liberty in one corner of the Peninsula, the whole Nation voluntarily responded to that noble cry; and that, in less than two months, the Constitution was proclaimed and sworn to in all the Provinces.

Néver was there an example of an acclamation, so rapid and so universal, taking place, and to so great an extent. If a similar instance should be required, it would be necessary to look alone for it in that unanimity with which, 15 years ago, you declared against the aggression of Buonaparte, and undertook to rescue your King; for it is only among you that such grand political phenomena occur, which astonish the imagination, challenge the applause and admiration of the world, and render abortive all the plans of calculation and cunning.

The general will of the Spanish People having been so solemnly pronounced, it became my duty, as a Spaniard and as a King, to yield to your wishes, and to accept and swear to maintain those Laws, under the auspices of which you had preserved my Throne and defended its Independence, by expelling the Enemy from our Territories. Those Laws have been applauded and recognized in Europe, even by the very Potentates who now pretend to deny their just and glorious origin. It was not the Army which gave those Laws to the Nation. The Army and the People received them from their Representatives, and swore to them in full liberty, and with sentiments of the most heartfelt gratitude. Those Laws, unfortunately suspended during the space of 6 years, offered an asylum of tranquillity and repose to the Spanish Nation, as well as a prospect of felicity, by presenting a fixed and certain point of union, independent of every interest and of all individual passions. To those Laws the Spaniards appeal, and I also join their voice. If the insidious suggestions which, on my entrance into Spain, prevented me from perceiving the utility of preserving them; if my inexperience, and the ignorance in which I remained during my absence and captivity, respecting the state of Spain, occasioned evil counsels then to prevail, such circumstances cannot invalidate the justice with which the Nation reclaims rights, which are so notoriously its due, nor in any manner diminish the obligation of my royal word and solemn oaths.

I never wish to fail, nor ever will fail, in my duty to those oaths, and this final and decisive resolution ought at once to impose silence



on all insidious imputations of every description. To discuss whether or not I am at liberty in my present political situation, and whether or not a faction governs Spain, or any other of the pretexts of which our Enemies avail themselves to excuse their shameful aggression, would be to fail in the respect which I owe to my high dignity, and to encourage the calumnies of our perpetual detractors. Of what use would it be to reply to charges, of the falsehood of which their very authors are convinced? Believe me, Spaniards, the Constitution of itself is not the real motive, either of the haughty and ambitious intimations, or of the iniquitous War which is directed against us: at another time, when it suited the interest of our Enemies, they applauded and recognized the fundamental Law of the Monarchy. The object of their insinuations is not my liberty, which to our Enemies is of little or no importance; neither is it our internal disorders, which they have so much exaggerated, which would have vanished had they not fomented them. Their real motive is the manifest and declared wish for the power of disposing of me, and of you, according to their caprice—that they may impede our prosperity and happiness. Their intention is, that Spain should ever be chained to the car of their pride and power; that it should nominally be a Kingdom, but really a Province appertaining to another Empire, in order that we may only live and move for them, and for their advantage.

In former times, Governments paid more respect to each other. In the complaints which preceded acts of hostility, it was usual to allege injuries of People against People, of Nation against Nation. So long as the stipulations of Treaties remained uninflected, no power dared to prescribe to States, on any pretence whatever, the regulation of their internal administration. Now, however, the presumption which the powerful derive from the force they imagine they possess, has induced them openly to despise all the respect which is due to human rights, and to endeavour to make their own interest the only rule of their conduct, and their own will the only law for others.

Such language and such principles, hitherto unheard of in the Law of Nations, are, however, incapable of being applied to Spain. How can those deluded Cabinets imagine, that a Nation of 12,000,000 of souls, situated in one of the extremities of Europe, bounded by the sea, and defended in front by the Pyrenees, should so speedily lose all use of its strength and of its position? Who guarantees to them, that this Nation, forgetting the noble feelings of honour which have hitherto characterised it throughout the World, will bend to the yoke which its enemies now wish to impose upon it, after it refused to yield to the colossal power of Buonaparte? Who, in short, has persuaded them, that Spaniards are so senseless, or so base, that, to avoid the danger with which they are threatened, they would consent to trade the blessings liberty bestows, for the whip of slavery.

All the advantages which a well-organized social state can offer to man, are enjoyed by the Spanish citizen. Governed only by the Law; inviolable in the exercise and enjoyment of his thoughts, of his person, and of his property; contributing only his share in the sacrifices prescribed by his Representatives; being present, either personally, or by means of those who are worthy of his confidence, at the receipt and disbursement of those sacrifices; having open to his activity and industry all the roads to knowledge, glory, and fortune; the Spanish citizen treads majestically on the earth, and in his social dignity knows no man for his superior.

Such is, and such ought to be, the Spaniard, in virtue of the Law. If there be any of you, who can dread the result of the contest in which foreign injustice has engaged us, look for a moment into the future, and suppose yourselves already under the power of your relentless enemies! Tyrannized over by their superior officers, insulted by their subalterns, harassed by the system of taxes, of espionage, of suspicion, and secret informations; without security, without any consideration, political or civil; made the object of the sport of insolent cowards;—such is the deplorable fate which awaits you; and you will perceive that the preservation of your liberties is less difficult than to endure the pride of your oppressors.

As for myself, placed by Providence at the head of a generous and magnanimous Nation, to which I owe every thing, I shall not fail (I swear it to you) in the sacred obligations, which so elevated a post, and such distinguished benefits, point out and present to me. Resolved to follow your fortunes, I will not accede to any other Treaties or Conventions, that may be proposed to my Government, than such as are consistent with the Political Constitution of the Monarchy. The Monarchs of Europe who have united against us, seduced by an implacable and rash party, allege my liberty and defence as pretexts for their violent attempt; but they are grossly mistaken if they think to deceive the World, much more myself. They probably think that I have buried in oblivion the treachery with which Napoleon, calling himself my Ally, my Protector, and my Friend, enticed me to his arms, the better to rob me of my Crown. Are not these Princes the same who so long acknowledged that Tyrant, and confirmed his usurpation? Was it for my defence or rescue that they afterwards took up arms against him; or was it not rather from a sense of their own danger, and for the security of their Thrones, then threatened by that insatiable and ambitious man? They talk of my liberty, but what signification do they give to that word? The same which they gave to that of the King of Naples, my respected Uncle, whom they have never allowed to fulfil any of the promises which he so solemnly made to his Subjects, on his departure for Laybach. And, after having been the abettors and instigators of

all the deeds of revenge, and all the persecutions and calamities which oppressed unhappy Naples, when the moment arrived in which they found it convenient to act another part, did they not cast all the disgrace of their violence upon the Government of that Monarch?

Spaniards! I renounce, from this moment, in the face of Heaven and Earth, such degrading protection and defence. For you I am King, and for you, and with you only, I wish to reign. In peace or in war, in tranquillity or in trouble, I ever found you loyal and faithful. My liberty and dignity will be more secure in your hands than amidst Foreign bayonets. I prefer to respect the Laws which we have all sworn to obey, rather than to be the instrument of the caprice and inhuman policy of your enemies. Unite yourselves cordially with me, in the same manner as I henceforth unite myself with you. Let us mutually bury in oblivion all suspicion, distrust, and contention; these are evils which usually attend political disputes; but they are evils which should yield to a greater interest; namely, the general defence. Let us defend and maintain the Constitution: first, because it is our Fundamental Law; and next, because, that being attacked, the sacred and inviolable rights of our Independence are also assailed. If our Constitution be faulty, it is not for the Monarchs of Europe to mend it; and still less does it become them to employ for that purpose, insults, threats, and force. It is our business alone to perfect our own work, and this we will do when we find it convenient and proper. At the present moment it is necessary we should show ourselves to be Spaniards; that we should prove ourselves to be such with all our hearts: let us be united, and, doubt it not, the Country and liberty will be saved.

Thus will the hopes which the injustice of our enemies cherishes be disappointed and defeated. They reckon upon our weakness, imagining that we possess no means of resistance; they calculate on our cowardice, thinking that we have not the spirit to face them; they trust to our parties and divisions, fancying that we have not the prudence to suspend our differences; finally, they count upon our state of abandonment, presuming that no other power will interest itself in our fate. Confident in the supposition of our absolute nullity, they have endeavoured to intimidate us by marching against us the same Chiefs and the same soldiers who were heretofore the blind instruments of him who spread terror throughout Europe. But you also are the same Men. Can your courage ever be doubted? No, Spaniards! It is the voice of duty that calls upon you. National honour urges you to arms, and your security demands it. Let the aggressors come then against us. To Arms! Our plains, precipices, caverns, wells, and even houses, are yet covered with the bones, and moist with the blood, of their predecessors. Let them come and experience the same fate. Since their obdurate hearts do not respect the cries of humanity and justice, their own

reverses shall serve for their chastisement, and you will then, by your heroic courage and constancy, have secured to the Nation its Political Liberty, to me the dignity of the Crown, and to all Independence.

FERDINAND.

***SPANISH DECLARATION of WAR against France.***

*Seville, 23d April, 1823.* (Translation.)

OFFICE of the Secretary of State for Foreign Affairs.

THE King has been pleased to address to me the following Decree:

Whereas the Spanish Territory has been invaded by the Troops of the French Government without a Declaration of War, and without any of those formalities which custom has sanctioned; and whereas this act of aggression can be viewed in no other light than as a violation of the rights of Nations, and an open commencement of hostilities against Spain; and it becomes my duty to repel force by force, to defend the integrity of the States of the Monarchy, and to chastise the audacity of the invading Enemy: I have, therefore, resolved, after consulting the Council of State, pursuant to the provision in Article 236 of the Political Constitution, to declare War, as in fact I do now declare it, against France.

Wherefore I charge and command all the competent Authorities to carry on hostilities, by sea and by land, against France, with all the means in their power, consistently with the Law of Nations; and I further order, that this my Declaration of War be published with all due solemnity.

You shall hold it to be promulgated for execution, making provision for printing, publishing, and distributing it.

In the Alcazar of Seville, April 23d, 1823.

(Subscribed by the Royal Sign Manual.)

EVARISTO SAN MIGUEL.

***MEMORIAL of the Minister for Foreign Affairs of Spain, to the Cortes.—24th April, 1823.***

GENTLEMEN,

(Translation.)

THE Diplomatick Relations between Spain and Foreign Powers at present assume a different aspect from that under which they appeared on the opening of the Ordinary Cortes. The causes which have produced this change are not altogether unknown to the National Congress, but I will endeavour to give a clear, decisive, and copious explanation of them.

A Congress of the said High Powers has in the interval been assembled; and, although Spain was not called upon to take part in their deliberations, yet the nature of them is sufficiently known to all Europe, to make it evident that the subject treated upon was the



establishment and support, at every cost, of certain anti-social principles, which those Potentates would represent as the sole guarantee of the stability of Thrones and the tranquillity of States.

Those principles, however, entirely differ from those professed by Constitutional Spain; and are at variance with the dictates of humanity, and with the sentiments of the enlightened classes of Society: It is evident that the purpose of the Congress of Verona was to maintain the European Diplomacy, and to overturn that of Spain. The Cabinet of the Tuileries took the most active part in the Conferences. Being an enemy to the Institutions of Spain, it did its utmost to injure and render inefficient their salutary objects.

Without openly declaring such intention, it had recourse to whatever might destroy them. Its endeavours to sow the seeds of a Civil War in our Country are well known; the factions with whom have originated so many of our misfortunes, were organized in the Provinces on the Frontier of France; there the enemies to the Spanish Constitution found protection; it was there that they took up arms, and formed a body, which assumed the name of the "*Cordon Sanitaire*," and served as a screen to the enterprizes of those perjured men; there also those traitors who dared, to the scandal of the world, to assume the title of the Regency of Spain, and to arrogate to themselves the authority of the King, to create War against their Country, found protection and encouragement.

The Spanish Government remonstrated repeatedly against this infraction of the Rights of Nations; a conduct so inconsistent with the dictates of humanity, as that of giving protection to criminals. Every appeal and reclamation was, however, evaded, under the most frivolous pretexts, as complaints of this nature ever will be when not enforced by power. Spain, at that time, had no more than 150,000 men to claim redress for its wrongs.

The French Cabinet presented itself at Verona with sentiments so unfriendly to the cause of Spain; and, if we may judge of its conduct by the sequel, it was that which gave rise to the animosity of the other Cabinets. Moments of irresolution may have somewhat changed its apparent intentions; but the iniquitous purpose was there effected, and the communication of the French Government with its Plenipotentiary at Madrid, proved, but too well, its ultimate views and designs. The Cortes have been made acquainted with that communication, and with the reply given to it. His Majesty's Government could not give a different one, without compromising that which it must consider a sacred deposit; the national honour. To a tissue of mere suppositions, unfounded accusations, and vague, insulting, and sophisticated recriminations, dictated by the most glaring bad faith, no other answer could be returned than that of an unqualified denial, in terms more or less explicit or decorous.

The French Cabinet expected no other reply ; its resolution had been taken, and its purposes solemnly determined upon. Nor was it likely that it would seek the approbation either of the Spanish Government or Nation, by addressing the former in the most insulting and abusive terms. Such a proceeding had no other object than that of fomenting the dissensions which existed by every means in its power. It was too well aware of the natural feelings of the Spanish Ministry, and of the principles which animated the National Congress, not to anticipate that they would, at so critical and important a conjuncture, betray timidity and irresolution.

The Count de la Garde's departure from Madrid, and that of the Duke of San Lorenzo from Paris, were the first results of these Communications. The Speech of His Most Christian Majesty, on the Opening of the Chambers, and, subsequently, that of the Viscount de Chateaubriand, dissipated the illusions of those who entertained any doubt of the bad faith of the Cabinet of the Tuileries. The approach of War became more evident ; the preparations for it were carried on with the greatest activity ; the Army of Observation was then called the Army of Spain, and to crown its injustice, it invaded the Peninsula, on the 7th of the present month, without any Declaration of War, or previous communication with our Cabinet.

This last proceeding gives undeniable evidence of the perfidy of the Cabinet of the Tuileries, and clearly shews, that the motive for its conduct, throughout, has been the ambition to govern Spain. The desire it professes to exert itself for the welfare of the Peninsula, and the invading it with its own Troops, are such a palpable contradiction, and so gross an absurdity, that the act of Invasion is thereby rendered doubly odious. Never were ambition and injustice veiled in deeper hypocrisy ; but this enlightened age, rising superior to duplicity, brings to light these mysteries of iniquity, the Authors of which will eventually suffer for their conduct.

The deed, however, is done : and the Spanish Arms will redeem their injuries on France by open War. All the sophistry employed to justify this aggression will be refuted by the valour and resolution of the People whose Country is invaded ; for neither the Spanish Government, nor the Cortes, can enter upon Negotiations or Conventions whilst Foreign Troops occupy the Territory of Spain.

It is well known, that three other great Continental Powers, Russia, Austria, and Prussia, made similar, and even more explicit, Communications to His Majesty's Government than those of the French Cabinet. But the Government, not having hesitated as to the reply which should be given to the latter, was less embarrassed when it had to contend with the former, whose arguments were equally fallacious, but couched in terms still more insulting.

Neither of the three Cabinets have entered into any explanation with this Government since those Communications. The Representatives on both sides have, however, been withdrawn, and His Majesty's Government, availing itself of the authority with which it was invested, by the Extraordinary Cortes, has directed that all commercial intercourse with the said three Powers shall be suspended.

A circumstance which in itself appears of little moment, but which, however, to the eyes of the political world, is of much importance, has interrupted our diplomatick intercourse with the Holy See. His Majesty's Government was in treaty for sending to it, as its Plenipotentiary, an Ecclesiastick of known excellence, for the purpose of regulating matters of a delicate nature pending with that Court, which required a person particularly well versed in ecclesiastical affairs. This person was considered by His Holiness as inimical to the doctrines of his Court, and admission was accordingly denied to the Plenipotentiary. His Majesty's Government, under other circumstances, would have deferred to the Holy Father; but the motives alleged by His Holiness for this rejection, being deemed contrary to the right which belongs to a Deputy from the Court of Spain, of expressing his opinion, the Government was not willing to wound the pride of the national representation on so sensible a point, and preferred the removal of His Holiness's Nuncio. But this suspension of diplomatick intercourse will have no influence over transactions which are purely ecclesiastical: His Majesty's Government, on discontinuing its communications with that temporal Prince, could not fail to bear in mind that he was the acknowledged head of the Church.

Our diplomatick relations with the Court of Naples, where we have only a Consul for mercantile affairs, remains uninterrupted. Such is also the case with respect to Sardinia. A Consul-General resides at Genoa, and a Vice-Consul at Nice.

Great Britain did not adopt the principles professed at the Congress of Verona, by the other four Powers of the Holy Alliance, and took no part in the proposed interference with regard to the Peninsula. The speech of His Britannick Majesty, on the opening of the Parliament, clearly evinced his wish to preserve peace on the Continent, the rupture of which would entail consequences not within the scope of human foresight.

The Government of His Majesty, after having received and replied to the communications from the four Nations referred to, transmitted to the British Cabinet, through the medium of its Plenipotentiary at Madrid, an Official Copy of all the Documents, stating the powerful motives which induced the Spanish Ministry to the line of conduct it had adopted in so intricate and delicate a matter, and protesting against the right which any Power might arrogate to itself to intermeddle in the affairs of the Peninsula; it claimed the good offices of Great Britain, to

prevent a rupture, by which humanity in general would suffer, and whose consequences would be of no advantage to those Cabinets which provoked it. The English Government, whose object and wishes are to preserve the Peace of the Continent, earnestly endeavoured to prevent the breaking out of Hostilities; but the invasion of Spain by the French Army has proved that its exertions were ineffectual. Its attitude is at present neutral, and it would appear that it is disposed to be a passive spectator of this contest. But how long will it continue so? Can it be indifferent to a War in which interests of such magnitude are involved? And were it to declare itself for either Party, would it provide France with auxiliaries to enslave Spain? Would it, at the same time, facilitate the aggrandizement of Russia? Or can it long withstand the solicitations of a considerable part of the English Nation, which is anxious for the liberty of the Peninsula? These are the questions of Politicians, and the energy with which the Spanish Nation shall conduct itself, will very soon offer a reply to them.

Our relations with Great Britain are upon a friendly footing, and the Communications of the four Powers referred to, have manifested the degree of importance which attaches to the justice of the Cause in which we are engaged for the defence of our rights.

The grounds of complaint which that Cabinet had to prefer against Spain, respecting the seizure of Merchant Vessels belonging to British Subjects, in the American Seas, and others of less importance, were amicably adjusted by the Decree of the last Cortes Extraordinary. For the perfect fulfilment of this just proceeding, the two Cabinets have come to an agreement, by means of a Convention, the ratification of which is now preparing.

Portugal, governed by the same principles, institutions, and laws, and, it may be said, by the same interests, as ourselves, is our natural Ally, and, on many accounts, nothing can break the ties which result from the similarity of our condition. The silence preserved by the Powers of the Holy Alliance, with regard to Portugal, should render that Nation distrustful of them, as such a proceeding betrays another instance of the machiavelism of those Potentates. The anathema fulminated against our Constitution cannot fail to be applied to that of Portugal, whose principles, and whose risks and dangers, are the same as our own.

Portugal, aware of the identity of these principles, proposed entering with Spain into a Treaty of Defensive Alliance. His Majesty's Government favoured this project, and willingly encouraged every negociation. Various Conferences were held upon the subject, and projects of articles were prepared, the discussion of which occasioned difficulties and embarrassments. The Portuguese Cabinet was desirous that, to those of Defensive Alliance, certain articles relating to Commerce should be added. His Majesty's Government, however, aided



by the opinion of the Council of State, considering the inconvenience of entertaining that overture, proposed to adhere solely to the first and most interesting object. That of Portugal conformed at last to this opinion, and its Chargé d'Affaires was directed to confine himself to the Articles of Defensive Alliance; the Negotiations proceeded with tolerable despatch; but, either from a diminution of the Portuguese Forces, in consequence of its Expedition to Brazil; from the embarrassment occasioned by the insurrection of the Count Amaranthe; or from other motives, the consideration of which is not suited to the present occasion, the Portuguese Chargé d'Affaires notified, in the middle of March, that the delicate circumstances in which his Nation was placed, would not admit of its entering into a Defensive Alliance, in virtue of which the auxiliary troops might be employed in any part of the Peninsula; because they could not be allowed to cross the frontier of ancient Estremadura, Leon, and Galicia; but that troops would always be enabled to prevent the escape of our deserters, which would be an incalculable advantage.

His Majesty's Government contended that an Alliance, by which the auxiliary Troops would not be at the disposal of the Government requiring their assistance, would not be worthy of such a name; that the employment of such Troops in the Provinces mentioned was no other than keeping them exclusively for the defence of their own Territory; but that Spain was willing to accede to any stipulation with Portugal, provided that it was publicly agreed that the two Nations should mutually guaranty the Constitutional system, for which grand object, in obedience to the holy cause of liberty, both Governments should exert themselves.

The Notes and Communications, generally, which have passed between His Majesty's Government, and that of His Most Faithful Majesty, have rested upon the following three principles. 1. That the moral force which both Nations would acquire by means of this Alliance, would be superior either to its physical or effective influence. 2. That the destruction of the Constitutional System in Portugal would be the result of the destruction of the Constitutional System of Spain. 3d. That, under these circumstances, the cause of the two Nations was the same, and that the real frontier of Portugal was the Pyrenees.

The Portuguese Cabinet has not yet replied to the last Note of His Majesty's Government; but, whatever delay may arise during this Negotiation, Portugal cannot fail to make common cause with Spain, after the distinguished proofs it has given of its adherence to its present institutions. Its Deputies in the Cortes have manifested their determination and patriotism, in consequence of the pretensions and rights which the Potentates of the Holy Alliance have arrogated to themselves. Were Portugal to witness passively an invasion of the Pe-

ninsula, she would be dishonoured ; a disgrace which is not likely to attach to a Nation whose fame and renown are so well known to the world.

Whilst this Treaty of Defensive Alliance was about to be definitively settled, a Convention was entered into between the Cabinets, for the purpose of delivering up, on either side, Deserters, and other Delinquents ; which Convention has been ratified, and the salutary effects of which have been already experienced.

A Note has been subsequently received from the Chargé d'Affaires of Portugal, in which it is stated that His Most Faithful Majesty will henceforward consider the mere act of the invasion of the Peninsula as of that of Portugal, and that all the Portuguese Forces shall be disposable to serve, either jointly or separately, for the repulse of the common enemy of the national liberties of the Peninsula.

Such is the state of our relations with Portugal. The reclamations, relative to the occupation of Monte Video, would have been already terminated in a satisfactory and amicable manner, had not the events which have occurred in Brazil rendered it unnecessary.

The relations between His Majesty and the United States of America have been somewhat affected, in consequence of the dissensions in our Provinces in the New World. Commercial interests, and probably other motives, have induced those States to recognize the Independence of the dissenting Governments of those Possessions, declaring that the same perfect neutrality which they had hitherto maintained, would be observed towards the contending parties, in the event of War. This conduct appearing to be foreign to the good understanding which formerly subsisted between The United States and Spain, His Majesty's Minister at Washington protested against the same, and when the American Government received Envoys from the various dissenting Provinces, he absented himself from Washington, and repaired to New York, there to await instructions from the King. The Spanish Government has approved of the conduct of this Minister, but nevertheless has not interrupted the Diplomatick Relations : in consequence, however, of these proceedings, and the late occurrences in Mexico, the demarkation of the boundaries, for which Commissioners had been appointed on both sides, has been suspended.

The early arrangement which will be made, respecting the fate of our American Provinces, which circumstances imperiously demand, will put an end to these and other unpleasant difficulties, in which we might be involved by any further delay.

The Kingdom of The Netherlands continues with us on the best and most friendly understanding. The Treaty of Alcala is observed most scrupulously with regard to that Power, which is always disposed to unite its Navy with ours in fulfilment of that Convention.

The King of Sweden has frequently given proofs of his friendly disposition towards Spain, and of the esteem in which he holds our political regeneration. The interest which he takes in our cause has been officially expressed to our Chargé d'Affaires, and, in recommending to Spain to parry the blows which are aimed at it with firmness, energy, and constancy, he evinces that he is acquainted both with the Nation and the character of its Inhabitants. His Catholick Majesty has sent King Charles John the collar of the Order of the Golden Fleece, which testimony of friendship has been received by that Monarch with all the consideration it deserves.

The Legation at Dresden offers nothing at this moment connected with politicks. The same may be said with respect to Denmark.

The agitated and disordered state of Turkey is sufficient to indicate the passive nature of our relations with that Empire. The privilege of a free passage to the Black Sea, still denied to our Vessels, is the chief object at present pending at that Legation. Notwithstanding the perseverance and earnestness with which our Chargé d'Affaires has frequently solicited it, his endeavours have hitherto been fruitless, and we must therefore wait for a more favourable opportunity.

The death of Muley Soliman, late Emperor of Morocco, has calmed for the present the convulsions of that vast Empire. His Nephew, Muley Abdrajan, possessor of all his wealth, succeeded him without much opposition, and it appears that no rival of any class whatever will be opposed to him. His Majesty has determined to send to the new Emperor a formal Letter of felicitation, in return for that which he received from the Court of Morocco, on his return to Spain.

The Governments of Tripoli and Tunis offer nothing new.

The Government of Algiers is bordering with ours on a state of hostilities. The Cortes were informed, in the month of March last Year, of the unjust pretensions of the Dey, in claiming 1,300,000 dollars, which he pretended was the amount of what Spain owed to his Subjects.

An expedition of 2 Men of War to that Government was immediately forwarded; and His Majesty at the same time proposed, in a Letter to the Dey, a most reasonable and equitable agreement: this Negotiation, however, did not succeed.

His Majesty's Government, observing afterwards the hostile disposition, and the insulting and menacing tone, of the Dey, subsequently sent another Expedition, with the object of negotiating for the same friendly transaction, and in default of success, of effecting the embarkation of the Consulate; and, as all measures taken with the Dey have proved ineffectual, he having obstinately and arrogantly refused to listen to just proposals, it was thought requisite to withdraw the Consular Establishment.

All relations between His Majesty and that Government have consequently been broken off; and it was necessary to take measures of security in the event of the Algerines making any attack upon our Ships; but, either from the wretched state of their Naval Forces, or from the respect in which ours, united to those of His Majesty the King of The Netherlands in the Mediterranean, are held by them, they have not hitherto commenced Hostilities; the Government is nevertheless taking proper measures to put an end to this state of things, in the manner most suitable to the dignity and convenience of the Nation.

Such is the actual condition of our Diplomatick Relations. The Cortes must have observed, that, although they may have been suspended, or are in no favourable position with some Powers, it is the consequence of the circumstances in which we are placed with respect to them, and which it was not in the power of the Government to prevent. The principles by which we are governed, and those of the Continental Cabinets of the Holy Alliance, differ too much, not to occasion alarm on the part of those who dread the ascendancy of intellect. Our small number of Troops, the scantiness of our Treasury, added to the difficulties experienced in the interior of the Peninsula, have encouraged those Potentates to make us the object of general animadversion, the effects of which will be annulled if we display strength and firmness, which are the real support of States.

If Spain is interdicted by some Cabinets, on the other hand, she has acquired incontestible rights to the esteem of impartial men, and lovers of liberty, who render justice to her generous sentiments. Even in the most despotick Countries, her conduct in the last diplomatick occurrences has been approved of. The cause she maintains is just; the means she has employed to support it have contributed to render it still more sacred.

Cabinets are not Nations. Spain has friends in all those who reflect, and who have not renounced sentiments of honour and justice. All eyes are fixed on a great Country, which but yesterday was an insignificant appendage to Europe; all look upon it, in some measure, as the Arbiter of the destinies of Nations, on the point of solving the greatest problem which can be offered to the intellect of Man.

The wish in favour of the cause of liberty in Spain is general throughout Europe. The Cabinet of the Tuileries cannot fail to be an object of universal censure in this enlightened age. A number of men whose liberal opinions are compromised, look forward to a favourable opportunity for recovering their freedom; and Spain will become the theatre upon which the intellects of the age will struggle with aristocratical principles, which are only distinguished by absurd pretensions, such as belong to the Gothic Ages.



To valour, constancy, and firmness, the Spanish Nation will be indebted for conquest, liberty, and the esteem of other Nations, and, above all, for that strength, which is the real and only basis for Diplomatick Relations.

*Seville, 24th April, 1823.*

EVARISTO SAN MIGUEL.

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NOTE.

The desire of satisfying the question of an honourable Deputy, put in the Session of yesterday, the 23d, as to whether France, of itself, or through the medium of any other Power, had made any propositions to Spain, after the suspension of the Diplomatick Relations between the two countries, and the consideration that the explanation of this matter may be the means of removing errors of perhaps great importance, have induced me to make an addition to my Memorial, which will leave no doubt on this subject, and to enter into details, which I did not, on drawing it up, think sufficiently interesting.

I have stated that His Majesty's Government communicated to the English Cabinet Official Copies of the Notes received from the Four Continental Powers, and of the answers returned to those Notes, explaining the just grounds on which it was thought proper, under such delicate circumstances, to act on the occasion; it at the same time protested against all right of interference in its internal affairs, and expressed a hope that Great Britain would interpose its good offices to avert a rupture which might produce fatal results. The English Government, desirous on its part to preserve the peace of the Continent, did in fact endeavour to prevent the War from breaking out; and, as the French Government made the alleged vices in our Constitution a pretext for War, England manifested a wish that we should offer something which might serve as a basis for Negotiation. But what proposition could the Spanish Government make under such circumstances? Modifications in the Constitution! To propose any to the Cortes would be self-degradation, after having, in the memorable sittings of the 9th and 11th of January, witnessed so unanimous and solemn an approbation of its conduct towards the Four Continental Powers of the Holy Alliance. The Government, therefore, adhered to its first declaration, and would not render itself guilty of the most absurd inconsistency.

Whilst Great Britain was taking the steps in favour of peace, which, as has been stated, were fruitless, the Spanish Government was shown two or three communications made to Sir William A'Court;—one by the Minister for Foreign Affairs, Mr. Canning, and the others by the English Ambassador in France. In the former, the English Minister stated, that it would be impossible that his endeavours to prevent the War could have a favourable result, while we made no concessions on our part which might serve as bases for the mediation:

the other two were Copies of Despatches which the English Ambassador in France had transmitted to Mr. Canning, in which he related conversations he had had with the Viscount de Chateaubriand on the point in question.

The undersigned Secretary of State does not perfectly recollect the contents of these three communications, which were read to him by Sir W. A'Court, by order of his Cabinet, without being accompanied by any Note, and of one only of which he has an extract in his office. He can only state that the propositions put forth in them were :

1. That the Constitution should be declared to be given by the King, from whom it should emanate as from its true source.
2. That the Council of State should be appointed by the King, and should participate in the Legislative Authority.
3. That it should be declared that the time for making reforms in the Constitution had arrived.
4. That the Deputies of the Cortes should in future possess the property required by the Constitution ;—and some others, which I do not recollect.

In the communications of Mr. Canning to Sir W. A'Court, no mention is made of the first of these four modifications.

These communications, verbally made and brought forward in an indirect and vague manner, could, according to the view of His Majesty's Government, make no change in the question ; in the first place, because the alterations in the Constitution which they involved were altogether contrary to what had already been manifested in the most publick manner to the Cabinets of the Holy Alliance. 2dly, Because these alterations are also contrary to the solemn declarations made by the Cortes in the sittings of the 9th and 11th of January. 3rdly, Because the propositions were not made in a manner suitable to matters of such high importance. And 4thly, Because the vague manner in which the Viscount de Chateaubriand had declared himself, carried with it all the character of the bad faith of the Government of the Tuileries, of which Spain has already received so many proofs.

For these weighty reasons, and others which it is not necessary to state, His Majesty's Government was of opinion that they might overlook the insinuations which had been made ; and, supposing that the documents would always preserve the confidential character with which they had been invested, the Government did not enter into the subject in the memorial drawn up on the state of our Diplomatick Relations. But now that malignity wishes it to be supposed that France has made new propositions ; that these propositions have been rejected ; and that the inopportune tenacity of the Spanish Government had in part been the cause of the invasion by the French army, it is proper to make known to the Cortes, that the new propositions are the same as the old ones, which had been rejected, because they

related solely to changes in the Constitution; that the Government would not degrade itself by such a course of inconsistency; that the Government is also of opinion that any reform which the Congress might thus make in the Fundamental Code, would appear to be wrested from it by terror and force; and finally, that vague hints, indirectly thrown out by a Government which had given so many proofs of bad faith, which has insulted the Spanish Nation, and which has invaded our soil, bringing a vanguard for its army composed of factious enemies of the country, do not deserve to be listened to.

In the mean time, while the French Government was thus ambiguously expressing itself to the English Ambassador, it publicly announced that it was going to deliver Spain from her Revolutionary Oppressors; and while we were still in full peace, in the middle of February, a French Ship of War captured and carried into Martinique the Spanish Merchantman *Veloz Mariana*, which was bringing to the Peninsula 3,000,000 of dollars belonging to Merchants. On the consideration of this, and a thousand other equally contradictory proceedings on the part of France, the Cortes must be fully convinced that the conduct of the Government could not, in such dangerous circumstances, be other than it had been; that consequently, acting as duty and honour dictated, its conduct in publick and private was the same; and that if the Ministers could have had any doubt of the propriety of their conduct, their conscience must have been tranquillized in consequence of the patriotick and sublime enthusiasm displayed by the Cortes in the Sittings of the 9th and 11th of January, and by the innumerable congratulations which on that account have been presented to the Congress and the Government, by so many respectable Bodies of the Monarchy.

*Seville, April 24th, 1823.*

EVARISTO SAN MIGUEL.

*CIRCULAR of the Spanish Secretary of State for Foreign Affairs, to His Majesty's Diplomattick Agents at Foreign Courts, protesting against the conduct of France.—Seville, 27 May, 1823.*

(Translation.)

THE uniformly hostile and perfidious conduct observed by the Cabinet of the Tuileries towards Spain, from the moment in which the existing Political Constitution was established, is notorious to all. The flimsy veil, which for some time covered so much perfidy, was, without respect to publick decorum, shamelessly torn aside by the French Ministers, in the midst of a Legislative Assembly; and posterity, full of indignation, will know, by the confession of the guilty

themselves, that the Government of a Monarch who styles himself Most Christian, excited in a Peaceful Nation, its Neighbour, Friend, and Ally, the flames of Civil War, created Factions, and protected Murderers and Traitors, in violation of the faith of Treaties.

It turned the most legitimate and bloodless Political Revolution which the History of Nations presents, from the tranquil course it was pursuing, by paying vile writers to discredit virtue, sow distrust, and foment anarchy.

It calumniated the cause of Liberty, by taking advantage of those excesses, and of those convulsions, which its own intrigues and bribery had excited.

In order to prove the necessity of an impious War, and of an Invasion, the most abominable ever witnessed by Man, it overturned the bases of universal justice and the Laws of Nations, by introducing the unjust principle of the intervention of one Power in the domestic concerns of another; a principle which destroys all Independence, all tranquillity, all stability, of political society.

But these iniquitous proceedings were not sufficient to satisfy the Cabinet of the Tuileries. To satisfy the frantick Faction which directed it, it was necessary to crown them by one of those acts, which from time to time occur in the blood-stained pages of History, to the disgrace and civilization and shame of the People who tolerate it: it was necessary that a Government which loudly proclaims the maxim of the legitimacy of dynasties, and of the inviolability of Monarchical Power, as the only safeguard of the peace and happiness of Nations, should present to the World the disgraceful and dangerous spectacle of forming, recognizing, and protecting a body of Traitors to their Country and King, who dare to style themselves the "Provisional Junta of the Government of Spain and the Indies:" it was necessary that a Government affecting to combat in the name of religion, of morality, and of the principles which are the ground-work of Society, should suborn perjury, excite sedition, tear asunder the bonds of subordination and public order, deprive Authority of its influence; should undermine, in short, the foundations of the Throne it pretended to uphold, and raise unworthy suspicions of the good faith of the august Monarch who occupies it, supported by the loyalty of his subjects: it was necessary that the Army of a Power, which supposes itself the most advanced in civilization, should aggravate the terrible practices of War, in a manner hitherto unheard of; and render it a thousand times more odious and destructive: by sending before it bands of deluded and wicked Men; by using as auxiliaries falsehood, treachery, and fanaticism; and by designedly exciting the fury of troops of banditti, in order to present itself afterwards amongst the suffering People as a beneficent liberator.

Europe, at the sight of these horrors, is silent and assenting.—The weak Powers tremble, and those denominated Great Powers.



either favour the French Cabinet by approving its pernicious doctrines, or rely on the superiority of force that preserves them from their effects. But power is not eternal; and the Nation which, at one time, dictates laws to others, is, at another, the object of their contempt. Perhaps the Nations, which deprecate in theory the strange maxims of Publick Right, which it is attempted to introduce, but which forbear to impede their dangerous application, will repent, though late, of the enormous error they have committed. The successful repetition of such acts of excessive power will seem to sanction their justice; the feeble barriers will be broken down, which have hitherto protected the Independence of Nations and the balance of power; notions of publick morality will be effaced, and the light of civilization will be extinguished by the breath of barbarism.

The Spanish Government, placed at the head of a generous Nation, to support not only its own cause, but the cause of mankind in general, although torn by Foreign intrigues, will either triumph over its perfidious Enemies, or fall with glory and with honour. It would, however, be wanting in the fulfilment of its most sacred duties, if on so great an occasion, it were not boldly to raise its voice. It ought to protest, and it does solemnly protest, in the face of the World, against the monstrous Right of intervention of one Power in the domestick concerns of another, and against the perversion of the right of War, of which the Cabinet of the Tuileries has rendered itself culpable; it protests against the erection of an illegitimate and seditious Junta, as well as against any other semblance of Government, that may be substituted for it, and declares all Acts that may emanate from them null and void: it denounces these iniquities to the execration of all Governments, of all Nations, and of posterity.

His Majesty commands me to instruct you to communicate this Protest to the Government to which you are accredited, to furnish a Copy of it to the Minister for Foreign Affairs, if he requests one, and to make it publick. God preserve you, &c,

JOSE MARIA DE PANDO.

***DECLARATION of the Cortes, as to any Modification of the Spanish Constitution.—Cadiz, 2d August, 1823.***

OFFICIAL.

(Translation.)

AMONG the various stratagems resorted to by the Enemies of Spanish Independence and honour, to destroy confidence and introduce anarchy and division of opinion, none have produced evils of such magnitude, as the impression that the Cortes were negotiating with the French Government. The memorable Sitzings of the 9th and 11th

of January last, and the discussions for removing the Government from Madrid to Seville, should have presented a publick and incontestible proof of the firmness and determination of the Cortes to adhere to their oaths. Nevertheless, the Cortes, being convinced that the Enemy will not desist from his machiavelian project, which has been pursued of late, with great pertinacity, and it being probable that the same will be pressed with increased energy as soon as the Legislature adjourns; they hereby declare, in the most solemn manner, to the Nation, that the present Members have not listened, nor will they listen, to any proposal, from any Foreign Government whatever, having for its object a modification, or alteration of the Political Constitution of the Spanish Monarchy, sanctioned at Cadiz in 1812; for they cannot fail in the sacred duties expressed in the powers conferred upon them.

The Cortes have resolved, that the Government give the greatest publicity possible to this Declaration, by circulating it in the usual manner, and likewise by ordering it to be read in all the Corps of the Army.

PEDRO JUAN DE ZULUETA, *President.*

F. DE PAULA SORIA, }  
V. N. TEJEIRO, } *Secretaries.*

*SPEECH of the King of Spain, on closing the Cortes.  
Cadiz, 5th August, 1823.*

GENTLEMEN DEPUTIES,

(Translation.)

ON this solemn day, in which the present Cortes are closed, my heart is necessarily affected by sensations of different kinds, though they still accord with the circumstances in which the Nation is placed. On the one hand, the evils by which she is oppressed, and, on the other, the valour of those sons who defend her, produce in my mind the natural effects of such opposite causes; and, if the publick calamities and the horrid abuse of my Royal Name, by the Enemies of the State, are to me matter of the deepest affliction, I likewise feel the greatest satisfaction, when I contemplate the virtues by which the Spanish People are acquiring fresh claims to glory, and the conduct by which their worthy Representatives have distinguished themselves during the present Legislature.

Invaded as our Territory is by the most unheard-of treachery on the part of perfidious Enemies, who owe their existence, chiefly, to this magnanimous Nation, the World beholds violated, in Spain, the Rights of all Countries, and all the principles the most sacred amongst men. Pretended defects in our Political Institutions—supposed errors in our Interior Administration—a feigned wish to restore tranquillity, the

disturbance of which is the work of those alone who exaggerate it—affected concern for the dignity of a Monarch, who wishes not to be one, but for the happiness of his Subjects—such are the pretexts for an aggression which will be the scandal of posterity, and the blackest event of the nineteenth century. But hypocrisy, emboldened by her ephemeral progress, soon threw off the mask, and, discovering all the horrors of her views, no longer allows even the most duped to doubt, that the only reform she aims at, is to deprive the Nation of all Independence, of all liberty, and of all hope; and that the dignity, which she pretends to restore to my Crown, consists only in dishonouring me, in exposing my Royal Person and Family, and in undermining the foundations of my Throne, to raise herself on its ruins.

With very little reliance on their Forces, and on their own valour, the invaders have not been able to advance but as cowards, by scattering corrupting gold, by recurring to the vilest shifts to seduce the incautious, and by arming in their aid, treason, fanaticism, ignorance, and all the passions and crimes. In opposition to such Enemies, and in so disadvantageous a struggle, to those who are acquainted with honourable warfare only, the fate of arms has hitherto been adverse. The defection of a General, whom the Government had loaded with honours, has annihilated an Army, disconcerted all our plans, and opened to the Enemy the gates of the Capital, and has compelled it to remove to this spot; and the combined operations being thus frustrated, and our means of defence considerably diminished, misfortune has since succeeded misfortune, and evils have accumulated upon a generous People who least merited them.

But, in the midst of these disasters, Spain preserves her magnanimous resolution, and the Cortes, in the closest union with my Government, have ever maintained themselves such as they were in the memorable days of the 9th and 11th January last. The serenity and wisdom of their deliberations, hitherto, amidst such bitterness and danger, the confidence which their Patriotism inspires, and the hatred itself with which they are honoured by the Enemies of the Country, are so many proofs that they have deserved well of it. Indefatigable in promoting all the branches of publick prosperity, they have issued various Decrees that contribute to it, as far as circumstances permit. The Publick Credit of the Nation, its Finances, Army, and the Interior Government of the Provinces; Agriculture, Commerce, and other branches of Industry, the Administration of Justice, and the establishment of beneficence; have all been the object of the zeal of the Cortes, and all are indebted to them for considerable improvements which time will exhibit to a greater extent, and which I will exert myself to further, as far as depends upon the Executive Power.

Gentlemen—I feel a real satisfaction in expressing my gratitude for these important services; for the care with which you have at-

tended to the honour of my Royal Family ; and for the liberality with which you have supplied my Government with all the means in your power to meet the excessive expences of the State, with the least pressure upon the Nation : the powers granted to this effect, by the Cortes to the Provincial Deputations, as auxiliary Juntas of the National Defence, have increased our resources, and the patriotism of these Bodies has hitherto made, and, I trust, will continue to make, a use of such authority, extremely beneficial for the support and increase of the Defenders of the Country.

I likewise return thanks to the Cortes for the unlimited confidence which they have reposed in my Government, authorizing it, of its own accord, and, by means of its principal Agents, to adopt some extraordinary measures which the present state of the Nation induced me to propose as indispensable. If it be really indispensable, that, in such critical times, the Executive Power should be sufficiently strong to baffle any machinations, and to secure publick tranquillity, my Government never will lose sight of the respect due to the liberty of the Spaniards, but endeavour to requite a confidence so gratifying, by acting, as hitherto, with the greatest moderation and economy.

The position in which the events of the War have placed my Government, has produced an interruption in the communications with several of the Agents of Foreign Powers ; but there is no reason whatever to think that this momentary interruption can disturb the Relations of Friendship and Alliance that subsist between Spain and those Cabinets.

Particular circumstances, which might expose the honour of my Government, have induced me to order, as a provisional measure, that my Chargé d'Affaires should withdraw from Lisbon.

Nevertheless, the ties subsist untouched by which two Nations are united, whose evident interest it is to live together in peace and harmony ; and our Commercial Intercourse has continued uninterrupted.

In the Interior, every thing suffers from the fatal effects of a desolating War, and the most beneficent Laws and measures cannot produce favourable results in the midst of such disasters. Divine Providence is pleased to try us in different ways ; but, I trust, Gentlemen, that it will ultimately grant a triumphant issue to our just cause. If the treason of some has done for the invaders what they could not expect from their own efforts, the Country has still many heroes left who remind the French Army of the Spaniards of 1813. If some Governments, who are inimical to Liberty and the light, have conspired against us—if others have forsaken us from a near-sighted policy, all Nations behold their interests connected with ours, and are ardent in their wishes that we may be victorious in this struggle.



Gentlemen Deputies—Retire, for the present, from your laudable labours, and reap, from the esteem of your fellow-citizens, the fruits which you so richly deserve. Endeavour to inculcate on their minds the necessity of their all uniting around my Constitutional Throne, and of discord and unfounded distrust disappearing from amongst us. Let the Constitution be our only motto, National Independence, freedom, and honour, our only wish, and unmoved constancy be ever opposed by us to misfortunes which we have not merited. My Government shall cease to exist, before it take any step contrary to the oaths by which it is connected with the Country, or to what is required by the honour of my People, and the dignity of my Crown; and, if circumstances shall require it, it will seek, in the Extraordinary Cortes, a safe harbour for the Vessel of the State. In such case, I shall again assemble them, always relying upon their zeal and patriotism, and we will travel jointly in the path of glory, until a Peace be obtained at once honourable and worthy of Spaniards and of myself.

FERDINAND.

*SPEECH of the King of Spain, on the Opening of the Extraordinary Cortes.—Cadiz, 6th September, 1823.*

SEÑORES DEPUTIES!

(Translation.)

ON the solemn day on which the Ordinary Cortes of the present Year closed their Session, I announced to you, that if circumstances should require it, I would seek in the Cortes Extraordinary the port of safety for the vessel of the State. A report which my Government will, by my order, present to you, will show that the vessel of the State is on the point of being wrecked, if the measures of the Congress do not contribute to save it. In pursuance, therefore, of what I then announced—of the critical nature of circumstances, and the arduous state of affairs—I have considered it necessary that the Cortes Extraordinary should assemble, in order that, taking into consideration the said report, they may resolve, with their accustomed zeal and patriotism, on the measures most advantageous for the publick cause. What my Government will make known to you, will also palpably demonstrate how fruitless have been the efforts made for obtaining an honourable peace; because the Enemy, persisting, contrary to every right, in putting forward his proposition for interference in the affairs of the Kingdom, obstinately refuses to treat, except with me alone, and free, and wishes not so to consider me, unless I go and place myself amidst their bayonets. Inconceivable and ignominious liberty, whose only basis is to be the dishonourable act of delivering myself up at discretion into the hands of the Aggressors!

Provide, then, Senores Deputies, for the necessities of the Country, from which I ought not, and never wish, to separate my fate;

and, convinced as you must be, that the Enemy pays no regard to reason and justice, when unsupported by force, examine promptly the existing evils, and prescribe a remedy for them. FERDINAND.

*CORRESPONDENCE respecting the Relations between Spain and Great Britain, and the Mediation of the latter between France and Spain.—June to August, 1823.*

(1.)—*Señor Pando to Sir William d Court.* (Translation.)

SIR, Cadiz, 16th June, 1823.

THE approach of the French Troops to Seville, and the internal intrigues carried on by Agents of the Enemies of Spain, exposed to the greatest danger the liberty and independence of the Nation, the dignity of the Crown, and even the existence of His Catholick Majesty and of his August Family.

To save objects of such great importance, thus endangered, it was necessary to have recourse to an extraordinary, prompt, and vigorous measure: the National Representation did not hesitate to adopt it, in virtue of the faculties vested in it by the Fundamental Law of the Monarchy, and with the happy result which is known to every one.

His Catholick Majesty, placed with his free will in a position inaccessible to the attacks of Foreigners, and to the effects of their hidden plots, freely exercises the high Functions appertaining to his supreme dignity, and occupies himself with the means of freeing the Nation from the afflicting evils which oppress it.

The relations of friendship and of good understanding between Spain and the Power you so well represent, happily subsist unimpaired; and His Catholick Majesty is persuaded that you will continue to reside at his Royal Court as heretofore, certain of daily receiving new proofs of his Royal esteem.

I hope you will continue to address to me the Communications you may have to make to His Majesty's Government, and that you will be assured of the sentiments of high consideration, &c.

*His Britannick Majesty's Minister.* JOSE MARIA DE PANDO.

(2.)—*Sir William d Court to Señor Pando.*

*Seville, July 11, 1823.*

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acknowledge the receipt of the Note of His Excellency M. Pando, His Catholick Majesty's Minister for Foreign Affairs, dated the 16th of June, which Note was not delivered to him until the 4th instant.

The Undersigned will lose no time in bringing this Note to the knowledge of his Government, and in requesting instructions how to act. Had M. Pando's Communication been received in due time after

its date, the Undersigned would probably have been already in possession of some precise Instructions for the case of His Catholick Majesty's resumption of his powers, and the invitation given him to repair to Cadiz. From the want of such instructions, he must now wait the return of another Courier.

In order, however, to avoid any sort of misconstruction of this delay, it is the intention of the Undersigned to quit Seville immediately, to repair to San Lucar, and embark from thence for Gibraltar, there to await the Orders of his Government. From that neutral spot his Communications with Cadiz will be infinitely more easy; and if, in the mean time, any circumstances should occur to induce the Spanish Government to wish for the intervention of the British Minister, for the conveyance of any Propositions, either to the French Government, or Army, the Undersigned begs to inform M. Pando that he may freely address himself to him, and be assured of always finding him ready to become the channel for conveying such Propositions, if his intervention should be desired and solicited by the Spanish Authorities.

The Undersigned, &c.

*His Excellency Señor Pando.*

WILLIAM à COURT.

(3.)—*Señor Pando to Sir William à Court.*

(Translation.)

*Cadiz, July 20, 1823.*

THE Undersigned, Secretary of State for Foreign Affairs of His Catholick Majesty, has received the Note which Sir Wm. à Court, Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty, has done him the honour to direct to him from Seville, under date of the 11th inst.; and he thinks it his duty, in reply, to inform him, that the involuntary delay experienced in the delivery of the Official Communication which the Undersigned hastened to make to His Excellency on the 16th of June last, has been so much the more regretted by His Majesty's Government, as it has given occasion to the continuance of Sir W. à Court's stay in that City, during the whole of that time. He also thinks it necessary to state, that His Majesty's Government is no less alive to the unexpected determination adopted by Sir W. à Court to transfer his residence to Gibraltar, there to await fresh instructions from his Court; seeing, that under the present circumstances there exists, to all appearance, no reasonable cause, or obstacle, to prevent His Excellency from resuming his important Functions near the Person of His Catholick Majesty, and thus destroying the misrepresentations of calumny, whatever they might be.

The Undersigned also thinks it necessary to state, that, under this view of the subject, it is not easy to doubt that the commands which His Excellency may receive from his Government on the subject, will be altogether conformable to the just desires of that of His Catholick

Majesty, and with the sincere friendship subsisting between the two august Monarchs; and that in the mean time, until the Undersigned is assured of this fact, he will have the greatest satisfaction in pursuing his Official Communications with Sir Wm. à Court. The Undersigned has also the honour to assure Sir Wm. à Court, that His Majesty's Government duly appreciates the friendly intentions and interest towards Spain which have doubtless dictated the offer with which His Excellency has thought fit to conclude his before-mentioned Note; but, at the same time, the Undersigned must be permitted to observe, that His Excellency is too enlightened not to be aware that a Government, the victim of the most wilful and immoral aggression that has ever been known, the real motive of which, and the object at which it aims, has never been communicated to it, is absolutely incapable of addressing to its iniquitous Oppressor, propositions of any nature whatever, without evidently compromising the national honour, the most sacred principles, and the dearest interests. The only observation, therefore, which the Undersigned can make on the present occasion, and on so important a subject, is simply this: that if Great Britain truly desire that tranquillity should be restored to Europe, and that Spain should be delivered from those evils which so unjustly afflict her, its Government ought not to hesitate to employ the necessary measures to induce the French Cabinet at once clearly to explain its intentions, in order that, with this precise knowledge, His Majesty's Government may take into consideration, whether or not it be possible, through the mediation of His Britannick Majesty, to establish the basis of a peace, solid, useful, and, above all, one which may be perfectly honourable to Spain.

The Undersigned takes the present occasion to repeat, &c.

*Sir W. à Court.*

JOSE MARIA DE PANDO.

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(4.)—*Señor Yandiola to Sir William à Court.*

(Translation.)

*Cadiz, August 23, 1823.*

THE Undersigned, Secretary of State, *ad interim*, of His Catholick Majesty, has the honour to transmit to Sir William à Court, Envoy Extraordinary and Minister Plenipotentiary of His Britannick Majesty, a Copy of the Note which his Department addressed to his Excellency on the 20th July last, the Original of which has probably been mislaid, as its receipt has not yet been acknowledged, notwithstanding the urgency of the business of which it treats.

The Undersigned being also desirous again to express the satisfaction with which His Catholick Majesty's Government has received the friendly offers contained in Sir William à Court's last Letter of the 11th of July, hastens to transmit to his Excellency the annexed Copies of the autograph Letter addressed to His Catholick Majesty by His Royal Highness the Duke d'Angouleme, dated Port St. Mary, the 17th instant,



together with the autograph Answer which the King was pleased to return to that extraordinary Communication.\*

The Undersigned is fully persuaded that Sir W. à Court, in rendering to His Britannick Majesty an account of these important Documents, will not fail earnestly to call His Majesty's attention to the contrast presented on this occasion, between the dignified conduct of His Catholick Majesty and the ill-advised, not to say insulting, intimation which the Duke d'Angouleme presumed to make to him in the name of his August Uncle the King of France.

If any doubt could hitherto have existed, as to the real intentions of the French Government with respect to Spain, that doubt must vanish on the perusal of the Duke d'Angouleme's Letter, which expresses a wish, not for the prudent reform of our Political Institutions, in order to impart the necessary force to the Royal Authority, and to obviate all danger or cause of jealousy to other Powers, but to gain possession of the King and His Royal Family, in order to make them the instruments of the French Government, and, without leaving the Spaniards in possession of any moderate Constitution, to overwhelm the Spanish Nation with disgrace, and to deprive it of all independence, liberty, and security. It supposes the King not to be free, and proceeds to maintain this evident and absurd falsehood, in spite of the many solemn declarations of His Majesty to the contrary; in spite of his many unequivocal acts, which set aside all idea of coercion; in spite of the uninterrupted tranquillity and good order which are well known to prevail in Cadiz; and notwithstanding the respect paid to the August Person of the King, and the character and principles of his Ministers. The French alone drove the King from his Palace of Madrid; they alone drove him from Seville; and in what way do they now pretend to be willing to restore to him the liberty of which they alone have deprived him?—by requiring that he should surrender himself absolutely to their disposal and their influence. This is the only explicit proposition contained in the Duke d'Angouleme's Letter; it is the preliminary *sine quâ non*; and they who pretend that the Monarch is not free in the midst of his faithful Subjects, wish to place him in the power of the Foreign Troops who have invaded his Kingdom, of the traitors and rebels who are assisting the Enemy in desolating his Dominions.

Let Ferdinand VII. be free, said the King of France, to give to his Subjects Institutions, which they can receive from him alone, and instantly the War shall cease. The civilized World has beheld, with amazement, an aggression founded on such a pretence, and is scandalized to hear a maxim which is calculated to subvert the most sacred Rights of Nations. But, in fact, His Most Christian Majesty did not say, that he would only consider His Catholick Majesty free when he should be in the midst of the French Army; and as little did he an-

\* See Page 994.

nounce the intention of dictating or suggesting the Institutions which he was to give to his Subjects. The General-in-Chief of the French Army now assumes the power of deciding, when the King of Spain shall be deemed free, and, even should he be so considered, His Majesty is to enjoy his freedom only for the purpose of giving such Institutions as may be agreeable to the Cabinet of the Tuileries; for that Cabinet not only dictates what these Institutions shall be, but offers the co-operation of France and her Allies in consolidating them.

And what are the Institutions which, with such ill-contrived dissimulation, are prescribed to His Catholick Majesty to be given to his Subjects? Precisely such as are least reconcileable with the dignity of the Crown; the most calculated to enfeeble the Royal Authority, to enervate, and to destroy the unity of, the functions of Government; the least conformable with the spirit of the age, and the present condition and customs of the Nation; and the most likely to perpetuate division, opposition of interests and party conflicts. Those men must be ignorant of the history of Spain who propose, in the present state of things, to establish the ancient Cortes of the Kingdom, as the guarantee of order, justice, and good government. Juntas, or particular Establishments, in each of the three Biscayan Provinces; different Cortes in Navarre; others of three distinct classes in Arragon, Catalonia, and Valencia, which for a length of time have ceased to exist in those quarters; others of very different kinds in the Kingdom of Castile, which never possessed a fixed form, and which underwent so many vicissitudes:—such is the chain by which it is proposed to unite the Spanish People together, and to consolidate the Monarchy. Assemblies of this heterogeneous nature, in which no real National Representation ever existed; in which Men, calling themselves the Representatives of the People, were so frequently seen to prostitute and sell themselves to power: and in which the Royal dignity was so often outraged and oppressed by the ambition and preponderance of a few Subjects: such are the means by which it is wished to invigorate the Monarchical authority, and to secure just freedom to the Nation.

It may be permitted to add a few reflections upon this point. The proposal of the Duke d'Angouleme can only be accounted for, by attaching the same meaning to it as that, in which the Ancient Cortes was spoken of, by the authors of the Royal Decree, issued on the 4th May, 1814: an ineffectual name, designed to leave some hope to the unreflecting, and to re-establish by that means an Absolute Government. The latter would with no difficulty be directed from Paris, and thus, after the lapse of a century, would be realised the plan of Louis XIV., which is, doubtless, the real object of this War.

It was not sufficient to carry it on in so unheard-of a manner, as that of establishing what is called the Regency of Madrid, and of overturning, by its agency, all that has been achieved during three years

by the legitimate Government, which has been recognized by the very Invaders, and by all Europe: it was not sufficient to deprive the Spaniards of the right of constituting themselves, as suits them best: but it was also necessary, not to leave them any Constitution, and to make them bear, in common with their King, the yoke which an attempt is made to impose on them, merely because they evinced a solicitude to be free without licentiousness, though without any prejudice to France.

By reducing to this extremity a Monarch, and a Nation, tender of its honour, and impatient of ignominy, nothing undoubtedly can be had in view but to shut every door to Peace, and to seek pretexts for further views of ambition, or for an indefinite occupation.

It is easy to perceive, that, however desirous the Spanish Government may be to put a period to this destructive War, the only overture addressed to it on the part of France, and the tone and expressions employed in it by the Duke d'Angouleme, are of such a nature, that it is impossible to yield, without incurring dishonour, and sacrificing the dignity of the Throne and the destiny of the Nation. Neither can it escape the meanest capacity that, should the threat be realized which has been thrown out, in case of the non-acceptance of a proposal so irritating, its only object must have been to ensure its rejection; for it is to be apprehended, that, in the event of an attack being made on the very residence of the King and Royal Family, their persons would become exposed to destruction, or that perhaps all the efforts of loyalty and virtue might not suffice to preserve them, in the last extremity, from an outrage of desperation. If the French Government had proposed to itself to get rid of the August Family reigning in Spain, it could scarcely have chosen a more effectual method for it than the conduct it has pursued during the last 6 months.

The Spanish Government must, and does, protest solemnly, before Heaven and Earth, against the result of the acts of violence committed by the French, and against that likely to be experienced from those yet intended. In this extremely critical situation of His Catholick Majesty all Monarchs have a direct interest, in the same manner as all Nations are concerned in the present Cause of Spain, more particularly those Nations that enjoy a Representative Government. Accordingly, His Majesty cannot but promise himself an energetic and prompt intervention on the part of Great Britain, for the purpose of applying a remedy to such immense evils, and His Majesty has strictly commanded the Undersigned to manifest this to the Chevalier à Court, and to express to him the hope which His Majesty still cherishes, that the Government of His Britannick Majesty, for its own dignity, for its love of justice, and for the tranquillity of Europe, will come to the assistance of a faithful and ancient Ally, and of a Nation which, united to England, has so much contributed towards the liberty of the

Continent, and the re-establishment of those who now so ill require it. The wisdom of Sir William à Court will easily discern, that it is not for the Spanish Government to be the first in making proposals to that of France, and that it cannot make any in reference to the letter of the Duke d'Angouleme. Only a Mediator, such as His Britannick Majesty, can induce the French Government to desist from violent and irritating pretensions, and confine its demands within bounds compatible with the dignity of His Catholick Majesty, integrity and Independence of the Monarchy, and the honour and liberty of the Spaniards. Within these necessary limits, neither the King nor the Nation will refuse those prudent and useful means which are capable of affording a solid Peace, that shall be honourable to both Parties, under the guarantee of the Mediating Power; for, without such guarantee, neither would the Peace have sufficient security in Spain, nor be attended with the proper stability.

His Majesty has also desired the Undersigned to recommend very particularly to Sir William à Court, the urgency required by the matter, and the necessity there is now, more than ever, for him to resume his functions near the King, who cannot persuade himself that he has received orders from His Britannick Majesty to the contrary when that Monarch has manifested his sentiments in so satisfactory a manner, respecting the Communication from the intrusive Regency of Madrid.

The Undersigned avails himself, &c.  
*Sir W. à Court.* J. ANTONIO YANDIOLA

(5).—*Sir William à Court to Señor Yandiola.*

Gibraltar, August 27th, 1808.  
 THE Undersigned has the honour to acknowledge the receipt of the two Notes of His Excellency, M. Yandiola, the one announcing to him his nomination to the post of Minister for Foreign Affairs *ad interim*, the other enclosing the Correspondence between His Catholick Majesty and His Royal Highness the Duke d'Angouleme, and requesting him to repair to Cadiz, with the view of affording the mediation of Great Britain in any Negotiations which may take place between the Spanish Government and the French Authorities now assembled at Port St. Mary's.

The British Government has given too many proofs of its anxious desire to contribute, by every means in its power, to bring the present War to some fair and honourable conclusion, to render necessary any further assurances upon that head. But His Excellency M. Yandiola must be aware, that no Mediation can be undertaken with any prospect of success, unless a consent to such Mediation be previously obtained from both Parties, and more particularly where no conditions are specified as the basis of Negotiation. France, as well as Spain, must be



willing to admit the friendly intervention of Great Britain, before that intervention can be efficaciously exerted. With a view to the attainment of this desirable object, the Undersigned will immediately put himself in communication with the French Authorities, and, as their answer shall be favourable or unfavourable, either proceed directly into the Bay of Cadiz in a British Frigate, or make His Excellency acquainted by letter with the failure of his endeavours.

With respect to M. de Pando's Note of the 20th July, to which His Excellency has been pleased to refer, the Undersigned did not feel himself authorized to reply to it, without being previously apprized of the sentiments of his Government. He despatched a Copy of it to England by a special Messenger from San Lucar, but he has as yet received no answer to the Communication.

The Undersigned is happy to avail himself, &c.

*Señor Yandiola.*

WILLIAM à COURT.

(6.)—*Sir William à Court to Señor Yandiola.*

*Gibraltar, 31st August, 1823.*

IN continuation of what the Undersigned had the honour of communicating to His Excellency, M. Yandiola, &c. by the last opportunity, he has now to inform him, that he addressed a Note to His Royal Highness the Duke d'Angouleme, on the 27th inst. stating to him the nature of the Appeal made to the British Government by order of His Catholick Majesty, and expressing a hope "that His Royal Highness might be induced to avail himself of such an opening for Negotiation, and make the Undersigned the Channel for conveying such propositions to the Spanish Authorities, as might justify him in urging their acceptance in the name of the Government he had the honour to represent, or to point out any other way in which British intervention might be successfully employed to prevent the further effusion of blood, and to bring about the establishment of such an order of things as might not disappoint the just expectations of the Spanish Nation."

The Undersigned further offered to proceed immediately into the Bay of Cadiz, in a British Frigate, for the purpose of facilitating a Negotiation, should His Royal Highness be inclined to admit the proposal of British intervention. His Royal Highness, in his Answer, expressed an anxious desire to see Peace re-established between France and Spain, but stated that, being unauthorized to pronounce upon the question of Foreign intervention, he could do no more than transmit the proposal to the King, his Uncle, and promised to communicate to the Undersigned the decision that might be taken, with as little delay as possible.

The Undersigned, on his side, has lost no time in forwarding this Correspondence, as well as that of M. Yandiola, to the Government of His Britannick Majesty, and he cannot but flatter himself that some-

thing satisfactory may result from the explanations which will naturally take place between the British and French Governments, and that some means may be found of reconciling conflicting interests, and of putting an end to a War, which affords but little prospect of glory or advantage to either Party.

The Undersigned, however, must be allowed to express his regret, that the Spanish Government has not thought proper to explain more clearly the conditions it would consider as admissible. A frank declaration upon this point would considerably facilitate a Negotiation.

The Undersigned, &c.

Señor Yandiola.

WILLIAM A. COURT.

*CORRESPONDENCE between the Duke d'Angouleme and the King of Spain.—August and September, 1823.*

(1.)—*The Duke d'Angouleme to the King of Spain.*

De mon Quartier Général du Port de Santa Marin,  
MONSIEUR MON FRÈRE ET COUSIN, le 17 Août, 1823.

L'ESPAGNE est délivrée du joug Révolutionnaire; quelques Villes fortifiées servent seules de refuge aux hommes compromis. Le Roi, mon Oncle et Seigneur, avait pensé (et les événemens n'ont rien changé à son sentiment) que votre Majesté, rendue à la liberté, et usant de clémence, trouverait bon d'accorder une Amnistie nécessaire après tant de troubles, et de donner à ses Peuples, par la convocation des anciennes Cortès du Royaume, des garanties d'ordre, de justice, et de bonne Administration. Tout ce que la France pourrait faire, ainsi que ses Alliés et l'Europe entière, serait fait pour consolider cet acte de votre sagesse. Je ne crains pas de m'en porter garant. J'ai cru devoir rappeler à votre Majesté, et par elle à tous ceux qui peuvent prévenir encore les maux qui les menacent, les dispositions du Roi, mon Oncle et Seigneur. Si d'ici à cinq jours, il ne m'est parvenu aucune réponse satisfaisante, et si votre Majesté est encore à cet époque privée de sa liberté, j'aurais recours à la force pour la lui rendre; ceux qui écouteront leurs passions de préférence à l'intérêt de leur Pays, répondront seuls du sang qui sera versé.

Je suis, avec le plus profond respect, Monsieur mon Frère et Cousin, de votre Majesté le très-affectionné Frère, Cousin, et Serviteur,

LOUIS ANTOINE.  
*A Monsieur mon Frère et Cousin le Roi d'Espagne.*

(2.)—*The King of Spain to the Duke d'Angouleme.—(Translation.)*

SIR, MY BROTHER AND COUSIN, Cadiz, August 21, 1823.

I have received the Letter of your Royal Highness, dated the 17th instant, and it is in truth very remarkable that the intentions of my

Brother and Uncle, the King of France, have not before been manifested to me, when it is now 5 months since his Troops invaded my Kingdom, and are causing, in consequence thereof, so many calamities to my Subjects.

The yoke from which your Royal Highness pretends to have delivered Spain, never existed, nor am I deprived of any other liberty than that of which the operations of the French Army have deprived me. The best mode of restoring it to me, and of leaving the Spanish People in possession of theirs, would be to respect our rights as we respect those of others, and that no Foreign Power should interfere, by means of an armed Force, in our internal affairs.

The paternal sentiments of my heart are, with regard to myself, the most secure rule, and the most powerful stimulus to estimate and seek a remedy for the wants of my Subjects. Should further guarantees for the preservation of order and justice be wished by them, with them I will agree upon the same; and, in the mean time, let me be allowed to state to your Royal Highness, that what you point out to me as such, are as incompatible with the dignity of my Crown, as they are with the actual state and political situation of things, and with the rights, customs, and prosperity of the Nation which I govern. To revive, after three centuries of oblivion, an Institution so varied, changeable, and monstrous, as the ancient Cortes of the Kingdom, in which the Nation was never assembled, and never possessed a true Representation, would be the same, or worse, than to revive the States-General in France; it would, besides, be insufficient to secure tranquillity and publick order, and, without affording advantage to any one of the classes of the State, would produce the difficulties and inconveniences which in former times were, and have always been experienced, whenever this question has been agitated.

The King is not the proper channel for the suggestions which your Royal Highness has thought it your duty to make; neither is it possible or just that he should be called upon to prevent evils which he neither causes nor merits: this appeal ought rather to be made to the wilful Author of them.

I wish, together with my Nation, that an honourable and solid Peace should put an end to the disasters of the present War, which we have not provoked, and which is as prejudicial to France as it is to Spain. Negotiations on this subject are now pending between me and the Government of His Britannick Majesty, whose mediation has also been solicited by His Most Christian Majesty, and from which I cannot, nor do I think your Royal Highness ought to depart. If, notwithstanding these my declarations, force should be used, under the pretext advanced by your Royal Highness, those who resort to it will alone be answerable for the blood spilt, and your Royal Highness will be particularly so before God and Man, for the evils you

may bring upon my Royal Person and Family, and upon this meritorious City.

God preserve your Royal Highness, my Brother and Cousin, many Years.

I, the KING.

H. R. H. the Duke d'Angouleme.

By the King, YANDIOLA

(3.)—*The King of Spain to the Duke d'Angouleme.*—(Translation.)  
SIR, MY BROTHER AND COUSIN, Cadiz, 4th September, 1823

THE declarations which I made to your Royal Highness in my letter of the 21st of August, have not had the effect which I had reason to expect, for, in despite of them, innocent blood has been spilt on both sides, which might have been spared. The obligations I am under as a King, and the sentiments by which I am actuated as the Father of my Subjects, impel me to take one more step in order to put an end to the calamities of the present war; and, fully convinced that your Royal Highness must be animated by a similar desire, I propose to you a suspension of hostilities, without prejudice to the blockade, in order that, in the meanwhile, it may be possible to treat of a Peace honourable to both Nations.

Lieutenant-General Don Miguel Ricardo de Alava, the bearer of this letter, is commissioned by me to confer with such Person as your Royal Highness may be pleased to name, if you think it proper. In this manner it may be possible to obtain those reciprocal explanations which are so necessary to come to an understanding, and to facilitate ulterior measures; and if your Royal Highness, as I have every reason to expect, should think it right to agree to my proposal, the above-mentioned Commissioner is also furnished with my authority at once to agree to, and sign an armistice; or, should it be deemed necessary, I will confer upon him my full powers in due form, for that purpose.

God preserve your Royal Highness, my Brother and Cousin, many years I wish you.

I am your Royal Highness's affectionate Brother and Cousin,  
H. R. H. The Duke d'Angouleme. FERDINAND.

(4.)—*The Duke d'Angouleme to the King of Spain.*

De mon Quartier Général du Port Ste. Marie

MONSIEUR MON FRERE ET COUSIN, le 5 Septembre, 1823.

J'ai reçu cette nuit la lettre de votre Majesté du 4, dont elle avait chargé le Lieutenant Général Don Miguel de Alava; j'ai l'honneur de lui répondre par le Maréchal de Camp, Duc de Guiche, mon premier Aide de Camp.

Je ne puis traiter de rien qu'avec votre Majesté seule et libre. Quand ce but sera atteint, j'engagerai avec instance votre Majesté à accorder



une amnistie générale, et à donner de sa pleine volonté, ou au moins à promettre telles Institutions qu'elle jugera dans sa sagesse convenir le plus aux mœurs et au caractère de ses peuples, pour assurer leur bonheur et leur tranquillité, et qui puissent servir de garanties pour l'avenir.

Je me regarderai comme bien heureux, si, dans quelques jours, je puis mettre aux pieds de votre Majesté l'hommage du profond respect avec lequel je suis, Monsieur mon Frère et Cousin, de votre Majesté le très affectionné Frère, Cousin, et Serviteur,  
*Sa Majesté le Roi d'Espagne.*

LOUIS ANTOINE.

(5.)—*The King of Spain to the Duke d'Angouleme.*—(Translation.)

SIR, MY BROTHER AND COUSIN,

*Cadiz, 5th September, 1823.*

I HAVE received the letter of your Royal Highness of this day, which has just been delivered to me by Major-General the Duke de Guiche; and as your Royal Highness declares to me that you can treat of nothing but with me alone, and free, I hope that, in order to be able to determine so important a point, with all the necessary information before me, your Royal Highness will be pleased to let me know what it is you require for my being considered as free, and, in that case, in what manner you propose to treat with me. As soon as I receive this explanation, without which I can come to no decision, I will reply to your Royal Highness, and will engage, at the same time, for a cessation of hostilities.

God preserve your Royal Highness, my Brother and Cousin, the many Years I wish you.

I am your Royal Highness's affectionate Brother and Cousin,

*H. R. H. The Duke d'Angouleme.*

FERDINAND.

(6.) *The Duke d'Angouleme to the King of Spain.*

MONSIEUR MON FRÈRE ET COUSIN. *Sté. Marie, le 6 Septembre, 1823.*

J'AI eu l'honneur de recevoir la lettre de votre Majesté d'hier. La France ne fait la guerre ni à votre Majesté ni à l'Espagne, mais au parti qui tient votre Majesté et son auguste Famille captives dans Cadix. Je ne les regarderai en liberté que lorsqu'ils seront au milieu de ses troupes, soit à Cadix, soit à Port Sainte Marie, où votre Majesté l'aimera le mieux. Si d'ici à ce soir, je n'ai pas une réponse satisfaisante à cette lettre, et à la note que j'ai fait communiquer au Général Alava,\* concernant la

\* La Note était ainsi conçu ;—" Je ne puis traiter de rien que le Roi ne soit libre. Que le Roi et la Famille Royale se rendent soit à Chiclana, soit au Port Sainte Marie, à la volonté de Sa Majesté ; j'userai de toute mon influence auprès de Sa Majesté pour qu'elle promette et donne, de sa pleine volonté, telles institutions qu'elle jugera convenir au bonheur, aux besoins, et à la tranquillité de ses Peuples, et pour qu'elle annonce qu'elle oublie le passé. Tous ceux qui voudront quitter l'Espagne pourront se retirer partout où bon leur semblera ;

liberté de votre Majesté et de la Famille Royale, et l'occupation de Cadix par mes troupes, je regarderai toute négociation comme rompue.

Je suis, avec le plus profond respect, Monsieur mon Frère et Cousin, de votre Majesté, le très affectionné Frère, Cousin, et Serviteur,  
*Sa Majesté le Roi d'Espagne.* LOUIS ANTOINE.

(7.)—*The King of Spain to the Duke d'Angouleme.*—(Translation.)  
 SIR, MY BROTHER AND COUSIN, *Cadiz, 7th September, 1823.*

I HAVE received your Royal Highness's letter of yesterday, and from the explanation contained in it, I see, with deep regret, that your Royal Highness closes every door against peace. A King cannot be free who quits his subjects, and places himself at the disposal of Foreign troops, which have invaded his Kingdom; nor does a Spanish fortress, within which there are no traitors, ever surrender, unless when honour and the Laws of War justify the act. I wish, nevertheless, to give to your Royal Highness, and to the world, every proof that I neglect nothing in order to spare the effusion of blood; and since your Royal Highness refuses to treat with any one except myself, alone, and free, I am ready to treat, ourselves alone, and at full liberty, either on any spot, at an equal and proportionate distance from the two Armies, and with all suitable and reciprocal security, or on board of any neutral vessel, under the faith of its flag. Lieutenant-General Don Miguel Ricardo de Alava returns, commissioned by me, in order to deliver this letter into the hands of your Royal Highness, and I hope to receive from your Royal Highness a more satisfactory answer.

God preserve your Royal Highness, my Brother and Cousin, the many Years I wish you.

Your Royal Highness's most Affectionate Brother and Cousin,  
*H. R. H. The Duke d'Angouleme.* FERDINAND

*DECLARATION of the King of Spain to the Spanish Nation, on the eve of his Departure from Cadiz. — 30th September, 1823.* (Translation.)

SPANIARDS! It being the first care of a King to promote the happiness of his Subjects, and this being incompatible with the uncertainty which at present hangs over the future destiny of the Nation.

des ordres seront donnés en consequence à l'Amiral. Une division Française entrera dans Cadix, pour y maintenir l'ordre, y empêcher les réactions, et protéger tout le monde."

Nota. Ce dernier paragraphe a été modifié de la manière suivante : "Les Troupes Françaises occuperont l'Isle de Léon jusque, et y compris la Cortadura et le Fort Puntales. Le Terrain entre ces points et la place sera neutre. L'Armistice avec la place sera de 2 mois, les relations commerciales seront rétablies."

and of the individuals composing it, I hasten to calm the anxieties and inquietude arising from an apprehension that despotism will be established, or that it will be governed by faction.

United with the Nation, I have in common with it run every danger of the War to the last, but the imperative Law of necessity compels a termination to it. Under the difficulty arising from these circumstances my powerful voice alone can chase from the Kingdom vengeance and persecution. Only a wise and just Government can unite all hearts, and it is my presence alone in the Camp of the Enemy that can dissipate the horrors which threaten the City of Cadiz, its loyal and well-deserving Inhabitants, and so many distinguished Spaniards who have taken refuge in it.

Resolved, therefore, to put an end to the disasters of War, I have resolved to quit this place to morrow; but before I do so, I make known the sentiments of my heart, in the following Declaration.

1. I declare, of my own free and spontaneous will, and promise, under the faith and security of my Royal word, that if it should be found necessary to make any alteration in the existing Political Institutions of the Monarchy, I will establish a Government which shall cause the complete felicity of the Nation, guarantying the security of the persons, property, and civil liberty of the Spanish People.

2. In like manner, I promise, of my own free and spontaneous will, and have resolved to carry into effect, and cause to be carried into effect, a general oblivion, complete and absolute, of all that is past, without any exception, in order that by so doing, tranquillity, confidence, and union, so necessary to the common good, may be established among the Spanish People, and which my paternal heart so earnestly desires.

3. In like manner, I promise, that, whatever changes may be made, the Publick Debts and obligations contracted by the Nation, and by my Government, under the existing system, shall be always acknowledged.

4. I also promise and engage, that all the Generals, Chiefs, Officers, Serjeants, and Corporals of the Army and Marine, who have hitherto attached themselves to the existing system of Government, in whatever part of the Peninsula, shall preserve their grades, employments, salaries, and honours. All other Military, Civil, and Ecclesiastical Functionaries, who have followed the Government and the Cortes, belonging to the existing system, shall, in like manner, preserve theirs, and those who, by reason of the reforms which may be made, cannot preserve their employments, shall enjoy, at the least, one half of the salary which they now receive.

5. I also declare and engage, that the Militia Volunteers of Madrid, of Seville, and of all other places, who may now be in this

Island, as also whatever other Spaniards may have taken refuge in it, who are not, by reason of their employments, obliged to remain, may from this moment freely return to their homes, or transfer themselves to any part of the Kingdom they may think proper, under the fullest security of not being molested at any time, on account of their anterior political conduct or opinions. And the Militia who may be in need of it, will obtain for their journey the same assistance as the individuals composing the regular Army.

Spaniards of the above description, and strangers who may wish to quit the Kingdom, may do so with equal liberty, and will obtain the necessary Passports for the Country to which it may suit them to go.

FERDINAND.

[See Decree of The King of Spain, on his landing at Port Mary's, 1st October, 1823. Vol. 1823, 1824, Page 860.]

**PUBLICATIONS relative to the Provisional Junta and Regencies of Spain.—April to October, 1823.**

**ROYAL PROVISIONAL JUNTA OF GOVERNMENT.**

April, 1823.

(1.) *Proclamation to the Spanish Nation.* (Translation.)

MAGNANIMOUS SPANIARDS!

Bayonne, 6th April, 1823.

AFTER three Years of publick calamity, brought on our Country by the rebellion of some guilty sons, the day of peace at length opens to you, and with it the happy influence of order and justice.

Europe, affected by your misfortunes, and fatigued by the cries of sedition, earnestly desires the termination of your calamities; and a noble Descendant of St. Louis is crossing your frontiers, at the head of a faithful and illustrious Army, to assist your efforts, and accomplish the wishes of Nations.

Spaniards! they are no longer the standards which formerly threatened your liberty; they are the banners of peace, borne by valiant warriors. These banners are destined to heal the wounds which anarchy has made, to cover with their protecting shield those brave men who are about to restore the Throne and the Altar, and to deliver our unfortunate King and his august Family from the captivity in which they are held by rebellious subjects.

This eminent service which our allies are rendering us acquires a new lustre from the disinterestedness and generosity which induce it: your Government attests, on its honour and truth, that no sentiment of ambition or interest mixes with this noble resolution: the common danger, arising from the mischiefs with which the revolution threatens Europe, has restored to the Powers the ancient character and lustre of



chivalry; and, for the benefit of humanity, the Cabinets and Councils of Kings have resolved to offer sublime and renewed examples of that policy, which has not for its object an aggrandisement of territory, but the maintenance, at any price, of the principles of justice and of the foundations of society, threatened with universal dissolution.

Spaniards! Europe renders justice to your loyalty. It knows that it is one of the virtues which most ennoble your character; it is far from confounding your generous sentiments with those attributed to you by the friends of Revolution, in order to cover, with the name of the general opinion of the Nation, the excesses and crimes of a faction.

The moment is come, when, free from the oppression which weighed upon you, you are able to show to Europe, how just and merited was the opinion which she had formed of your sentiments: let us not leave to our Armies, and to those of our Allies, the glory of our deliverance—the whole oppressed Nation is interested in sharing in this great work; but do not let the energetic expression of its will be sullied by any excesses.

Spaniards! Your Government declares, that it does not recognize, and that it considers as never having existed, the public and administrative Acts of the Government erected by rebellion; and that it re-establishes, therefore, provisionally, that administration of the State which existed before the outrage of the 7th of March, 1820.

The edifice of Anarchy once destroyed, and the King, our master, restored to Liberty, the institutions may then be established which circumstances advise and require, and which his Majesty may deign to grant to you.

The Provisional Junta of the Government recognizes in the King, alone, the origin and seat of the Sovereign Authority, and, as a necessary consequence, does not admit in its ancient political system, any modification which is not made directly by the King, in a perfect state of freedom, and with the advice of those wise men whom he may be pleased to consult.

Spaniards! the experiment which you have made ought to awaken all your vigilance, and to put you on your guard against the insidious and deceitful suggestions of Revolution.

Our King, always disposed to secure the happiness of his people, will find, no doubt, in our ancient laws, in our usages and customs, wise provisions which, combined with our character, and in harmony with our customs and our wants, will fix, in a stable and advantageous manner, our future destiny.

Spaniards! It is for you that the glory is reserved of exterminating the revolutionary Hydra which, repulsed from all the States of Europe, has come, seeking an Asylum, to strike our native land with barrenness and calamity. Let the most perfect harmony, therefore, be the character

of our noble Cause : let there be only one will where there is only one wish and one interest—the safety of Religion, of our King, and of our Country.

In the name of the Provisional Junta of Government of Spain and the Indies.

The Members present,

FRANCISCO DE EGUIA, President.

ANTONIO GOMEZ CALDERON.

JUAN BAPTISTA DE ERRO.

(2.)—*Recognition by the Duke d'Angouleme.*—(Translation.)

EXCELLENT SIR,

Oyarzun, 9th April, 1823.

THE Provisional Junta of Spain and the Indies, composed of His Excellency Don Francisco de Eguia, President ; His Excellency Baron d'Erolles, and Messrs. Don Antonio Gomez Calderon, and Don Juan Baptista de Erro, after having been lawfully instituted and invested with the necessary Authority, has just been solemnly recognized at the Head-Quarters in the Town of Oyarzun, by His Royal Highness the Duke of Angouleme, in the name of His Most Christian Majesty.

In its sitting this day the Junta, among other matters which it discussed, has ordered that your Excellency, as well as the Army under your orders, and all the Authorities and Towns of this Province, and of those to which your jurisdiction may in future extend, shall recognize the said Junta in the accustomed form, and with the requisite solemnity : the subaltern authorities are to send you a certificate of the execution of this order, that you may forward it to the Junta.

The Junta also informs your Excellency that the title which must be given to the Junta, in a body, is " Most Serene Highness," and to each of the members in particular that which he had before.

God preserve your Excellency many Years.

FRANCISCO DE EGUIA, President.

H. E. Baron d'Erolles, Cap.-Gen. of the Royal Army of Catalonia.

## PROVISIONAL REGENCY OF THE CORTES.

June, 1823.

(1.) *Resolution of the Cortes.*

(Translation.)

Seville, 11th June, 1823.

IN consequence of the refusal of His Majesty to place His Royal Person and Family in safety from the invasion of the enemy, the contingency has occurred for regarding His Majesty in the situation of moral impediment to fulfil his functions, provided for by Article 187 of the Constitution ; a Provisional Regency is therefore appointed.

which, during the period only of the King's removal to Cadiz, shall exercise the functions of the Executive Power.

His Regency shall be composed of three members: viz.

DON CAYETANO VALDES, Deputy of the Cortes, President.

DON GABRIEL CISCAR, Councillor of State.

DON GASPAR VIGODET, Councillor of State.

(2.)—*Notification to the Cortes.*—(Translation)

*San Fernando, 15th June, 1823.*

THE Provisional Regency of the Kingdom, in consequence of His Majesty having arrived in the Island of Cadiz, and of its having just learnt that a sufficient number of Deputies to deliberate in the Cortes has also arrived there, declares that it must henceforward cease, and does absolutely cease, in the exercise of the functions belonging to the Executive Power, which were granted to it up to this period, by the Decree of the said Cortes, of the 11th of this Month.

CAYETANO VALDES, President,

GABRIEL CISCAR.

GASPAR VIGODET.

*Don Jose Maria Calatrava.*

ROYAL REGENCY OF THE KINGDOM.

May to October, 1823.

(1.)—*Proclamation of the Duke d'Angouleme.*

*Alcobendas, 23d May, 1823.—(See Page 80.)*

(2.)—*Declaration of the Duke d'Angouleme.*

*Madrid, 25th May, 1823.—(See Page 85.)*

(3.)—*Proclamation of the Regency to the Army.*

(Translation.)

*Madrid, 3d June, 1823.*

THE Regency of the Kingdom, during the captivity of the King, our Lord, to the Soldiers of the Army, called "National:"

The Country, desolated by Civil War, perceives the period approaching when its calamities will cease. The Government is established, and all Spaniards hasten to recognize it: the hydra of factions disappears, and peace promises you repose.

A few senseless men lead you astray; they conduct you into inglorious danger, and excite you to contests, from which you can expect no other results than opprobrium or death.

Europe is desirous that tranquillity should exist in Spain, of which it stands so much in need. A French Army of 100,000 men, commanded

by a Grandson of Henry IV. lends its assistance to 10,000,000 of Spaniards, in order that it may be re-established. Who will have the boldness to resist it?—Will the Spanish Soldiers contribute to the prolongation of the unhappy captivity of their King?

Soldiers! The Country is with us. With it you will co-operate for the deliverance of your captive Monarch: this grand object attained, you will return to the bosom of your families, dedicating yourselves to the cultivation of the arts; the children of peace. Would you prefer the disgrace of staining your hands with the blood of your brothers to the glory of assuring the repose of your Country?

Soldiers! Listen to the voice of the Regency of Spain, which addresses you in the name of your captive Monarch. Listen to the language of truth, and that of your interests: come and throw yourselves into the arms of your ancient comrades, and join them in the cry of "Live the King."

THE DUKE DEL INFANTADO, President.

THE DUKE DE MONTEMAR.

JUAN, Bishop of Osma.

ANTONIO GOMEZ CALDERON.

#### (4.)—*Proclamation of the Regency to the Nation.*

(Translation.)

SPANIARDS!

Madrid, 4th June, 1823.

The deplorable absence of our King has rendered the institution of a Regency, charged with the Government of this Kingdom, indispensable, so long as his captivity and our misfortunes shall last. Called to these high functions at a momentous and turbulent period, in which the terrified Factions still struggle against justice and legitimacy, and in which Society, alarmed, demands protection and security, the Regency will perform its duties without listening to the passions, or allowing themselves to be governed by weakness.

The constant object of its labours, as well as of its wishes, will be the deliverance of our King. In order to obtain success in this sacred undertaking, it will join its efforts to those of the French Army, and of the August Prince who commands it, and will consider every sacrifice for that object as slight and trivial.

The first cares of the Regency will be directed towards the Army; to that truly Royal Army, which, created amidst the turbulence of civil commotions, has so meritoriously acquired claims to the everlasting gratitude of Spain. The period is arrived when its bravery

be recompensed by a regular and legal organization.

Administration, under the direction of the Regency, and of the most enlightened and prudent Persons, devoted to their King and



Country, will superintend the wants of the People, see that internal tranquillity be maintained, and that the Fundamental Laws be faithfully executed.

The Regency will vigorously employ all the force confided to it, in order that persecutions and excesses may be prevented; at the same time, it will cause the Royal Authority, the sacred deposit of which is confided to it, to be respected; and will inflict on those Persons who attempt to violate the same, the severest punishment of the Tribunals.

Such will be its conduct; it will leave other matters to the sovereign decision of His Majesty, to whom every regulation exclusively belongs, so soon as he shall have regained the free exercise of his authority.

Awaiting the happy day when it will have to resign its authority, the Regency declares, that it will use all its energy to prevent the re-opening of our still bleeding wounds; and that all Friends to the King, to justice, and to order, may reckon on its support.

THE DUKE DEL INFANTADO, President.

THE DUKE DE MONTEMAR.

JUAN, Bishop of Osma.

ANTONIO GÓMEZ CALDERON.

(5.)—*Proclamation of the Regency to the Nation*.—(Translation.)

SPANIARDS!

*Madrid, 20th June, 1823.*

THE Regency of the Kingdom addressed itself to you in the excess of its most poignant grief, not to excite the constant loyalty of your hearts, because the Spaniards cannot cease to be faithful to the God of our Fathers, and to our beloved Sovereign; but to assuage the bitterness of its affliction and yours, at the sight of the evils which may ensue from the melancholy and critical situation in which the perfidious Enemies of the Country have placed us.

You have witnessed the tolerance, the mildness, and indulgence, with which the partisans of irreligion, licentiousness, and anarchy, have been treated. You have, it is true, sometimes deplored the impunity which Men so criminal every where enjoy; and the Regency itself would have been apprehensive of scenes calculated to cause scandal, if, convinced of your wise patriotism, it had not known that you were acquainted with the motive for such mild and tolerant conduct. It must frankly be confessed that this motive was the liberty of the King and of his August Family.

Spaniards, you are aware that our legitimate and adored Sovereign has been deprived of the Throne of his Fathers: this horrible crime has been committed, to revenge the heroick answer of the Monarch to the proposal to remove him to Cadiz; an answer the words of which ought to be written on marble and brass. They will be the finest ornament of history for many ages, and they will always be engraved on the hearts of all Spaniards: "As a private Individual, I could consent to my re-

removal to another place ; but, as King, my conscience, and the interests of my Subjects, does not permit me to do so."

In speaking thus, Ferdinand has manifested his great soul and his love for his People. A Regency, named by the most furious demagogues, has been the consequence of so much heroism ; and Ferdinand and his Court, and all the Royal Family, have been violently transferred to Cadiz ; to Cadiz, where that Act destructive of Religion and the Monarchy took place. There the Monarch now is, a prisoner ; there is the Royal Family ; and can there be a Spaniard, who can see such an event without indignation and without horror ?

Spaniards ! Your Government confesses that it can find no expression fit to describe so horrible a crime ; your Government feels itself reduced to the eloquence of silence.

The Regency of the Kingdom, confounded, it is true, by so great a crime, will not neglect to take, and it has taken, firm and energetic measures to punish its authors, and to remedy the evils caused by the implacable Enemies of God and of the Monarch. Prudence and vigour will preside over all its resolutions. You will co-operate in so just an object, by confiding in your Government, which will unremittingly pursue those whose desperate rage has filled our hearts with mourning.

THE DUKE DEL INFANTADO.

THE DUKE DE MONTEMAR.

JUAN, Bishop of Osma.

ANTONIO GOMEZ CALDERON.

(6.)—*Decree of the Regency.*—(Translation.)

*Madrid, 23d June, 1823.*

THE scandalous measure of the removal of the sacred Person of the King, our Master, and of his Royal Family, to Cadiz, has placed the Regency of the Kingdom under the necessity of adopting prompt and efficacious measures to preserve the precious existence of that August Family from acts of a more horrible character, which may yet be contemplated. It has, in consequence, decreed that :

ART. I. A correct List shall be formed of the Members of the existing Cortes, and of those of the pretended Regency elected at Seville, as well as of the Ministers and Officers of the Militia Volunteers of Madrid and Seville, who have given orders to remove the King from Seville to Cadiz, or have aided in that removal.

II. The personal property of the individuals on this List shall be immediately sequestrated, until further orders be given.

III. The Members of the Cortes who have adhered to the Resolution, by which the temporary deposition of the King was pronounced, are declared by that act alone guilty of high treason, and the punishments pronounced by the Laws against that crime, shall be visited upon them by the Tribunals, on proof of their identity.

IV. Are excepted from the preceding disposition, and shall moreover be honourably and suitably rewarded, those who efficaciously contribute to the deliverance of the King.

V. The Generals and Officers of the Line and Militia, who have followed the King to Cadiz, are declared personally responsible for the lives of their Majesties, and the Royal Family, and may be brought before a Council of War, to be tried as accomplices of any violence which may be committed on the Members of the Royal Family, and which it might have been in their power to prevent.

VI. Explicit orders shall be sent, by the most prompt and opportune means, to the Governor of Ceuta, to interdict the entrance into that fortress of the Cortes and Revolutionary Government, should they present themselves there; subject, however, to the express condition, that the Persons of the Royal Family be not in the least endangered by such interdiction.

VII. The most vigorous and vigilant measures, by sea and land, shall also be concerted with his Royal Highness the Duke d'Angouleme, in case of necessity, to prevent the conveyance of their Majesties and the Royal Family beyond Sea.

VIII. General Prayers shall be put up during eight successive days, to implore the Divine clemency under circumstances so critical, and during that period, the Theatres shall continue closed, and publick amusements prohibited.

IX. Information shall be sent by Extraordinary Couriers of the present measures to all the principal Courts of Europe.

Let it be understood, &c.

THE DUKE DEL INFANTADO, President.

THE DUKE DE MONTEMAR.

JUAN, Bishop of Osma.

ANTONIO GOMEZ CALDERON.

JOSEF GARCIA DE LA TORRE,

Secretary of State, of Grace and Justice.

(7.)—*Proclamation to the Spanish Nation.*—(Translation.)

SPANIARDS!

Madrid, October 5, 1823.

Our most ardent wishes are fulfilled. The King is free! Our beloved Monarch and the Royal Family are released from oppression and the most severe slavery! The desired, the idolized Ferdinand lives! The Queen miraculously lives! They come to occupy, with renovated glory, the Throne of Charles the Third, of Philip the Fifth, and of his Grandfather. Eternal glory to the great Prince, and to his Liberating Army, which you have received with enthusiasm, and which you will this day load with your tenderest benedictions, for having restored liberty to your King.

Ferdinand free! Behold, Spaniards, the great object obtained,

and the auspicious termination of so many Negotiations, so many efforts, battles and triumphs, so many sufferings and sighs! The cares of the great Monarchs of Europe have not been in vain, nor the paternal solicitude of the venerable and august head of the Bourbon Family, nor the noble efforts of the illustrious Prince, his adopted Son, nor the heroick sacrifices of the magnanimous Nation, which is this day and from henceforth our friend and sister. The blood of Spanish Royalists which has been shed, and their sufferings, have not been in vain; they have, by more than human efforts, heroically contributed to the deliverance of our King.

Ferdinand free! Monarchs, Nations of Europe, and all Spaniards, behold the price and the recompense of your labours; behold the memorable event from which will date the new era of repose, of peace, of tranquillity for the People, of security for Thrones, the total destruction of factions, the liberty and the happiness of loyal and catholic Spain.

Spaniards! Glory be first to God: to God who holds in his hand the hearts of Kings, who has inspired them with the idea of effecting so glorious an enterprise, of which there is no example in the History of the World. Let us praise and bless the Monarchs, and let the Princes, the Generals, and all the Royalist Soldiers and Companions in arms of the two Nations, who have immortalized themselves in the great struggle of fidelity against rebellion, receive the expression of our gratitude!

In the whole Peninsula, in the vast regions of the other Spanish Hemisphere, let nothing be heard but hymns of benediction, songs of praise, of reconciliation, and of peace! When our common Father comes amongst his Children, let him hear in the paternal mansion nothing but the voices of reconciliation and peace: let all, united as Brothers, surround the Throne, and make a sacrifice of their hatreds and prejudices; let no one dare to interrupt this triumphal fête by cries of distress, which would afflict the heart of our good King.

Christians and generous Spaniards,—The Members of the Regency, who have governed you in days of trouble, and whom you so loyally obeyed, speak to you to-day for the last time; they are going to replace in the sacred hands of their King the charge which has been intrusted to them; they are going, as faithful Subjects, to mingle with you again in order to render faith and homage to their Sovereign. Their joy would be complete, if they could accompany the numberless proofs of your fidelity with the act of universal reconciliation, though it were sealed with their blood; if they could see their brethren, who have been led astray, repent and mingle themselves with the faithful; the weak, encouraged by the example of the strong, throw themselves at the feet of their King. Ferdinand, the pious, the merciful, (the Regency are well assured) will readily forget all his sufferings, if, in return, he can see all his Children reconciled, and saluting him with



sentiments of unalterable fidelity, with the name of Father, and Lord, of the great Spanish Family. His magnanimous heart will answer your acclamations, by calling you his dear Children: then will commence a new and happy era for restored Spain.

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**PROJECT of Constitution for the Empire of Brazil.**  
**30th of August, 1823. (Abstract.)**

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**TITLE I. Of the Territory of the Empire of Brazil.**

The Empire of Brazil is declared to be one and indivisible, and to extend from the mouth of the Oyapok to the  $34\frac{1}{2}$  degree of south latitude; its Territory to consist of the Provinces of Pará, Rio Negro, Maranhão, Piauí, Ceará, Rio Grande do Norte, Paraíba, Pernambuco, Alagoas, Sergipe d'El Rei, Bahia, Espírito Santo, Rio de Janeiro, St. Paulo, Santa Catharina, Rio Grande do Sul, Minas Geraes, Goyaz, Matto Grosso, the Islands of Fernando de Noronha, and Trindade, and others adjacent; and, by federation, the Cisplatine State.

It is declared that the Brazilian Nation does not renounce any claim which it may have to any other possessions not included in the list of provinces.

**TITLE II. Of the Empire of Brazil.**

All free natives of Brazil residing therein, the children of Brazilians born in Foreign Countries, freed Slaves, naturalized Foreigners, whatever may be their religion, &c. are declared Citizens. Letters of naturalization will be granted to Foreigners, possessing property, having agricultural or commercial establishments, having introduced or practised any useful art, and being domiciled in the Empire. Personal liberty; Trial by Jury; Religious liberty; the free exercise of industry; the inviolability of property, and the liberty of the press, are guaranteed under certain restrictions and modifications. The trial by jury is confined to criminal cases, and civil questions are, for the present, to continue to be decided by judges. The Roman Catholick Apostolick Religion is declared to be the religion of the State, and the only one maintained by it; but all persons belonging to any Christian communion may enjoy every political right in the Empire. Religions, not Christian, are merely tolerated, and their profession excludes from political rights. The Censorship over the press is abolished, subject to particular regulations; but a Censorship is reserved to the Bishops, on works relating to religious doctrine and morals.

**TITLE III. Of the Constitution and the National Representation.**

The Constitution of the Empire is declared to be a Representative Monarchy, hereditary in the dynasty of the present Emperor Don

**Pedro I.** The recognized political authorities are the legislative, the executive, and the judicial powers, which are to be delegated by the Nation ; and any exercise of those powers, without such delegation, is declared a usurpation.

#### TITLE IV. *Of the Legislative Power.*

The articles under this title minutely particularize the powers and the constitution of the Legislative Body, called the General Assembly. The Legislative Authority is delegated to that body and to the Emperor, conjointly. The assembly is divided into two Halls: the Hall of Deputies, and the Hall of Senators, or the Senate. No Law is to be debated in secret ; and every proposition must be publicly discussed ; with some exceptions, expressly stated in the rules for the internal government of the halls. To authorize the adoption of a resolution, more than one half of the members of a hall must be present. The duration of the General Assembly is 4 Years : and the Session, which lasts 4 Months, is to commence every year on the 3d of May. All placemen, with the exception of Ministers of State and Members of the Emperor's Council, are excluded from seats in either Hall of the Assembly. All proposals for Laws respecting the Revenue, recruiting, or a new dynasty, must originate in the Hall of Deputies. No bill for Taxes can be altered or amended by the Senate ; but must be merely approved or rejected. Propositions made by the Emperor are also to be first discussed in the Hall of Deputies. The Members of the Hall of Deputies are elected for every Legislature ; but the Senators are chosen for life. In the first instance, the election of Senators is to be provincial, as for the Deputies, but triple lists are to be returned to the Emperor, for his choice : afterwards vacancies in the Senate are to be filled up from triple lists, presented by the Hall of Deputies to the Emperor. The Emperor may refuse his sanction to a Law, a first and a second time ; but if the same Law pass in a third Assembly, it is then held to have received the Imperial assent. The Emperor must give or refuse his sanction within one month ; but when a Law which has passed both Halls shall have been presented to him, if he do neither, within that period, the Law is, notwithstanding, held to be obligatory.

#### TITLE V. *Of the Elections.*

The elections for the Legislature are to be indirect ; the great body of citizens voting for the Electors, and those for the Deputies, to the exclusion of minors, military officers, the clergy in orders, monks, domestic servants, labourers hired by the day, &c. The qualification for an elector is a clear annual income equal to the value of 250 alquieres of Mandioca flour, estimated according to the average price of the district in which he resides. To be qualified for a Deputy it is necessary to

be 25 years of age, to have a clear annual income equal to 500 alquieres of Mandioca flour, estimated in the same manner. The qualifications of a Senator are 40 years of age, and double the annual income of a Deputy.

**TITLE VI. *Of the Executive Power, or of the Emperor.***

The person of the Emperor is declared inviolable and sacred. He can freely appoint and dismiss the Ministers of State and his Privy Councillors, nominate Ambassadors, declare War, and make Peace, &c. The civil list is to be settled at the commencement of each reign, and to be unalterable during the reign. If an heir to the Crown of Brazil succeed to a Foreign Crown, he cannot hold both, but must make his option. On the accession of the Emperor, he is to take the following oath before the President of the Senate, and in the presence of the Members of both Halls, viz:—

“ I swear to maintain the Roman Catholick Apostolick Religion, and the integrity and indivisibility of the empire; and to observe, and cause to be observed, the Political Constitution of the Brazilian Nation, and the other Laws of the Empire, and to do every thing in my power for the general welfare of Brazil.”

**TITLE VII. *Of the Ministry.***

The ministers and their agents are declared responsible for their acts; no order of the Emperor, either verbal or written, can be pleaded in bar of this responsibility.

**TITLE VIII. *Of the Privy Council.***

Privy Councillors are responsible for the advice they give.

**TITLE IX. *Of the Judicial Power.***

A Law is to be passed to regulate the composition of juries, and the form of their proceedings.

**TITLE X. *Of the Government.***

The administration of the provincial districts is provided for.

**TITLE XI. *Of the National Revenue.***

The system of taxation, and the forms to be observed with respect to the Estimates, and the disbursement of the publick money, are described.

**TITLE XII. *Of the Armed Force.***

The mode of classing the military is prescribed, and the armed force is declared to be essentially obedient, and not a deliberating body.

**TITLE XIII. *Of Publick Instruction, Charitable Establishments, and Houses of Correction and Labour.***

Laws are to be passed to regulate the establishment of primary schools, universities, hospitals, &c., the civilization of the Indians, the

gradual emancipation of the Negroes, and the means of giving them a religious and industrious education.

**TITLE XIV. *Of general Regulations.***

Regulations are provided respecting the privileges of Foreigners; the rights of Individuals of all Classes, and the eligibility of Persons to hold Offices of publick trust.

**TITLE XV. *Of the Constitution and its revision.***

The revisal of any part of the Constitution is provided for, when two-thirds of each hall of the Constitution shall, in three successive Legislatures, vote for the alteration of an article.

[In all 272 Articles.]

*Rio de Janeiro, 30th August, 1823.*

ANT. C. RIBEIRO DE ANDRADA MACHADO E SILVA.  
JOSE BONIFACIO DE ANDRADA E SILVA.  
ANTONIO LUIZ PEREIRA DA CUNHA.  
M. FERREIRA DA CAMARA DE BETHENCOURT E SA.  
PEDRO DE ARAUJO LIMA. (*With reservations.*)  
JOSE RICARDO DA COSTA AGUIAR D'ANDRADA.  
FRANCISCO MONIZ TAVARES.

*Note.*—Another “Project of Constitution for the Empire of Brazil, prepared in the Council of State, on the Bases presented by His Imperial Majesty,” dated 11th December, 1823, was finally sanctioned by the Emperor on the 25th March, 1826. [See vol. 1825, 1826, Page 936.]

*LAW of Buenos Ayres, relative to the Principle to be maintained in any Negotiation with Brazil, respecting the Banda Oriental; passed in the Secret Sitting of 10th May, 1822.*  
(Translation.)

*Principle recognized by the State of Buenos Ayres.*

THE Honourable Junta having received through the Ministry of Government and Foreign Affairs, the confidential letter of his Most Faithful Majesty's first Minister of State, dated Lisbon, November 3d, addressed to the Minister for Finance for this Government, which was forwarded to him by the Baron de la Laguna, with another letter serving for its transmission, dated the 15th ultimo, have conferred with due deliberation, in the sittings of the 8th and 10th, on the particulars therein contained, and in virtue thereof have decreed the following Articles:—

I. The principle is recognized, that the attempt to destroy such Constitutions and Governments as do not emanate from the spon-



taneous will of those who, on the ground of privilege, consider themselves exclusively authorized to give justice to, or withhold it from nations, is subversive of every National right.

II. The Government is authorized to negotiate, in maintenance of this principle, the Defensive Alliance suggested by the Prime Minister of His Most Faithful Majesty, in his confidential communication to the Minister of Finance, dated the 3d of November last.

III. The preliminaries being adjusted (among which, the evacuation of the Banda Oriental shall be particularly included), the Government shall present an account thereof to the National Representation, to obtain that full authority which the conclusion and ratification of a definitive treaty requires.

The above is by order of the Honourable Junta communicated to your Excellency for your information, and its consequent execution.

God preserve your Excellency many Years.

*Hall of Sessions, Buenos Ayres, 10th May, 1822.*

JUAN JOSE PASO, President.

JOSE SEVERO MALAVIA, Secretary.

*The Government of the Province.*

Published by authority of the Hall of Representatives, 7th July, 1823.

RIVADAVIA.

***LAW of Buenos Ayres, relative to the Basis of any Negotiation with Spain.—19th June, 1823. (Translation.)***

***Basis of every Negotiation that may be entered into with His Catholick Majesty.***

THE Honourable Junta of Representatives of the Province, in virtue of the ordinary and extraordinary sovereignty vested in them, have sanctioned the following Articles, which are to have the force and effect of a Law.

ART. I. The Government, in conformity with the spirit of the Law, dated August 16th, 1822,\* shall not conclude with His Catholick Majesty any Treaties of Neutrality, Peace or Commerce, unless the War have ceased in all the new States of the American Continent, and their independence be recognized.

II. The preceding Article shall have no effect in case any of the new States should, independently of this State, proceed to negotiate

\* *Law of the 16th August, 1822.*—Art. I. The Government is authorized to negotiate for the cessation of the War in Peru, with the previous concurrence of the people of the Ancient Union, and of the States of Chili and Lima.

II. The Government is authorized to adopt such pacifick measures as may conduce to the restoration of tranquillity and order amongst the People of the Ancient Union, who are agitated by civil dissensions.

III. The Government shall be provided, forthwith, with the sum of 30,000 Dollars in furtherance of these objects.

on the subject of its recognition by the Government of His Catholic Majesty, or in case, without taking such a step, it should recognize any condition other than those specified in that Article.

III. The Government shall immediately employ all means which it may deem efficacious for accelerating the cessation of the War, and the recognition of independence.

IV. The Government is authorised to apply, for the present, the sum of 20,000 dollars to this end.

The above is, by order of this honourable body, transmitted to your Excellency, for your information and its fulfilment.

God preserve your Excellency many Years.

*Hall of Assembly, Buenos Ayres, June 19th, 1823.*

MANUEL DE ARROYO Y PINEDO, President.

JOSE SEVERO MALAVIA, Secretary.

*The Government of the Province.*

### *STATEMENT of the Receipt and Expenditure of the Province of Buenos Ayres for the Year 1822.*

#### RECEIPT.

	Doll.	Rls.	Doll.	Rls.
Balance left from 1821.....			7,353	5
Custom House .....	1,987,199	3		
Sundries.....	229,307	5		
Stamps.....	74,789	2		
Tithes.....	51,870	3		
Port Duties.....	35,303	5		
Direct Taxes.....	23,210	0		
Post Office.....	6,561	5		
			2,408,242	0
Thirty-six bills not due.....	91,301	7		
Deposits.....	12,193	2		
			103,498	1
			<u>Dollars</u>	<u>2,519,094</u>
				<u>0</u>

#### EXPENDITURE.

	Dolls.	Rls.	Dolls.	Rls.
Interest on part of the publick debt consolidated.....	326,890	1		
Do. do. not consolidated.....	316,901	2		
			643,791	3
Expenses of Government.....	446,140	2		
Do. of Finance .....	264,187	2		
Do. of War.....	843,935	6		
			1,554,263	3

## Sums in hand transferred to the Year 1823.

Treasury.....	414	1	
Receiver's Office.....	223,588	6	
Police.....	3,727	5	
Commissariat.....	2,240	4	
Funds of 4 and 6 per Cent. intrinsic value.....	*29,737	7	
Remittances for Copper Money.....	44,680	4	
Allied Provinces, Balances in Account.....	16,649	6	
			321,039 2
		Dollars	2,519,094 0

Sums due in favour of the State ..... 321,039 2

Bills and Deposits payable thereby ..... 103,498 1

Net balance in favour of the State..... Dollars 217,541 0

\* Besides the publick funds above-mentioned, there are other sums in the Receiver's Office, in specie, which will be entered in the great book in the current Year, and exhibited in the statement for January, the actual amount of which is 52,444 dollars, 7½ rials, which increases the surplus to 269,985 dollars, 7½ rials.

*Buenos Ayres, January 23, 1823.*

SANTIAGO WILDE.

Let the above be published.

GARCIA.

**DECREE of the Supreme Director of Chili, transferring the Government to a Provisional Junta.—28th January, 1823.**

(Translation.)

THE Authorities of the People of this Capital having assembled yesterday to deliberate with the Supreme Director, upon what was requisite for the publick tranquillity, the Session ended with the following Decree, issued by His Excellency.

Believing that, under the existing circumstances, tranquillity may be restored to the Country, by my giving up the Supreme Command of the State, and having agreed upon this point with the People of Santiago, the only step which could have that effect in the present crisis, I have resolved to abdicate the Supreme Direction of Chile, and to surrender its provisional exercise to a Junta of Government, composed of Don Agustin Eyzaguirre, Don José Miguel Infante, and Don Fernando Errazuris, considering that there does not at present exist a National Representation before whom my renunciation can be made, and which the said Junta of Government will endeavour to assemble with all dispatch; it being understood that if, at the expiration of 6 months the

difficulties which the Provinces of the State may have amongst themselves be not settled, the Junta of Government shall be at an end, in order that the People of Santiago may deliberate upon what is best to be done.

And in order that it may know what are its attributes and powers, the Commission proposed to me by the People, consisting of Don Juan Egaña, Dor. Don Bernardo Vera, and Don Joaquin Campino, will proceed to form a Regulation for fixing them.

Let it be printed, published, and circulated.

Given at Santiago, the 28th January, 1823.

BERNARDO O'HIGGINS.

MARIANO EGANA.

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*DECREE of the Congress of Colombia, respecting the Naturalization of Foreigners.—4th July, 1823. (Translation.)*

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THE Senate and Chamber of Representatives of the Republic of Colombia, assembled in Congress.

Wishing to promote as much as possible the laudable object which the Constituent Congress had in view, in the Law of the 3d September, of the Year 11, (1821,) which unfortunately has not produced the results which were expected, in consequence of the serious obligations which it imposes on those who claim Letters of Naturalization; and animated by the just desire, that the population of Colombia should rapidly increase in useful and industrious Citizens, who may be anxious to enjoy the advantages which a liberal Government holds forth to them, have deemed it proper to decree, and do decree, as follows:

ART. I. The Person or Persons who may obtain Letters of Naturalization, by virtue of the present Law, shall enjoy the same Rights and Privileges as the Citizens born in the Territory of Colombia, in every thing which is not in opposition to the Constitution and Fundamental Laws of the Republic.

II. All Persons born out of the Territory of Colombia, who possess the qualifications hereafter expressed, may obtain Letters of Naturalization, provided that they renounce, for ever, the ties which bind them to other Governments, and whatever hereditary Title, or Order of Nobility they may have in their own Countries; that they possess some description of industry or useful calling wherewith to subsist, and that moreover, they oblige themselves by oath, to support, to obey, and to observe, the Constitution and Laws of the Republic.

III. In the person of the Husband, his Wife, and his Children under 21 Years of Age, become naturalized.

IV. In order that Letters of Naturalization be granted, it is necessary that the Candidates shall have signed, before the respective Muni-



cipalities, a written declaration of their intention to establish themselves in the Country, and that subsequently to this declaration, they shall have passed 3 Years of uninterrupted residence in the Territory of Colombia.

V. Absence in Foreign Countries on Commercial Affairs shall not be deemed to interrupt the continued residence of the Candidates, in all cases in which it do not exceed 6 months.

VI. Those who may become holders of Landed Freehold Property in Colombia, of which the unincumbered value may be equal to 1,000 Dollars, shall have had 2 Years of uninterrupted residence, in order to obtain Letters of Naturalization. Proprietors of such property, to the extent of 2,000 Dollars, may become naturalized after only 1 Year of uninterrupted residence. Those who intermarry with Colombian Women shall possess a Right to Naturalization after an uninterrupted residence of 6 months.

VII. Foreigners who may become possessors of Freehold Property in Colombia, whether in House or Land, of which the value may amount to 4,000 Dollars, do not stand in need of any period of residence to obtain Letters of Naturalization.

VIII. Shall be computed as a component part of the 3 Years' residence required by the 4th Article of this Law, the time passed by Foreigners in Colombia, anterior to its publication, although the declaration therein expressed may not have been previously made.

IX. Natives of those parts of America which depended on Spain in the Year 1810, and have not since united themselves to any other Foreign Nation, are exonerated from the obligations of residence or of property which this Law requires.

X. He who considers himself qualified to obtain Letters of Naturalization, shall address to the Governor of the Province in which he may be resident, a Memorial, containing satisfactory evidence of the motives on which he grounds his Petition; of his moral conduct; of the Country of which he was before a Member; and of the Persons who accompany him, and to whom, according to the tenor of the 3d Article, the Right of Naturalization may have to extend itself.

XI. The Governor shall receive from him the corresponding justificatory proofs, shall make such enquires as he may deem proper, and, with the addition of such remarks as may appear to him requisite, shall transmit the Petition, having gone through the forms herein prescribed, to the Executive Authority of the Country.

XII. The Executive Authority shall decide whether the Petition shall be received or not; and, in the first case, he shall issue the Letters of Naturalization, transmitting them to the Authority, through whose medium the application was made.

XIII. As soon as the Governor of the Province shall have received the Letters, signed by the Executive Power of the Republick, he shall

require from the Petitioner, upon oath, the declarations, renunciations and promises which, as the case may require, he shall be obliged to make, which Act shall be noted down at the bottom of these Letters, and, having taken an authentick Copy of the same, he shall deliver the original to the Party thus naturalized.

XIV. In each Province a Register of those who are thus naturalized shall be kept, by its respective Government.

XV. The present Law comprehends that of the 3d September, 1821, which is revised in the terms of the preceding Articles.

Done in Bogota this 4th day of July, 1823.—(13).

The Vice President of the Senate JERONIMO TORRES.

The President of the Chamber of Representatives } D. CAICEDO.

The Secretary of the Senate A. J. CARO.

The Deputy and Secretary of the Chamber of Representatives } J. J. SUAREZ.

Palace of the Government in Bogota, 4th July, 1823. (13).

Let it be executed,

FRANCISCO DE PAULA SANTANDER.

By His Excellency the Vice President of the Republick, charged with the Executive Power.

The Secretary of State for the Interior, J. M. RESTREPO.

#### FORM OF LETTER OF NATURALIZATION.

##### *Republic of Colombia.*

FRANCISCO DE PAULA SANTANDER, of the Order of the Liberators of Venezuela and Cundinamarca, decorated with the Cross of Boyaca, General of Division of the Colombian Army, Vice-President of the Republick, charged with the Executive Power. &c. &c. &c.

Whereas the Executive Power is authorized by the Law of the 4th July of the present Year (1823) to issue Letters of Naturalization to Foreigners qualified to obtain them in Colombia, and, being included in the number thereof, such as have performed essential services to the Cause of the Republick, in pursuance of the 184th Article of our Constitution, which assimilates them, in every respect, to the Natives of the Country, a benefit of which they cannot take advantage until they have obtained this Document (Letter of Naturalization), I have deemed it proper to issue the present Letter, declaring a Colombian Citizen, A. B., a ——— by birth, who has given proof of having rendered important services to the Republick, by fighting for its Independence, from ——— to the present time, for which services he has been honoured by the Supreme Government with the rank of ——— in its Army, and with other distinctions.

I, therefore, order and command all the Authorities, Civil, Military, and Ecclesiastical, to observe, and cause to be observed, towards the

before-named A. B. all the rights which are due to him as a Colombian Citizen, conformably to the Constitution and Laws of the Republick, but the same shall have no effect until the party interested shall have presented himself before the Governor or Intendant of the Province in which he intends to reside, and made the prescribed renunciations, oath, and other observances, mentioned in the 13th Article of the said Law.

Done, signed in my own hand-writing, sealed with the Seal of the Republick, and counter-signed by the Secretary of State for the Interior, in the Palace of the Government of Colombia, in Bogota, this ——— day of ———.

F. DE P. SANTANDER.  
J. M. RESTREPO.

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FORM OF OATH.

*Endorsement.*

IN the City of Bogota, Capital of the Intendancy of Cundinamarca, this ——— day of ——— in the Year ———

Whereas A. B. having presented himself in the Intendancy of this Province, for the purpose of taking the Oath prescribed in the 13th Article of the Law of the 4th July, 1823, it was administered to him by the Intendant, in the presence of me, the Secretary of the Intendancy, in the accustomed form; by which he has renounced, for ever, the ties which bound him to another Government, and whatever hereditary Title or order of Nobility he may have in his native Country; and has obliged himself to support, obey, and observe the Constitution and Laws of the Republick. In proof whereof he signs this Act in conjunction with the Intendant, which is certified by the above-mentioned Secretary.

*The Intendant,*  
ENRIQUE OMANA.

(A. B.)

*The Secretary,*  
J. J. GORI.

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***REGULATIONS of the British Government, respecting  
Foreign Orders granted to British Subjects.  
(Published December, 1823.)***

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***Regulations of His Majesty and of His Royal Highness the Prince  
Regent, respecting Foreign Orders.***

1. THAT no British Subjects shall accept a Foreign Order, or wear its Insignia, without having previously obtained a Warrant under the Royal Sign Manual, (directed to the Earl Marshal of England,) granting them His Majesty's permission to accept and wear the same.

2. That the intention of a Foreign Sovereign to decorate a British Subject with the Insignia of such Order shall be notified to His Ma-

jesty's Principal Secretary of State for Foreign Affairs, either through the King's Minister abroad, or through the accredited Minister of the Foreign Sovereign resident at this Court.

3. That when His Majesty's Principal Secretary of State for Foreign Affairs shall have taken His Majesty's pleasure, and obtained his consent upon the occasion, he shall then signify the same to His Majesty's Principal Secretary of State for the Home Department, in order that he may cause the usual Warrant to be prepared for the Royal Sign Manual, and take such other steps as may be necessary for carrying His Majesty's pleasure into effect accordingly.

4. That when the Warrant is signed by the King, it shall be announced in the Gazette in the usual manner, and registered in His Majesty's College of Arms.

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In addition to the above Regulations of the King, His Royal Highness the Prince Regent deemed it expedient to announce, in the Year 1812,

5. "That no Subject of His Majesty could be allowed to accept the Insignia of a Foreign Order from any Sovereign of a Foreign State, except they shall be so conferred in consequence of active and distinguished services before the Enemy, either at Sea or in the Field; or unless he shall have been actually employed in the service of such Foreign Sovereign."

And in March, 1813, His Royal Highness was pleased to command, that the following Proviso should be thereafter inserted in all Royal Warrants for the acceptance of Foreign Orders:

6. "That His Majesty's Licence and Permission doth not authorize, and shall not be deemed or construed to authorize, the assumption of any style, appellation, rank, precedence, or privilege, appertaining unto a Knight Bachelor of these Realms."

N. B. Before the Principal Secretary of State for Foreign Affairs takes the Prince Regent's pleasure, on any application for an Officer in the Army to be permitted to accept a Foreign Order, he causes the same to be referred to the Commander-in-Chief, through His Royal Highness's Secretary, to know whether or not His Royal Highness sees any objection to the Prince Regent's pleasure being taken thereupon.

And if the application be in favour of a Naval Officer, the Principal Secretary of State for Foreign Affairs communicates with the First Lord of the Admiralty, to the same effect, previous to the Prince Regent's pleasure being taken thereon.

CASTLEREAGH.

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**DECLARATION adressée aux Monarques réunis à Vérone, de la part du Gouvernement des Grecs.—Argos, le 29 Août, 1822.\***

*Aux Monarques Chrétiens réunis au Congrès de Vérone.*

DIX-HUIT mois se sont écoulés dans la lutte terrible que soutient la Grèce contre l'ennemi du nom chrétien, toutes les forces de l'Islamisme ont été réunies contre elle, et les guerriers Musulmans de l'Europe, de l'Asie, et de l'Afrique, se sont armés pour appuyer la main de fer, qui depuis si long-tems opprime la Nation Grecque, et qui voudrait aujourd'hui lui donner le coup de la mort. Deux fois depuis le commencement de cette Guerre, la Grèce a élevé la voix pour demander par l'organ de ses légitimes Représentans, quelques secours des Puissances Chrétiennes de l'Europe, ou pour obtenir au moins que ces Puissances observassent une stricte neutralité. Maintenant, qu'une réunion des principaux Souverains a lieu dans la Péninsule Italienne; maintenant, qu'ils délibèrent sur les plus hauts intérêts de l'humanité, et que toutes les Nations attendent d'eux le maintien de la paix, la garantie de leurs droits et une équitable administration de la justice; aujourd'hui le Gouvernement Provisoire de la Grèce croirait manquer à ses devoirs s'il n'exposait pas aux regards des Monarques le véritable état de la Nation que ce Gouvernement représente. Il croirait y manquer encore, s'il ne faisait valoir les droits, et ne communiquait les vœux légitimes de cette Nation, ainsi que la résolution inébranlable de tous les Grecs, d'obtenir enfin, ou la justice qui leur est due des Puissances de la Terre, comme ils ont déjà obtenu la protection de l'Arbitre Souverain des destinées de tous les Empires, ou bien de périr jusqu'au dernier, mais en chrétiens et en hommes libres.

Des torrens de sang ont déjà été répandus; mais enfin la bannière de la croix flotte partout victorieuse sur les ramparts des Villes du Péloponèse, dans l'Attique, l'Eubée, la Béotie, l'Acarmanie, l'Etholie, dans la plus grande partie de la Thessalie et de l'Epire, dans l'Ile de Crète et dans les Iles de la mer Egée. Tels ont été les progrès, tel est l'état actuel de la Nation Grecque. Quiconque connaît la Turquie, doit être convaincu que, dans la situation où se trouvent maintenant les Grecs, ils ne peuvent poser les armes avant qu'ils n'aient conquis une existence Nationale et Indépendante, et avant qu'ils n'aient obtenu une garantie suffisante pour le maintien de cette existence. Elle seule peut assurer le libre exercice de leur religion, la sécurité pour la vie, la fortune et l'honneur des Citoyens.

Si l'Europe dans son désir de maintenir la paix, et lors qu'elle traitera avec la Porte Ottomane, veut comprendre la Nation Grecque dans son système de paix générale, le Gouvernement Provisoire de la Grèce croit de son côté et sans perte de tems devoir déclarer, comme

\* Publiée par la Députation qui ne fut pas admise au Congrès.

il déclare officiellement par le présent Acte, qu'ils n'acceptera aucun Traité quelque avantageux même qu'il puisse paraître, avant que des Députés n'aient été admis à défendre eux-mêmes la cause Nationale, à exposer tous leurs griefs, à faire valoir leurs droits et leurs intérêts les plus chers. Les sentimens de piété, d'humanité et de justice, dont, sans doute, la réunion des Souverains est animée, font espérer au Gouvernement Provisoire de la Grèce que sa juste demande sera convenablement accueillie. Mais si, contre toute attente, l'offre de ce Gouvernement venait à être rejetée, la présente déclaration équivaldra à une protestation formelle que la Grèce entière dépose en ce jour au pied du trône de la justice divine, protestation qu'un peuple chrétien adresse avec confiance à l'Europe entière, à la grande famille de la chrétienté. Faibles et abandonnés, les Grecs n'espèrent alors que dans le Dieu fort. Soutenus par Sa toute puissante main, ils ne fléchiront jamais devant la tyrannie. Chrétiens persécutés depuis plus de quatre cents ans, pour être restés fidèles à notre Dieu, nous défendrons jusqu'à la mort du dernier d'entre nous, son église, nos foyers et les tombeaux de nos pères. Heureux de joindre nos pères dans la tombe en hommes libres et en chrétiens, ou de vaincre comme nous avons vaincu jusqu'ici, par la seule force de Notre Seigneur Jésus Christ, et par sa Divine Puissance.

*Argos, le 29 Août, 1822.*

En l'absence du Président du Pouvoir Exécutif,

ATANASIOS KANAKARY.

*Le Secrétaire-d'Etat des Affaires Etrangères,*

NEGRIS.

Pour copie conforme,

Le Délégué du Gouvernement Provisoire de la Grèce,

*Ancône, 2 Janvier, 1823.*

A. GR. METAXA.

***DECREE of the Senate of Hamburgh, for the repeal of the Taxes on Emigration, Inheritance, &c. in favour of the Subjects of Foreign States.—16th June, 1823. (Translation.)***

WHEREAS at a Conference held on the 12th of this month, between the Honourable Senate and the hereditary Burghers, concerning the repeal of the decimal Tax, as referring to States which do not belong to the German Confederation, it was resolved :

That towards all States conceding a reciprocity, an exemption shall be allowed to this effect : that, neither an emigration tax on persons going away, nor a tax for liberty of drawing out inheritances, marriage portions, or other capitals, to be sent out of the Country, shall be exacted ; not including however the collateral tax payable on all inheritances falling due here, which even Burghers of this place themselves must pay.

That the reciprocity, however, if not notorious or decidedly declared, must be proved by the Applicant.

The Honourable Senate has, therefore, caused these presents to be printed for the information of all persons, and in order to serve for their guidance when occasion shall require.

Done and passed in the Senate of Hamburg.  
*Monday, the 16th June, 1823.*

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*ACT of ABDICATION of Augustin Iturbide, as Emperor  
of Mexico.—19th March, 1823. (Translation.)*

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*Articles read to the Mexican Congress, in an extraordinary Sitting,  
held in the City of Mexico, the 19th of March, 1823.*

1. CONGRESS having recognized and approved the acts and proceedings of Casa Mata, the causes of my retaining forces in the vicinity of the capital have ceased to exist; and as my only view was to sustain and protect that body, the division heretofore existing on my account is therefore at an end.

2. I accepted the Crown with great reluctance, and only acquiesced through a desire to serve my Country; but from the moment I perceived that to retain it would serve as an excuse or pretext for an intestine War, I determined to abdicate it. I did not adopt this course before, because there was not a body to represent the Nation generally recognized, and I considered that any step taken by me, unless there were one, would have been both useless and injurious to the Country. There now exists one, and I accordingly abdicate.

3. My presence in this Country would be always a pretext for disturbances; and projects, of which I might never have thought, might be attributed to me. In order, therefore, to remove suspicion, I will quit this Country, and direct my steps to a Foreign one.

4. Ten or fifteen days will be sufficient to regulate my domestick affairs, and prepare the means of conveying myself and family away.

5. I will only request of Congress to pay from the National Funds certain debts which I have contracted with some particular friends, which are not of large amount. Although Congress left it to my option to make use of such Funds as I thought proper, I could not appropriate them to my own private use, when the wants of the Army and those of the publick functionaries weighed heavily on my heart.

ITURBIDE.

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**DECREES of the Congress of Mexico, relative to the Change of the Executive Power of Government.—29th and 30th March, 1823.** (Translation.)

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(I.) THE Sovereign Constituent Mexican Congress has thought proper to expedite the present Decree :

1. It is declared that Congress, having assembled to the number of 103 Deputies, constituting a majority, is in full and absolute liberty to deliberate, and consequently in a situation to continue its Session.

2. That the Executive Power of Mexico has ceased from the 19th of last March to the present date.

3. That both the foregoing Resolutions be transmitted to the Supreme Executive Power about to be named, in order that they may be communicated to whom it may concern.

*Mexico, 29th March, 1823.*

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(II.) The Sovereign Constituent Mexican Congress has decreed as follows :

1. The Executive Government shall be exercised provisionally by a body to be denominated the Supreme Executive Power.

2. It shall be composed of 3 Members, each of whom shall act alternately for one month as President, and in the order of their nomination.

3. The Supreme Executive Power shall have the title of Highness, and its Members that of Excellency, only in Official communications.

4. This body shall not be chosen from among the Members of Congress.

5. This body shall be governed by the last Regulation presented by the Regency to Congress for their approbation, except as respects the office of the Commander-in-chief, and until another be formed in conformity with the circumstances of the present moment.

*Mexico, 30th March, 1823.*

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(III.) The Sovereign Constituent Congress has thought proper to name the following Individuals for the Executive Power, viz.—Don Nicolas Bravo, Don Guadalupe Victoria, Don Pedro Celestino Negrete.

This nomination shall be immediately communicated to the persons named, that they may repair to the Hall of Congress to take the corresponding oath.

*Mexico, 30th March, 1823.*

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**DECREE of the Congress of Mexico, declaring the Coronation, &c. of Augustin Iturbide null and void, and providing for the departure and future support of himself and Family.—**  
**8th April, 1823.** (Translation.)

THE Sovereign Constituent Congress of Mexico has decreed as follows :—

1. That, the Coronation of Don Augustin Iturbide having been an act of violence and force, and not of right, there is no call for any discussion on the abdication he has made of the Crown.

2. That, consequently, the hereditary succession, as well as the titles emanating from that Coronation, are declared to be null and void; and all the Acts of the Government, passed between the 19th of May and the 29th of last March, are pronounced illegal, or, at least, subject to the revisal of the existing Government, in order to their being confirmed or revoked.

3. That the Supreme Executive Power shall hasten the departure of Don Augustin Iturbide from the Territory of the Nation.

4. That he shall depart at one of the Ports of the Gulph of Mexico, a Neutral Vessel being chartered, at the expence of the State, for conveying him, with his Family, to whatever place he may prefer.

5. That the sum of 25,000 dollars, payable in this Capital, be annually assigned to Don Augustin Iturbide, during his life; on condition that he shall establish his residence in any part of Italy; and that after his death his Family shall receive 8000 dollars, according to the Rules established for Pensions from the Military Fund.

6. That Don Augustin Iturbide shall have the appellation of Excellency.

The Executive Supreme Power, &c. will consider all this as understood.

Mexico, 8th of April, 1823—Third Year of Independence, and Second of Liberty.

JOSE MARIANO MARIN, President.

FLORENTINO MARTINEZ. } Deputy Secretaries.  
 GABRIEL DE TORRES. }

**DECREE of the Sovereign Congress of Mexico, annulling certain of the Acts of the late Imperial Government.—**  
**9th April, 1823.** (Translation.)

THE Sovereign Constituent Congress of Mexico decrees :

1. That no right ever existed to subject the Mexican Nation to any Law or Treaty, unless of its free will, or by its appointed Representa-

tives named according to the Publick Law of Free Nations. Wherefore, the Plan of Iguala, the Treaties of Cordova, and the Decree of the 24th February, 1822, are no longer in force or effect, so far as regards the Form of Government which they establish, and the Persons they called to the Crown. The Nation remains absolutely free to give itself such Constitution as it may think proper.

2. The three guarantees of Religion, Independence, and Union, by the free will of the People, and the Provisions contained in the said Plan, Treaties, and Decree, which do not contravene the preceding Article, shall be considered as subsisting and in force.

The Supreme Executive Power will cause these Presents to be printed, published, and circulated.

Mexico, 9th April, 1823, 3d Year of Independence, and 2d of Liberty.

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***DECLARATION of WAR by Mexico against Spain.***

*1st October, 1823.*

*(Translation.)*

THE unexpected commencement of hostilities by the Governor of the Castle of San Juan de Ulloa against the Town of Vera Cruz, has compelled the Supreme Executive Power to adopt measures consequent on an aggression unprovoked by its inhabitants, and warranted by no political considerations. It is therefore ordered :

1. That all Political and Mercantile Relations with the Spanish Nation do cease.

2. That, using the lenity dictated by the philanthropic principles of the Mexican Nation, all Spanish Vessels do immediately leave the Ports of Mexico, without being subjected, as they might, by the Government, to embargo or confiscation.

3. That the same conduct be pursued with all Spanish Merchantsmen that may arrive in these Ports from Europe within the space of 4 Months, a time sufficient to allow this decision to be known on that Continent, and of 40 days from Havannah, or any other Port of Spanish America.

4. That all Vessels arriving after the expiration of those periods be treated according to the Laws of War (if it be not before terminated), as will be from this moment all armed Vessels.

5. That after the period of 4 months, the productions of the Spanish soil be not admitted to entry under any flag whatever.

By order of His Serene Highness.

Mexico, 1st October, 1823.

FRANCISCO JOSE BERNAL

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***DECREE of the Supreme Executive Power of Mexico, relative to the Blockade of the Fortress of Ulloa, and the exclusion of Spanish Vessels and Merchandise.***

8th October, 1823.

(Translation.)

THE Supreme Executive Power, provisionally named by the Sovereign Congress of Mexico, taking into consideration, that the War with the Spanish Nation ought not to be considered as terminated, until she has formally and solemnly recognized the Independence of South America, the object of 13 Years' unceasing and bloody sacrifices;

That notwithstanding this, the Mexican Nation and its Government, resorting to those principles of lenity and prudence which characterize the Americans, has allowed the existence of friendly relations with the Subjects of Spain, the free Commerce of her productions and manufactures, the exportation of National produce and money, as well as the unobstructed entry of her Merchant Vessels into our Ports;

That notwithstanding this generous conduct, and regardless of her own interests, the said Spanish Nation has not taken a single step that evinces the sincerity of her intentions towards Peace; but, on the contrary, without losing sight of her ancient ideas of Dominion, she retains a Force on a small point of the Territory of Mexico, where the rash project is still entertained of again binding the Inhabitants of this Land to the ignominious yoke of slavery from which they have so gloriously emancipated themselves;

That the Governor of a small Fortress, after advancing unjust pretensions to portions of this Continent, contravening the Laws of Nations, observed by all free States, and forgetting the presence here of the Commissioners belonging to his own Government, who were empowered to enter into Treaties of Commerce; and also, forfeiting his own word, pledged to the Authorities of Vera Cruz, not to commence hostilities without previous and due notice, in order that the Persons and property of peaceable Citizens might be removed from the ravages of War, commenced hostilities without such intimation, on the afternoon of the 25th of September last, which renders it presumable that the conduct pursued by him is owing to Instructions and Orders he has received from his Court;

Finally, that it is the duty of the Government to defend the integrity of the Territory confided to its care, to sustain the glory and honour of the Nation, to cause that Flag to be respected which has led on our Warriors to victory, and, conformably to the Laws of War, to diminish the Enemy's means of carrying it on, has decreed, and does hereby decree as follows:—

1. That the roadstead and the said Fortress being under the fire of our Batteries and Gun-boats, the Castle of San Juan de Ulloa is hereby declared to be in a state of Blockade. In consequence whereof, the Vessels of War belonging to the Nation, as well as those

of its Allies, shall carry on hostilities against the same by every means in their power.

2. That Merchant Vessels belonging to Subjects of the Spanish Nation shall be compelled to quit the Ports of Mexico within 24 hours after the publication of the present Decree, nor shall they be allowed, under any pretext whatsoever, to return and anchor therein, under the penalty of confiscation.

3. That the entry into the Custom-houses and Maritime Ports of all Spanish productions and manufactures, shall also be prohibited. That Neutral Vessels having the same on board, shall, until the expiration of 40 days, be allowed to return to the Place from whence they came, if they have arrived from any Port of the American Continent, and until 4 months, if they have come from any Port in Europe; but these periods being expired, the said Vessels shall be declared to be confiscated.

4. That the punishments awarded by the Laws in force shall be applied against all Individuals, of whatsoever class or condition, who may be found to hold any communication with the Garrison and Inhabitants of San Juan de Ulloa, all intercourse therewith being considered as entirely at an end.

5. That all Spanish Merchant Vessels, to which the present Decree shall be made known, which do not immediately proceed to a Foreign Port, shall be declared lawful Prize, as shall also be those, which, after that intimation, may be found steering to any other of our Ports, or of those of Colombia.

6. The present Decree shall be communicated to the Commandants-General of Departments, to the Commanders of the National Fleet, to those in command of Allied and Friendly Vessels, to the Port Captains, and to all Authorities whose duty it is to watch over the due observance thereof, under the most rigorous responsibility.

Done in Mexico, this 8th day of October, 1823.

MARIANO MICHELENA, President.

JOSE MIGUEL DOMINGUEZ.

VICENTE GUERRERO.

JOSE JOAQUIN DE HERRERA.

And, in order that the present Decree may be duly carried into effect, I communicate the same to your Excellency, in order that, in every thing that regards you, it may be executed, and due report made of any infractions which you may discover. God and Liberty.—  
Mexico, 8th October, 1823. J. J. DE HERRERA.

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*SPEECH of the King of Portugal on the closing of the  
Cortes.—31st March, 1823. (Translation.)*

GENTLEMEN,

THE labours of the present Legislature being to cease this day, according to the Constitution, I come to rejoice with you at the



wisdom and patriotism which you have shown in the Legislative Measures which you had judged necessary for the execution and progress of the Constitution, and for the security of Civil Liberty and the re-establishment of order and public tranquillity, which the spirit of faction dared to disturb in one of the extremities of the kingdom.

This circumstance, so afflicting to my paternal heart, offered at the same time an irrefragable testimony of the purity of the Constitutional Spirit, of the love of Country, which prevailed amongst the greater part of the Nation, as well as of the patriotism and firmness with which the Representatives answered to the confidence of their Constituents.

Yes, Gentlemen, I owe to the Nation, to its worthy Representatives, and to the whole world, the sincere and consolatory declaration, that the great majority of the Kingdom is faithful to the Oath which it took to the Constitution, that every Portuguese who is worthy of the name, would, in the same manner as his King, rather lose his life than disregard the sanctity of his Oath, and the dignity of his character: and that any one of his Subjects, therefore, who should fail to follow his example, would be the object of certain indignation.

I do not fear that the criminal attempts of internal or external enemies will prevail against the general will of the Nation. I regret, however, that the shortness of the time, and the accumulation of business, have hindered you from passing the Judicial, Fiscal, and Administrative organic Laws, on which the progress and the consolidation of the Constitutional System depend.

I, therefore, consider it necessary, under these circumstances, that the National Representation should be speedily assembled round the Throne, in the form determined by the Constitution, since the public security and the perfection of the system require it.

I have now, Gentlemen, only to promise to you, as well as the Nation which you so worthily represent, my co-operation in the cause of National Liberty, as faithful and efficacious as my sentiments are pure, of which I can offer you no better pledge than my conduct and my character.

*Lisbon, 31st March, 1823.*

JOHN.

***PROCLAMATION of the King of Portugal, respecting a  
Modification of the Constitution.—31st May, 1823.***

**INHABITANTS OF LISBON!**

(Translation.)

THE salvation of the People is always a supreme Law, and to me a sacred Law; this conviction, which has been my guide in the critical circumstances in which Providence has placed me, imperiously dictated the resolution which I yesterday adopted, with the greatest regret, to separate myself from you for some days; yielding to the prayers of the People, and to the desires of the Army, which either accompanies, or precedes me.

**Inhabitants of Lisbon!** Tranquillize yourselves: I will never be wanting in the love which I consecrate to you; I sacrifice myself for you, and, in a short time, your dearest wishes will be satisfied.

Experience, the wise instructress of People and Governments, has demonstrated, in a manner very afflicting to me, and fatal to the Nation, that the existing Institutions are incompatible with the will, the customs, and the persuasions of the greater part of the Monarchy; the evidence of facts confirms these assertions: Brazil, that interesting part of the Monarchy, is divided into factions; in the Kingdom, civil war has caused Portuguese blood to be shed by the hands of their Countrymen; the danger of foreign War is imminent; and the State, thus agitated, is threatened with total ruin, unless the most prompt and efficacious measures are immediately adopted. In this afflicting crisis, it behoves me, as the King and Father of my Subjects, to save them from anarchy and invasion, by conciliating the Parties which are hostile to each other.

To attain this desirable end, it is necessary to modify the Constitution; if it had produced happiness to the Nation, I would continue to be its first guarantee; but, when the majority of a Nation declares itself so openly and hostilely against its Institutions, those Institutions require reform.

Citizens! I do not desire, nor ever did desire, absolute power, and I this day reject it; the sentiments of my heart are repugnant to despotism and to oppression. I desire only the peace, the honour, and the prosperity of the Nation.

**Inhabitants of Lisbon!** Do not fear for your liberties, they shall be guarantied in a manner which shall secure the dignity of the Crown, and shall respect and maintain the rights of the Citizens. In the meantime, obey the Authorities; forget private revenge; stifle the spirit of party; avoid civil war; and, in a short time, you shall see the bases of a new Code, which, securing personal safety, property, and employments duly acquired in any period of the existing Government, shall give all the guarantees which Society requires, unite all wishes, and cause the prosperity of the whole Nation.

*Villa Franca de Xira, May 31, 1823.*

JOHN.

Published by an order, written and signed by His Majesty, transmitted to the Minister of Finance this day. The original is in my hands.

JOSE XAVIER MOUSINHO DA SILVEIRA.

*Lisbon, May 31, 1823.*

***PROCLAMATION of the King of Portugal, on the Dissolution of the Constitution of the Cortes.—3d June, 1823.***

PORTUGUESE,

(Translation.)

INSTEAD of a Constitution that might sustain the Monarchy, and instead of Representatives chosen by yourselves; you have seen, under

that sacred title, a tissue of maxims promulgated, with the view of disguising subversive and inconsistent principles, which had for their secret purpose the destruction of the reigning dynasty and of the Portuguese Monarchy; you have seen Representatives almost all of whom were elected by intrigue and subornation.

Virtuous Citizens have been oppressed by the yoke of the factious; and fidelity to the King, according to the principles which corrupt Men in exalted stations held, and rashly followed, was branded as a crime.

A structure composed of such materials could not long endure; experience condemns it, and if its Authors for some time maintained their power in spite of your wishes, it was by virtue of promises which they could not realize by the course they adopted. Recovered from their errors, they have dissolved themselves *de facto*, as they had assembled *de facto*, and I dissolve them *de jure*.

Solicitous for your interest, I determined to save my Royal dignity by restoring the Monarchy, which should be the foundation, and not the sport, of every Constitution. Portuguese fidelity has shone with the brightest lustre even among those who were the Authors of all these evils; since they have, in a great measure, voluntarily acknowledged their delusion.

Portuguese: your King, freely seated on the Throne of his ancestors, is about to secure your happiness: he is about to give you a Constitution, in which will be proscribed the principles which experience has proved to be incompatible with the durable tranquillity of the State. Your Sovereign can only consider himself happy, when he sees all his Subjects united. He forgets past opinions, and only requires fidelity in your future conduct.

*Villa Franca de Xira, June 3, 1823.*

JOHN.

JOAQUIN PEDRO GOMEZ DE OLIVEIRA.

[See Decree of the King, annulling the Constitution of 1822, &c. dated 18th June, 1823. State Papers, 1823, 1824, Page 852.]

***CORRESPONDENCE between Portugal and France, relative to the Invasion of Spain by the latter Power.—February and April, 1823.*** (Translation.)

(1.)—*Instruction to the Portuguese Chargé d'Affaires at Paris.*

SIR,

*Lisbon, February 13, 1823.*

M. THOMAS WANCELLER, attached to His Majesty's Legation in London, arrived here, yesterday, with the important speech of His Most Christian Majesty, on the Opening of the French Chambers.

It is impossible to describe the indignation that has been excited here by the manifestation of the projected War against Spain; and the

imprudence with which the Government declares to France, and to all Europe, its intention of compromising the Peace of the World, to enable Ferdinand VII. to govern Spain after his own way, for no other reason than because he belongs to the Bourbon Family.

It was resolved at the Congress of Verona, that it belonged to France to decide how far she could exercise an armed interference in the internal affairs of Spain, admitting the hypothesis that the state of Spain was or could be prejudicial to the safety of France. Thus the French Government was fully empowered to declare War, if the evils which it apprehended could not be otherwise avoided.

So long as the French Ministry could deduce its principles, whether true or false, from the internal disorders of Spain, these disorders formed its motive for opposing a barrier to the torrent with which it is believed France to be threatened: the reality of the fact might then have been doubted; but no one disputed the principle of the right.

But now that the French Ministry proclaims as the ground of the War, the fact that Ferdinand VII. received from the Nation the Constitution with which he accepted the Spanish Crown, no Government in Europe can authorise by its silence a principle so subversive of all States.

In consequence, His Majesty commands you, as soon as you shall have received this Despatch, to address a protest to that Government, conceived in the most decorous, but at the same time energetic and positive terms, against the above principle, specifying that His Most Faithful Majesty hopes that the Government of His Most Christian Majesty will desist from it, since it cannot escape his penetration how incalculable would be the result of a War which would terminate by setting all Europe in a blaze.

But if the hopes of His Most Faithful Majesty be disappointed, and the French Army enter the Spanish Territory, your Excellency has orders to withdraw immediately from that Kingdom, in order to make it known to the whole World that the Portuguese Nation and its August Chief hold in abhorrence principles as contrary to the safety of Governments, as they are destructive to the tranquillity of Nations.

His Majesty, however, not wishing to contribute by any positive act to the disasters of the fresh combustion which is about to blaze throughout Europe, unless the safety of the Nation should be directly compromised, does not wish to interrupt the commercial relations existing between the two Nations.

Consequently, even in the event of the Diplomatick relations being suspended between the two Courts, M. de Lesseps may remain here, notwithstanding, in quality of Consul-General; the other French Consuls will also remain at their respective Posts, as long as that Government does not order them to suspend the relations of commerce, or does not oblige them to adopt measures which will place His Majesty's Go-



vernment under the disagreeable necessity of embracing the cause of Spain.

So long as the principle declared by His Most Christian Majesty is not put into execution, His Majesty will confine himself to a simple protest against it, in His Royal Name, and that of the Nation: but in case of the aggression taking place, His Majesty orders you immediately to demand your Passports, and to quit the Kingdom with all your Mission, bringing with you the Archives of the Legation, and forwarding orders to the different Consuls to continue to exercise their functions until they receive the further Commands of His Majesty.

SILVESTRE PINHEIRO FERREIRA.

*M. Juan Ferreira da Costa Sampayo.*

(2).—*The Portuguese Minister to the Chargé d'Affaires of France.*

(Translation.)

*Lisbon, 20th April, 1823.*

It being ascertained that a French Army has entered the Spanish Territory, with the intention of assisting the Bands of Faction, who, being scattered over the Peninsula, have spread the horrors of Civil War throughout its whole extent; and the Chargé d'Affaires of Portugal having, in consequence, necessarily ceased from the exercise of his functions at the Court of Paris, in conformity with the eventual instructions transmitted to him to that effect, the Undersigned, &c. has received His Majesty's Orders to signify to M. le Chevalier Lesseps, &c. that, for the reasons above set forth, he can no longer continue his Diplomatick Functions at this Court. As, however, His Majesty, at the same time that he has ordered all relations to cease between Portugal and France, during these circumstances, except such as are purely commercial, between the subjects of both Nations, has directed that the Portuguese Consuls in France should continue, for the benefit of mutual commerce, in the exercise of their employments, so long as they shall not receive orders to the contrary, or as they shall not be prevented therefrom by the Government of the Country; he has been likewise pleased to cause it to be declared to M. le Chevalier Lesseps, that, inasmuch as he is also invested with the character of Consul-General of the French Nation in this Kingdom, he is at liberty to continue therein, and to exercise his functions in that capacity.

The Undersigned, having thus fulfilled the painful duty of making to the Chargé d'Affaires of the French Government this communication, as commanded by His Majesty, renews, &c.

SILVESTRE PINHEIRO FERREIRA.

*The Chev. de Lesseps.*

**DECREE of the Cortes of Spain, relative to the Trade of Foreign Nations, with Spain and its Colonies.**

31st January, 1823.

(Translation.)

THE Extraordinary Cortes, in virtue of the power vested in them by the Constitution, have decreed,

ART. I. That the Government is hereby authorized to suspend, while it shall think advisable, the admission into the Peninsula and adjacent Islands, of the Foreign Vessels and effects belonging to those Nations which shall interrupt their friendly Relations with Spain and its Constitutional Government.

II. That the Government is hereby authorized, likewise, to deprive of the benefit of the Decree of the 27th January, 1822, relative to the Commerce of the Island of Cuba, the Vessels and effects belonging to the Nations indicated in the preceding Article, limiting in such case the said benefit solely to those Nations which the Government shall think proper; in the same manner as has been done with respect to all the ultramarine Provinces by the Decree of the 9th instant.

III. The provisions of the preceding Articles shall be immediately made known to all the Envoys and Consuls of Spain in Foreign Countries, in order that the Resolution of the Nation may be made publick; and publicity shall likewise be given to the use which the Government shall make of these faculties, with respect to those Nations which interrupt the just Relations of Amity which Spain endeavours to maintain with all.

XAVIER DE ISTURIZ, *President.*

**DECREES of the King of Spain, prohibiting the Commerce of Austria, France, Prussia, and Russia, with Spain and its Colonies.—March, 1823.**

(Translation.)

(1.)—*Decree. Trade with Spanish Colonies, 5th March, 1823.*

DON FERDINAND the 7th, by the Grace of God, and by the Constitution of the Spanish Monarchy, King of the Spains, to all to whom these presents shall come:

The Extraordinary Cortes have decreed:

[Here follows the preceding Decree of 31st January, 1823.]

We therefore order all the Tribunals, Justices, Chiefs, Governors, and other Authorities, Civil, Military, and Ecclesiastic, of whatever class and dignity, to observe and cause to be observed, fulfilled and executed, the present Decree; it being well understood that, exercising for the present only the authority granted to my Government in the 2d Article of the above Decree, the Vessels and effects belonging to France, Austria, Prussia, and Russia, shall be deprived of the benefits

granted by the Decree of the 27th January, 1822, respecting the Commerce of the Island of Cuba. You will take steps for its fulfilment, &c.  
*Don Evaristo San Miguel.* FERDINAND.

(2).—*Decree. Trade with Spain.*—16th March, 1823.

DON FERDINAND the 7th, by the Grace of God, &c. Having used in my Decree of the 5th instant, the Power granted to me in the 2d Article of the said Decree of the Cortes, (of the 31st January, 1823,) with respect to the vessels and effects of France, Austria, Prussia, and Russia, I do henceforth extend to the said vessels and effects the suspension referred to in the 1st Article of the said Decree, and do prohibit their admission into the Peninsula and Islands adjacent.

Let it be understood, &c. FERDINAND.  
*Don Evaristo San Miguel.*

***PROCLAMATION of the President of Hayti, prohibiting  
 Commercial Intercourse with Foreign Countries.***

20th March, 1823. (Translation.)

SINCE the foundation of the Republick, the Rights of Nations have always been scrupulously observed; this Government, invariably guided by the love of peace, and by the honour which a just cause inspires, has never conceived any thing that could, with justice, create a suspicion that it has been her intention to disturb any of the neighbouring Islands.

Nevertheless, it is in the greater part of those Islands, where the promoters of the horrid traffick in human flesh are concentrated, that the Republick has always had its most embittered slanderers. Their inhabitants, tormented by the horrors of an upbraiding conscience, imagine that they behold Hayti as always ready to annihilate them, whilst the Haytiens, fully confiding in the Supreme Being, and leaving to Him the attributes of vengeance, despise the calumnies of Enemies whom a Divine punishment will sooner or later overtake.

Laws and Regulations, at once opposed to reason, and contrary to the true interests of those Islands, are there in full force, to prohibit all communication with this Republick, whilst, by means of smuggling, which they encourage, they clandestinely find a market to dispose of their produce. Have we not before our eyes our generous conduct towards them, when, in the time of scarcity, they came to us for grain, provisions, cattle, &c. and we carried those things to them? Do we not every day see arriving in our Ports Merchandize from those Islands? Do we not know that the Haytien Coasters go and receive from them, sugars, syrup, taffia, rum, &c. through the allurements

of illicit gain, and fraudulently introduce them into our Territory, contrary to Law? Why, then, with all the advantages which the Inhabitants of the neighbouring Islands derive from their communications with us, do they not cease to vilify the name of Haytien, and insult our National character by their disgraceful acts?

To so many outrages there must be an end.

We, therefore, declare to all whom it concerns, that, in order to use reprisals against the enemies and slanderers of the Republick, all relations and communication by Merchant Vessels, or Vessels belonging to Individuals, between Hayti and the different Islands of the Archipelago to the windward and leeward, are rigorously interdicted, from the 1st of May next. All Merchant Vessels, or Vessels belonging to Individuals, therefore, that shall enter the Ports of the Republick, after the 1st May next, coming from the aforesaid Islands or Colonies, shall be seized and confiscated, with every thing that shall be found on board; one half for the benefit of the State, and the other half for that of the informer.

For the same reasons it is expressly forbidden to National Vessels, by the present Proclamation, to communicate with any Island or Colony of the New World, under penalty of seizure and confiscation on their return, one half to the State, and the other to the person who will give information of the trespasses, and also under penalty of one year's imprisonment to the Captain of the Vessel seized, and three months to each of the Crew.

And whereas, from information received, the National Flag has been outraged upon the High Seas; it is also prohibited, under the same penalties as above, to go into any Foreign Port whatever, until this Government shall have adopted proper measures to cause its Flag to be respected, and that it may have all the consideration which it ought to enjoy, the said Vessels must confine themselves, for the present, to the Coasting Trade of the Country.

We order the armed cruising Vessels of the Republick to examine all National Vessels, as also those coming from the Islands or Colonies above mentioned, that shall approach our Coast and transgress this Proclamation, to capture them, and to bring them into the Port of the Capital; where the Officers and Crew of the said armed Vessels shall receive one half of the proceeds of each prize.

The present Proclamation shall be printed, published, and distributed wherever occasion requires, and shall also be inserted for three months in the Official Gazette. The Civil and Military Officers shall execute its provisions, each according to his station.

Given at the National Palace of Port-au-Prince, the 20th March, 1823, the 20th Year of Independence.

By the President,

B. INGINAC, *Secretary General*.

BOYER.

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***CIRCULAR of the Government of Hayti, respecting Commercial Intercourse with Foreign Countries.***

30th December, 1823. (Translation.)

IN conformity with his Excellency the President's Proclamation of the 20th March, of the present Year, and to avoid any misunderstanding, I have, by his order, to communicate to you, that, after this day, the said Proclamation being in full force, you allow no Vessel to enter which has touched in any of the West India Islands. In order to ascertain this more exactly, you will allow only to enter, such Vessels as have cleared from Europe, or the Continents of America, direct for your respective Ports, for which the Master of the Vessel must deliver to you his Custom House clearance from the Port where he took his Cargo in; besides the clearance, you will require from the Master a manifest of the Cargo, mentioning the place of departure, the marks, numbers, packages and contents; and the names of the Shippers and Consignees: this manifest must be delivered to you 24 hours after the arrival of the Vessel, and is to be signed by the Master and Consignee, both giving security that the Vessel has not touched at any of the West India Islands. Vessels cleared from Foreign Countries for the West Indies or Hayti, generally, are not to be allowed to come to an entry.

Should a Vessel, however, be forced by distress to enter a Harbour of the Republick, the Harbour-master will, in that case, send a guard on board, who shall remain there until the Vessel be ready to go again to Sea; and the Vessel shall be free of Tonnage Duty. Should it be necessary to discharge, you will have the Cargo stored in the Government's Warehouse, of which the Commissioner of the Government will sell, under your inspection, so much as will be wanting to defray the expenses of repairs and duties; in such case, the Vessel must pay Tonnage Duty and Fees.

Any contravention of this Circular you will report to the Commissioner of the Government, who will give orders for the seizure of the Vessel, and whatever may be on board; half to the profit of the Informer, the other half to be paid into the Treasury.

*Port au Prince, 30th December, 1823.*

*The Collector of the Customs.*

B. INGINAC,

*Secretary General.*

***Address of the House of Representatives to the Citizens of the Republick of Hayti, on Closing the Session.—8th July, 1823.***

CITIZENS, (Translation.)

IT is a duty sacred to the Representatives of a free people, jealous of the preservation of their rights, to render them an account of the labours which have occupied them. At the close of each Session, an account of the conduct of their Representatives, and the development

of the motives which have directed them, should be offered to the people: such is the sentiment which animates the house, and the end which it proposes.

It is highly satisfactory to the National Representation, at the same time, to announce to the people, that, while we enjoy the benefits of a peace acquired by an heroic perseverance, the most perfect harmony reigns between the Executive Power and the first bodies of the State, which rival each other in their zeal and efforts for the publick good.

Hayti, worthy of appearing in the rank of States the most celebrated for their patriotism, marches with rapidity in that which is assigned to it, and, hastening the progress of her civilization, she shines with the pure splendour which is derived from the wisdom of her institutions.

The want of a Code, adapted to our local situation, has been felt, and the constant cares of the worthy Chief of our State have induced us to take into consideration many projects of Laws, among which were some of those which are to form this precious monument.

The Foreign Laws which were made applicable to us, only by analogy, have ceased to be suitable, in proportion as the Nation has advanced to its maturity.

The first legislature commenced the project: it was occupied in directing the arrangements, but the term for which it was elected having expired, it has only been able to leave us the first book of the Code.

In the same way we have been occupied, in connection with its labours, with the new subject submitted to our debates; and feeling penetrated with the immortal truth, that good Laws are the greatest benefits that men can have or receive, we have passed the Law upon the destination of property; this first link, which connects the chain of the two books, quiets the unsettled opinions upon affairs, which fictitious reports appeared to have perplexed. A Law upon property, in defining the Civil Right with regard to this source of the union of men in the social state, gives action to the Constitutional principle which renders it inviolable.

Usufruct and habitation, which are the representations only of property, distinguishing themselves from it by their essential character, have been the subjects of a particular disposition by this principle; servitudes and ground services have received their just appreciation. From that it may be derived, that the different modes of acquiring property will no longer be a judiciary problem; the nature and form of donations made during life and by will, terminate the series of the Laws of this Session, as to the Haytien Code.

But the care of the Chief of the State, and the solicitude, of your delegates, have not been confined to that: their thoughts have embraced all your interests. The situation of the functionaries, civil and military, who have resigned, or are in retirement, and that of the officers

not in service ; the pay of the military authorities and troops of the line of every kind, in actual service, have been the objects of two Laws : the first determines the pretensions of the former, and the second is, to the others, a new evidence that the supporters of our institutions, the depositaries of our national glory, will always fix the attention of your Legislators. In this new occurrence, the executive power has given an example of admirable disinterestedness.

We have commenced the examination of the accounts rendered by the Secretary of State ; but time has not permitted us to complete this work. The re-union of the several parts of the Territory having considerably augmented the detail, it has not escaped the high conceptions of the President of Hayti, to prepare the project of a Law for the creation of a chamber of accounts ; this useful institution promises great financial results, and will diminish the labours of the office of Secretary of State.

The prosperous situation of the finances requiring no new taxes, we have thought that, in order to encourage the culture of cotton, that branch of the products of the Territory which was declining, it was necessary to diminish the impost to which it was subjected, and to give this mark of protection to the meritorious agriculturalist ; but to restrain cupidity, the Law has established the means of preventing, rather than the punishment of it ; for your delegates have reflected that the object of a wise political economy is to deter from offences, and not to have to punish them. The Law upon patents has been prolonged, for the year 1824.

The necessity of an uniform system in the sale of produce, as well as in the accounts, has not escaped the attention of those in whom you have reposed your confidence. The Law for the compensation of surveyors has determined the price of surveying lands.

Such is the faithful representation of the labours to which we have devoted ourselves.

Haytiens ! The trophies which render you illustrious, the glory acquired by the Founder of the Republic, the splendour which the brilliant actions of his Successors give him, the ardent patriotism of your Chiefs, the zeal and the labours of the Legislative Powers, all would be ineffectual, if you do not feel penetrated with the sacred duties which the Citizen owes to himself and to Society. Be faithful observers of the Laws, and respect those who are the organs of them ; profit by the blessings of Peace, to devote yourselves with constancy to the cultivation of this favoured Land, in which nature has provided for all our wants. Reflect, that it is from her bosom that we can draw all the resources necessary to our existence. You will then fly to arms with more success, if any ever dare to threaten our liberties.

Haytiens ! In casting our eyes around us, we cannot see, without enthusiasm, the imposing attitude of our noble Country ; but, if we

extend our looks further, we shall feel convinced of the necessity of all having but one and the same thought for the preservation of our great work. Always united, you will command admiration and respect; continue always united, and you will nobly second the efforts which the Government ceases not to make for the security of our Independence.

Long live the Republick !

Given at Port-au-Prince, in the House of Representatives of the People, the 8th of July, 1823 ; 20th Year of Independence.

Signed by 66 Members, and by

ARNOUX, Jun. }  
DERENONCOURT. } *Secretaries.*

DUVAL FILS, President.

**ORDONNANCE de Sa Majesté le Roi de Suède et de Norvège,  
qui défend, de nouveau, à ses Sujets, la Traite des Nègres.  
7 Février, 1823.**

Nous, Charles Jean, par la Grace de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, savoir faisons ;

Que désirant sincèrement de maintenir les principes manifestés par notre bien-aimé père, Sa Majesté le Roi Charles XIII, de glorieuse mémoire, par rapport à la Traite des Nègres, lesquels principes coïncident parfaitement avec nos propres sentimens, nous avons déclaré, et déclarons ;—

Que tout bâtiment Suédois et Norvégien, qui, contre toute attente, sera trouvé employé dans la Traite des Nègres, sera, par suite de cette transgression, censé avoir perdu tout droit à notre protection, ou à celle de nos fonctionnaires.

Que nous verrons, avec satisfaction, la découverte et la punition de tout abus du pavillon Suédois et Norvégien, dans un trafic aussi odieux, et que, par conséquent, nous avons accédé à ce que tout bâtiment portant pavillon Suédois ou Norvégien, qui sera trouvé employé dans la Traite des Nègres, soit considéré comme s'il ne portait pas le pavillon sus mentionné.

Tous ceux à qui il appartient, auront à se régler sur la présente.— En foi de quoi nous l'avons signée de notre propre main, et y avons fait apposer notre Sceau Royal.

Fait au Château de Stockholm, le 7 Février, 1823.

CHARLES JEAN.

Contresigné, SKOGMAN.



***RESOLUTIONS of the Diet of Switzerland, respecting the Press, and the Residence of Foreigners.—14th July, 1823.***

La Diète de la Confédération Suisse, après avoir entendu le rapport du Directoire Fédéral, et les manifestations des Députations de tous les Cantons, prenant en sérieuse considération la situation de la République au milieu des états de l'Alliance Européenne, voulant maintenir invariablement les rapports qu'elle soutient avec ces Etats d'après les Traités existants, s'est convaincue de la nécessité de prendre, dans les circonstances importantes et difficiles de l'époque actuelle, des mesures de précaution contre les suites préjudiciables que pourroit avoir, soit la tolérance dont la Suisse a toujours usé envers les étrangers, soit l'abus imprudent de la presse. Par ces considérations, la Diète, fidèle aux devoirs d'une active sollicitude pour tout ce qui peut intéresser la sureté de la Confédération, a pris à l'unanimité la Résolution suivante :

La Diète adresse à tous les Etats confédérés l'invitation très pressante de prendre de la manière qu'ils jugeront convenable, des mesures sérieuses, efficaces et suffisantes :

(A.) En ce qui concerne l'abus de la Presse.

1. Pour que dans les feuilles publiques, gazettes, journaux, et pamphlets, on évite avec le plus grand soin, en traitant des Affaires étrangères, tout ce qui pourrait blesser en manière quelconque la considération due aux Puissances amies de la Suisse, en leur donnant lieu de former quelque plainte fondée.

2. Pour que dans ces mesures extraordinaires on s'attache non seulement à punir les contraventions mais essentiellement aussi à les prévenir.

(B.) En ce qui concerne la Police à l'égard des étrangers.

1. Pour empêcher que par une extension abusive de l'hospitalité, dont l'exercice s'est naturalisé en Suisse par l'usage de tous les tems, des fugitifs n'y arrivent et n'y séjournent, lesquels en suite des crimes commis, ou de perturbation du repos public dans d'autres Etats, en auraient quitté le territoire et auraient été signalés et poursuivis par cette raison, ainsi que des étrangers suspects, qui, ayant obtenu d'une manière régulière la permission de séjourner en Suisse, en auraient abusé pour se livrer à des dangereuses intrigues contre le Gouvernement légitime d'une Puissance amie, ou pour troubler la tranquillité et la paix intérieure.

2. Pour que dans les mesures qui seront prises dans ce but, on ait surtout en vue d'obtenir une parfaite concordance entre les divers Cantons, et toute l'exactitude, la célérité, et la sureté possible dans l'exécution, en sorte que la permission d'entrer en Suisse soit accordée à l'étranger sous condition qu'il possède des titres de légitimation valables, délivrés par les Autorités reconnues de son pays, et qu'à l'égard des étrangers dont les Gouvernemens ont des Ministres accrédités

auprès de la Confédération, la reconnaissance de la Légation respective, des titres de légitimation soit requis dans tous les cas où ces étrangers ne veulent pas seulement traverser la Suisse mais y faire séjour.

3. Pour n'accorder en Suisse des nouveaux passeports à aucun étranger, qui ne pourrait se légitimer par des titres absolument valables, délivrés par les Autorités de son Pays, ou qui ne serait pas particulièrement connu en Suisse, en suite d'un long séjour qu'il y aurait fait, et pour que les étrangers ressortissans à un Etat qui a une légation en Suisse, soient renvoyés à celle-ci pour obtenir des nouveaux passeports.

4. Pour que désormais, chaque fois qu'une mesure de Police aura été prise envers un étranger, on ait soin, afin d'en assurer la prompte et ponctuelle exécution, d'en donner immédiatement connaissance aux Cantons voisins, et de désigner d'ailleurs si exactement la route des individus renvoyés, qu'il leur devienne impossible de se soustraire à l'effet de la mesure.

Enfin les Etats Confédérés sont priés de communiquer au Directoire Fédéral toutes les mesures Cantonales qu'ils auront prises, et prendront dans la suite, relativement à cet objet.

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***FIRMAN de la Sublime Porte, accordant des Privilèges à la Marine Marchande Ottomane.—Avril, 1823.***

(Traduction.)

LA Sublime Porte, voulant encourager le commerce et la navigation de ses propres sujets, en leur fournissant des fonds proportionnés à chaque bâtiment marchand, a décidé que les marchandises et productions que ces bâtimens auront chargées avec les fonds susmentionnés, et qu'ils transporteront des Etats Ottomans dans la Chrétienté, et réciproquement, comme aussi celles qu'ils transporteront d'un lieu dans un autre, paieront des droits de douanes à raison de 3 pour cent.; et celles appartenantes à des négocians Turcs ou à des Rayas, chargées moyennant un nolis, paieront des droits de douanes nécessaires d'après leurs anciens tarifs, avec la défalcation d'un quart.

La douane sera payée une seule fois, soit dans l'endroit de l'achat, soit dans l'endroit de la vente, et les *teskêres* délivrés, faisant foi que la douane a été payée une fois, seront valables partout.

Les douaniers des lieux où ces bâtimens passeront, ne demanderont pas une seconde ni plus forte douane, et n'exigeront ni frais de douane ni *mastarie*, ni droit de sortie, ni d'autres droits arbitraires, pas même, pour la valuer d'une *obole*; et s'il constate qu'ils aient perçu la moindre chose au-delà des droits établis, on la fera restituer.

Dans quelques Echelles de l'Empire Ottoman où ces bâtimens puissent aller, les Autorités Locales prendront soin de donner l'assistance

et la protection nécessaires, afin de les faire décharger avant les autres, et de leur faire prendre leur chargement, lorsqu'ils doivent en prendre un, avant tous ceux des autres Nations, dont aucun ne doit commencer à charger, que ceux-là n'aient pris toute leur cargaison, et leur procurer le nolis.

Lorsque ces bâtimens seront arrivés au Port de Constantinople et aux Echelles de la Mer-Blanche et de la Mer-Noire, et lors de leur passage des embouchures de ces deux mers, après que leurs cargaisons auront une fois payé les droits de douanes suivant l'usage, les préposés de la douane et les autres officiers ne leur demanderont aucun autre droit, soit à titre de revenant bon, ni à titre de bien-venue, ni à aucun autre titre.

Le Capitaine qui donnera un Manifeste et un Mémoire exactes et authentiques, renfermant la totalité de la cargaison et le nom du lieu de sa destination, ne sera assujetti à aucune question. On ne fera aucune perquisition à son égard; on ne le détiendra pas; on ne lui fera éprouver aucun préjudice.

À l'exception des munitions de guerre, des armes et des autres articles prohibés, il est permis à ces bâtimens d'acheter et de transporter toute espèce de productions et de marchandises.

On ne demandera point de droits de douane sur les marchandises étrangères qui sont de transit, c'est à-dire, sur les marchandises et productions qu'ils transporteront de la Russie dans les autres Pays de l'Europe, et réciproquement. On ne forcera pas le Capitaine de les débarquer, et on ne le retiendra pas pour cela.

Lorsque ces bâtimens nolisés par des négocians Français, se trouvent chargés de marchandises appartenantes à des Français, les officiers du Bureau de la Marine permettront sans difficulté aux bâtimens Turcs de les transborder sur des bâtimens Français, sans faire la moindre opposition. Mais de la même manière qu'il est sévèrement défendu aux bâtimens Français de transborder des denrées et des marchandises sur d'autres bâtimens Français, de même il ne sera non plus permis en aucune manière à un bâtiment Turc de transborder des marchandises sur un autre bâtiment Turc, la permission se bornant à une opération de cette nature, d'un bâtiment Turc à un bâtiment Français, et d'un bâtiment Français à un bâtiment de la Sublime Porte.

Il est permis à ces bâtimens de vendre les denrées qu'ils apporteront à Constantinople des échelles de la Russie, comme Tangarog et Odessa, et de les transborder sur des Bâtimens Français, et cette permission leur sera accordée par un Firman.

La Sublime Porte accorde à ces bâtimens la faveur de pouvoir se rendre librement à la Mer-Blanche, avec les grains, les vivres et les denrées qu'ils auront achetés et embarqués en Russie.

Quoique les Capitaines de ces bâtimens soient des hommes qui méritent de la confiance, ils ne sont pas moins compris dans la mesure

que les circonstances actuelles ont nécessité, de visiter généralement tous les Bâtimens: et l'on ne doit pas faire une distinction à cet égard en leur faveur.

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**CORRESPONDENCE relative to the operation of the Act of Congress of The United States, for regulating Trade with the British Colonial Ports. May, 1823.**

SIR, (1.) Washington, May 19th, 1823.

IN answer to your letter, dated the 19th ultimo, communicating a Proclamation, issued under your Authority, for the purpose of meeting the provisions of the 3d section of an Act of the Congress of the United States of America,\* entitled, "an Act to regulate the Commercial intercourse between The United States and certain British Colonial Ports," I have the honour to inform you, that the declaration therein contained, with respect to the equalization of duties and other charges on British and American vessels and their cargoes, would doubtless be considered satisfactory by the American Government, as far as the Province of New Brunswick is concerned; but the President is not prepared to issue his Proclamation for the removal of the discriminating duties still levied in this Country on British vessels entering from the open Colonial Ports, until he receive a similar declaration with respect to all the Ports enumerated in the above mentioned Act of Congress.

With reference to this point, and the difficulty arising out of it, I have the honour to enclose, herewith, for your further information, the copy of a letter which I have recently had occasion to address, on the same subject, to His Excellency the Lieutenant-Governor of Nova Scotia.

I have the honour to be, &c.

STRATFORD CANNING.

*The Hon. Ward Chipman, of H. M. Council, New Brunswick.*

SIR, (2.) Washington, May 17th, 1823.

I HAVE had the honour to receive Your Excellency's letter of the 22d ult. certifying that no higher duties are demanded from ships of The United States, on entering the Ports of Nova Scotia, than what are levied on British vessels, and requesting that I will take the necessary steps to induce the American Government to place British vessels, when entering the harbours of this Country, from Nova Scotia, on a like footing of equality with those of The United States. This subject has for some time engaged a considerable share of my attention, and the state of my correspondence respecting it with the American Government, has alone prevented my making an earlier communication thereupon, as well to your Excellency, as to the other Colonial Autho-

\* 1st March, 1823.



rities. It is now in my power to state, what appears to have been overlooked in some of the Colonies, that the American Government require, as a previous condition of the removal of the discriminating duties on their side, an authentic declaration, not only as to their vessels, including the cargoes, being placed on a footing of perfect equality, in point of duties and charges, of whatever kind they may be, with British vessels, in the open Colonial Ports, but also that no goods imported into the Colonies in their vessels, should be charged with a higher duty than is levied on the *like* articles imported from elsewhere, that is, as they intend it, from any other place whatever than the place of exportation. It is further required that a declaration to this effect should be given, with reference to *all* the Colonial Ports enumerated in the Act of Parliament.

The certificates inclosed in your Excellency's letter are, therefore, not satisfactory to the American Government, inasmuch as they establish two only out of three points required with reference to Nova Scotia. They shew that the British and Americans are charged alike, with respect to their vessels and to the articles, considered merely as a cargo, imported in them, but they do not shew that all the imported articles, considered with respect to the place of production or exportation, are put upon an equal footing as to duty, with the like articles admitted from other places, the British Colonies themselves included.

The character of the 3d and supernumerary condition will doubtless arrest the attention of His Majesty's Ministers; at present it can only be certified as a matter of fact, and I am under an impression that the duties prescribed in schedule C, annexed to the Act of Parliament under which the trade between certain of His Majesty's Colonies and The United States is now open,\* "oppose an effectual bar to the delivery of such a declaration as that which is required by the American Government." If I am in an error on this point, your Excellency has only to send me a declaration, properly certified, and sufficiently comprehensive to embrace all the conditions required as far as Nova Scotia is concerned; but I must request you to observe, that, even the reduction of twopence per ton in favour of Provincial vessels, which is mentioned in the memorial forwarded with your Excellency's letter, would most probably be considered by the American Government as inconsistent with the terms of the Act of Congress, notwithstanding that the vessels of Great Britain appear to be as much affected by it as those of The United States.

I have the honour to be, &c.

STRATFORD CANNING.

*H. F. Licut.-Gen. Sir James Kempt, Licut.-Gov. of Nova Scotia.*

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\* 3 Geo. 4, cap. 44.

SIR,

(3.)

*Washington, May 17th, 1823.*

HAVING reason to believe that an immediate removal of the Alien Duties on tonnage and imports, now levied on British vessels entering the Ports of this Country from His Majesty's possessions in North America and the West Indies, is generally expected, in pursuance of a late Act of Congress regulating the trade between certain of those Colonies and The United States, I embrace the earliest opportunity, permitted by the state of my correspondence on this subject with the American Government, to inform you, and through you to inform His Majesty's Consuls at the Out Ports, that the Act of Congress is considered to require, not only that the corresponding duties, in the largest sense, as they affect The United States, should actually cease to operate on the side of Great Britain, but also that on goods, lawfully imported into any of the open Colonial Ports in an American vessel, no higher duty should be charged than on the like articles imported "*from elsewhere.*"

The term *elsewhere* being understood to comprehend the British territories themselves, it is wholly out of my power to make a declaration on this point satisfactory to the American Government, and, however to be regretted, it is therefore manifest that the prevailing expectation is not likely to be realised under the present circumstances.

STRATFORD CANNING.

*His Majesty's Consul General in The United States.*


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***CORRESPONDENCE relative to the Commercial Inter-  
course between Portugal and the United States.***

1820 to 1824.\*

(15.) *General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, 28th August, 1822.*

WHEN the Minister for Foreign Affairs called on me, soon after my arrival in this City, some observations occurred in relation to our late Treaty with France, which the Minister had not seen, and having a newspaper containing a Copy of the Treaty, I gave it to him. He then mentioned our Treaty with Great Britain with approbation, observing that that Treaty would be his model. Presuming from his observations, that he did not possess a copy of it, I have had one fairly made out and presented to him. My principal motive for furnishing him with those Copies was, that of giving to the Minister and his Government a fair sample of the general policy and practice of our Government, in regard to Commercial Regulations with Foreign Countries.

\* Laid before the Congress of The United States, 7th May, 1824.

and that it might operate as a preparatory step to a negotiation on Commercial Regulations. I shall consider the answer to my note as acquiescing in the hope expressed in my note, and inform him that I possess full powers for commencing negotiations for forming a Treaty, or Convention, regulating Commerce between The United States and Portugal, and propose a personal interview as a preparatory step.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(16.) *General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, 10th October, 1822.*

On the 3d of September, I had a conference with his Excellency the Secretary of State for Foreign Affairs, by his appointment. Mr. Brent accompanied me as an interpreter; and, after some conversation on general topics, the Minister introduced the subject of the conference, and observed, that a Treaty for regulating the Commerce between the two Countries was very desirable on the part of Portugal, such as would be mutually advantageous. I then observed, that being empowered by the President of The United States, I was disposed to commence an arrangement on the subject of Commerce as early as would be agreeable to him, and would propose our Convention with Great Britain as a basis, with such additions as would be mutually advantageous to our Countries, respectively, wishing only such conditions as would operate perfect reciprocity and mutual advantage, and that we did not desire any exclusive advantages or privileges; but, considering the great extent of The United States, with her numerous ports and diversity of productions, it would be expected, on the part of The United States, that the whole of the Colonies of Portugal should be included in the arrangement, and that, in every respect, we should be entitled to whatever privileges or immunities are, or may be, enjoyed by the most favoured Nation. The Minister then observed, that he fully approved of the general principles, as stated by me, but intimated some doubts as to what might be proper in relation to the Brazils, under the existing circumstances and condition of that Country, and suggested the necessity of leaving it out of the Treaty, or to so modify whatever should relate to it, as would provide for any future change of circumstances. I observed that it might not be difficult to form an article that would apply to any change that might occur in that Country; with which he appeared to acquiesce. He then inquired whether I was authorised to enter into any other kind of Treaty; and, on my answering in the negative, he appeared (as I thought) to be pleased. He then proposed that I should make out a sketch of such a Treaty, or Convention, as would be satisfactory to my Government, that his Government might take it under consideration. I replied, that as we appeared to entertain similar views on the subject, it would be more desirable, on my part, that he would make out the outline of one that

would be satisfactory to his Government. After some general observations, he proposed that we should each make out such a sketch as we, respectively, think proper; and to have another conference for the purpose of comparing our respective sketches; to which I readily assented. He then said, that, as soon as he could lay the subject before the Council, he would prepare a sketch, and would notify to me when we should have another meeting. And here our conference ended.

I immediately made out the outlines of a Convention, or Treaty, a copy of which I have the honour of enclosing; and I have waited for an invitation to the proposed interview, but have not yet received any such notice; but knowing how constantly this Government has been occupied, for some time past, with concerns of the highest interest and importance, I am disposed to make all reasonable allowance for the delay of a 2d conference.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(17.) PROJECT OF A CONVENTION.

ART. I. There shall be, between the whole of the territories of the United States of America, as now existing, or as they may hereafter exist, and all the territories of His Most Faithful Majesty, in Europe and elsewhere, as existing at this time, or as may hereafter exist, being under their controul, respectively, a reciprocal liberty of Commerce. The inhabitants of the two Countries, respectively, shall have liberty, freely and securely to come with their vessels and cargoes to all such Places, Ports, and Rivers, in any of the territories aforesaid, to which any other Foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores, for the purposes of their Commerce; and, generally, the merchants and traders of each Nation, respectively, shall enjoy the most complete protection and security for their persons and Commerce, but subject always to the laws and statutes of the two Countries, respectively.

II. No higher or other duties shall be imposed on the importations into The United States of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's territories in Europe or elsewhere, and no higher or other duties shall be imposed on the importation into the territories of His Most Faithful Majesty, in Europe or elsewhere, of any articles, the growth, produce, or manufacture of The United States, than are, or shall be payable on the like articles, being the growth, produce, or manufacture of any other Foreign Country: nor shall any higher or other duties or charges be imposed, in either of the two Countries, on the exportation of any articles to The United States, or to His Most Faithful Majesty's territories in Europe or elsewhere, respectively, than such as are payable



on the exportation of the like articles to any other Foreign Country : nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture of The United States, or of His Most Faithful Majesty's territories, in Europe or elsewhere, or to or from The United States, which shall not extend to all other Nations.

No higher or other duties or charges shall be imposed, in any of the Ports of The United States, on Portuguese vessels, than those payable in the same Ports by vessels of The United States, nor in any of the Ports within the territories of His Most Faithful Majesty, on vessels of The United States, than shall be payable in the same Ports on vessels belonging to the Dominions of Portugal, in Europe or elsewhere.

The same duties shall be paid on the importations into The United States of articles, the growth, produce, or manufacture of the Dominions of His Most Faithful Majesty, in Europe or elsewhere, whether such importations shall be in vessels of The United States, or in vessels of Portugal, or any of her Colonies ; and the same duties shall be paid on the importations into any of the Ports of Portugal, or her Colonies, of any articles, the growth, produce, or manufacture of The United States, whether such importations shall be in vessels of Portugal or her Colonies, or in vessels of The United States.

The same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's Dominions, in Europe or elsewhere, to The United States, whether such exportations shall be in vessels of The United States, or in vessels of Portugal or her Colonies ; and the same duties shall be paid, and the same bounties be allowed, on the exportation of any articles, the growth, produce, or manufacture of The United States, to the territories of His Most Faithful Majesty, in Europe or elsewhere, whether such exportations shall be in Vessels of the Dominions, in Europe or elsewhere, of His Most Faithful Majesty, or in Vessels of The United States.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either Country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a Vessel belonging to the Dominions of Portugal or her Colonies, or a Vessel of The United States ; but when such re-exportations shall take place from The United States in a Portuguese Vessel, or from the Dominions of His Most Faithful Majesty, in Europe or elsewhere, in a Vessel of The United States, to any other Foreign Nation, the two Contracting Parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

III. It shall be free for each of the two Contracting Parties, respectively, to appoint Consuls for the protection of trade, to reside in the Dominions and Territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the Laws of the Government to which he is sent, such Consul may either be punished according to Law, if the Laws will reach the case, or be sent back; the offended Government assigning to the other reasons for the same.

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(18.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, December 13th, 1822.*

FROM the apparent *intentional* delays on the part of this Government, in relation to the proposed commercial regulations between the two Countries, combined with the existing state of affairs of this Country, I am satisfied that I must expect further delays. The relations respecting Brazil; the completion of the organization of the Government under the new Constitution; the refusal of the Queen to subscribe and swear to the Constitution as the law directs; and negotiations with Spain, for forming a Treaty of Alliance; together with the anxiety which generally prevails, in regard to what may be the result of the deliberations of the Congress at Verona, all conspire to afford an apology for the delays above referred to.

Mr. Correa was appointed by the King to negotiate a Treaty with me, of which I was informed by the Secretary of State, on the 20th day of October; but having been elected a member of the Cortes, he declined the appointment, and although the Secretary of State assured me some other person would be soon appointed, no appointment has yet been made.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(19.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, January 30th, 1823.*

I EMBRACE the opportunity of adding to my other communications, by informing you, that I have had two meetings with the Count de Lapa, who has been appointed Plenipotentiary, on the part of Portugal, for negotiating and completing a Commercial Treaty with The United States; and, having exchanged our full powers, a conversation ensued, in which the Count expressed sentiments fully according with those heretofore expressed by Mr. Pinheiro, Secretary of State for Foreign Affairs, as noticed in the letter I had the honour of writing to you on the 13th of December, which induces a reasonable hope, that a satisfactory arrangement may be effected; but I am not without some doubts as to its being the real intention of this Government to conclude a

Treaty immediately, although the Secretary, but a few days since, verbally assured me, that there existed no obstacle in the way of a speedy conclusion of such a Convention or Treaty, as would be mutually satisfactory. It must very soon be ascertained, whether words and actions so fully correspond as would be desirable.

We shall have another conference within a few days, when I shall be able to ascertain, with more certainty, how our ideas correspond with each other. Having, at his desire, furnished him with the basis and outlines of such a Treaty as would be satisfactory to the United States, he will, of course, express his opinion at our next meeting, on the basis and outlines by me proposed, by which it may be understood, whether we shall be likely to succeed ultimately, or not, in a satisfactory arrangement.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(20.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, February 20th, 1823.*

THE Count de Lapa has agreed to the basis I had proposed for a Treaty; but, by his instructions, he considers it necessary to divide the Treaty into three distinct heads, viz. navigation, commerce, and persons, and he has agreed to furnish me immediately with a sketch of the first head, and soon after, with the second. I have some doubts whether his second part will be acceptable, but I hope that, within a few days, my doubts may be removed. He does not appear to be in any haste, and I have an opportunity for the full exercise of my stock of patience.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(21.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, March 3d, 1823.*

I HAVE not yet heard from the Count de Lapa, since the 10th ult. when he agreed to make out the form of the first head of the Treaty, and call on me within the course of that week; but subsequently to our last meeting, a report was made to the Cortes, on the subject of the present existing Treaty with England, particularly in relation to the article which stipulates that certain English manufactures should be admitted into Portugal, on paying a duty of fifteen per cent. on their cost. The report concluded by saying that, under existing circumstances, the Portuguese Government have the right to suspend the operation of the article alluded to, until new negotiations should be had on the subject. The report was sanctioned by a vote of the Cortes. I presume that the discussion of this subject, by a Committee, and by the Cortes, has occasioned the long delay on the part of the Count de Lapa. By the above-mentioned report, it appears, that negotiations have been going on between Portugal and Great Britain, for some time,

with a view, on the part of the former, of effecting such alterations in certain parts of the existing Treaty, as would enable her to enter into such liberal and reciprocal commercial Treaties with other Nations as would be acceptable. But it appears, by the said report, that England, as might be expected, is very unwilling to relinquish any of the exclusive advantages she now enjoys, under the present Treaty; and I am persuaded that this Government still finds itself embarrassed by certain stipulations in her Treaty of 1810, with Great Britain, and that, to that source, the long delays I have experienced are to be principally attributed. I am satisfied, however, that the Government is very earnestly engaged in endeavouring to effect such arrangements with England, as may be necessary for preparing the way for a liberal and reciprocal Treaty with The United States.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(22.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, March 24th, 1823.*

OUR negotiation has been suspended for some time, and will not, I presume, be recommenced until the present unfortunate affair shall be decided.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(23.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, June 4th, 1823.*

NOTHING favourable to a speedy completion of the proposed Commercial Treaty has occurred for several months past, and I have waited with a hope that the repeated assurances of the late Minister might be verified, until a counter revolution has been actually effected, and the King again restored to absolute power. It is very evident that the concluding of any commercial regulation with this Government, such as could be acceptable to The United States, will be procrastinated so long as this Government shall continue to consider the friendship of Great Britain as essential to its safety. I shall endeavour, as early as possible, to learn the disposition of the King and his Minister, in relation to the renewal of the negotiations, and the probability of a satisfactory result.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(24.) *Gen. Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, June 29th, 1823.*

I HAVE now the honour of transmitting copies of my correspondence with the late Minister and Count de Lapa. I have not had any other correspondence with the present Minister for Foreign Affairs, Count Palmella, than that of receiving a note from him, announcing his being the Secretary of State for Foreign Affairs, to whom I should, in future,



address any communication I might have occasion to make to this Government, and my answer, together with a ceremonious call upon him, and have had no means of ascertaining the present disposition of this Government in relation to commercial arrangements with us, excepting the assurance of the King, which I noticed in my last letter.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(25)—*Gen. Dearborn to the Count de Lapa.*

SIR,

*Lisbon, 8th March, 1823.*

BEING quite at leisure, I take the liberty of giving you an historical sketch of the pending Negotiations between the United States and Portugal.

Considering the facts and circumstances set forth in it, combined with the recent Report of a Committee to the Cortes on the subject of the existing Treaty with Great Britain, I cannot avoid being impressed with the belief that, owing to these or other circumstances, the present time is not considered as propitious by this Government for concluding such a Treaty with The United States as has been contemplated; and as I am not authorized, nor inclined, to urge the conclusion of a Treaty on your Government, I am induced to suggest, with candour, the expediency of an entire suspension of the Negotiation, as preferable to such a protracted one as may probably extend beyond the term of my Mission. I beg leave, at the same time, to assure you, that this frank communication is entirely unassociated with the slightest unfriendly feelings, or with any disposition to censure or complain; being satisfied, as I am, that His Most Faithful Majesty and his Government are disposed to act, not only with good faith, but in the most friendly manner, to The United States.

I renew the assurances, &c.

*The Count de Lapa.*

HENRY DEARBORN.

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(*Inclosure*).—SKETCH.

SOON after my arrival here, I received information from his Excellency, Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, showing a desire on the part of His Most Faithful Majesty's Government, for entering into liberal arrangements with the United States in relation to commerce, with a disposition for drawing closer the bonds of friendship between the two Nations. After informing his Excellency that I possessed full power for negotiating and concluding such Commercial Arrangements, we had a Conference, in which it was agreed that we should adopt for a basis of a Treaty, the general principles of the late Treaty, or Convention, between The United States and Great Britain; and ultimately agreed, that each of us should make out a sketch of such a Treaty, as would be in con-

formity with the Convention above alluded to, and would be satisfactory to our respective Governments; and within a few days I was to be notified of another Meeting, for the purpose of comparing our sketches of a Treaty; this was on the 3d of September. On the 20th of October, I received information from His Excellency the Secretary of State, that His Majesty had appointed the Commandeur Correa de Serra, as a Commissioner to treat with me. I immediately answered the Note, and observed, that I should, with pleasure, meet the Commandeur Correa de Serra at such time and place he should please to appoint. I heard nothing from the Commandeur; and on the 24th December I received a Note from the Secretary of State, informing me of the appointment of the Count de Lapa, as Plenipotentiary to treat with me. In the mean time, I had a conference with his Excellency the Secretary of State, and informed him that I had written to my Government to the following effect: That I had reason to believe, from the long suspension of the Negotiations, that this Government found itself so embarrassed with the affairs of Brazil, the organization of the several Departments of the new Government, with Negotiations with Spain, and by the existing Treaty with Great Britain, as might be considered a reasonable excuse for postponing the Negotiations with me, at least, for a time. I then observed to Mr. Pinheiro, that neither my Instructions, nor my own feelings, would allow me to urge his Government to a conclusion of a Treaty; and that I had not made the statement to my Government by way of complaint. Mr. Pinheiro explicitly replied to my observations in detail, and declared, that neither of the circumstances I had mentioned formed any obstacle to the conclusion of the proposed Treaty between Portugal and The United States; and that the Count de Lapa would, within a few days, recommence with me the Negotiations. The Count very soon called on me; and, as was proposed by him, it was agreed that the conferences should be held at my house. A day was appointed for the exchange of our respective Full Powers; and, after the exchange of Powers, a day was agreed on for a conference, and I, at the same time, delivered to the Count my sketch of a Treaty, and on the 10th of February had a meeting, and discussed the subject generally, and mutually agreed to adopt the sketch I had made out, with some unimportant exceptions; which exceptions were agreed to and minuted. The Count de Lapa having proposed a regular division of the Treaty into three heads, to wit: Navigation, Commerce, and Persons, I made no objection, and he agreed to make out the form of the first head, which he proposed shewing to me in the course of that week. It is now the 8th day of March, and I have not had the honour of hearing from the Count since the 10th of February.

HENRY DEARBORN.

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(26).—*The Count de Lapa to General Dearborn.*

(Translation.)

*Lisbon, 12th March, 1823.*

THE Undersigned has the honour of informing his Excellency General Dearborn, Envoy Extraordinary and Minister Plenipotentiary from The United States, of His Most Faithful Majesty's invariable desire for the conclusion of a Treaty with The United States. The same reasons that have been expressed to his Excellency, of there being no difficulties to its conclusion, subsist, and the state in which the Negotiation may be considered to be, is an incontestible proof of it. The good faith, with which His Majesty praises himself, of corresponding to the sentiments of the Government of The United States, and its not urging for brevity, have retarded the proceedings, where extraordinary concurrences have happened.

This frank declaration seems to the Undersigned as answering the different points mentioned by His Excellency in his Letter and historical Sketch of the Negotiation.

The Undersigned avails himself, &c.

*Gen. Dearborn.*

THE COUNT DE LAPA.

(27).—*General Dearborn to M. Pinheiro, Minister of Foreign Affairs.**Lisbon, April 18, 1823.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States, near his Most Faithful Majesty, having very recently seen what is stated to be a Decree of His Most Faithful Majesty, dated March 12th, 1823, relating to the Treaty of 1810, between Portugal and Great Britain, and particularly to the 15th Article of the said Treaty: the confidence which he has in the candour of His Excellency Mr. Pinheiro, Minister of Foreign Affairs, induces him to take the liberty of asking his Excellency whether this Decree, or the pending Negotiations of the new Treaty between Portugal and Great Britain, referred to in the Decree, will interfere, in any manner, with the Negotiations respecting the Treaty between Portugal and The United States, which has been proposed, and, to a certain extent, mutually agreed on.

If, from the above-mentioned Decree, or from the pending Negotiation with Great Britain, or from any other consideration, a temporary suspension of the Negotiation between Portugal and The United States would be convenient to the Government of His Most Faithful Majesty, the Undersigned will readily acquiesce in such a suspension.

The Undersigned renews to his Excellency, &c.

*H. E. Mr. Pinheiro.*

HENRY DEARBORN.

(28).—*M. Silvestre Pinheiro Ferreira to General Dearborn.*

(Translation.)

*Lisbon, 2d May, 1823.*

THE Undersigned, Minister and Secretary of State for Foreign Affairs, having before him the Note of General Henry Dearborn,

Envoy Extraordinary and Minister Plenipotentiary from The United States of North America, under date of the 18th of last month, takes pleasure in repeating to his Excellency what he had, verbally, the honour of affirming to him twice before, when his Excellency made him the same request; besides what, a short time since, the Count de Lapa had orders to repeat, in answer to a Letter which His Excellency addressed to him upon the same subject, dated 8th of March last, agreeing, in this point entirely, with the Government of The United States, in regard to the importance of the Treaty in question.

The Undersigned, on this occasion, renews, &c.

*Gen. Dearborn.*

SILVESTRE PINHEIRO FERREIRA.

(29.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, July 15, 1823.*

HAVING obtained no satisfactory information from the *present* Government, in regard to its disposition in relation to commercial regulations, I addressed a note to the Marquis of Palmella, on the 8th instant, a copy of which I have the honour of enclosing; and on the 12th I received an answer, a copy of which is also enclosed.

*The Hon. J. Q. Adams.*

HENRY DEARBORN.

(30.)—*General Dearborn to the Marquis de Palmella.*

SIR,

*Lisbon, 8th July, 1823.*

PRESUMING that your Excellency has been made acquainted with the measures which have been pursued, in relation to a Commercial Treaty between His Most Faithful Majesty and the Government of The United States of America, and of course, with the basis and principles agreed on by the Count de Lapa, on the part of His Most Faithful Majesty, and by the Undersigned on the part of The United States; the Undersigned will esteem it as a favour, to be informed, as early as may be quite convenient to your Excellency, what may be the present disposition of His Faithful Majesty's Government, in relation to a completion of such a Commercial Treaty between the two Countries, as has already, to a certain extent, been mutually agreed on.

Be assured, that the Undersigned, &c.

*H. E. the Marquis de Palmella.*

HENRY DEARBORN.

(31.)—*The Marquis de Palmella to General Dearborn.*

(Translation.)

*Lisbon, 10th July, 1823.*

THE Undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, having received the Note which, of the date of the 8th instant, General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the Government of The United States of America, addressed to him, relative to the intended Commercial Treaty between His Most Faithful Majesty, and the Government of



the same United States, has the honour to answer His Excellency, that the present events not having yet permitted a full investigation of this business to be made, the Undersigned will, as soon as possible, apply himself to it, and will then have much satisfaction in inviting His Excellency to a conference.

Upon this occasion the Undersigned repeats, &c.

General Dearborn.

THE MARQUIS DE PALMELLA.

(32.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, July 21, 1823.*

By the request of the Marquis of Palmella, I waited on him on the 15th instant; his manner and deportment was pleasing; he observed that he had been so constantly occupied with business hitherto, as not to have had it in his power to examine the Correspondence in relation to the proposed Commercial Treaty between Portugal and The United States, but that certainly he would attend to it very soon, and that whatever Commercial Regulations might be framed between the two Countries, to be useful and durable, must be perfectly reciprocal, and that he thought the late Treaty between The United States and Great Britain a good model.

Hon. J. Q. Adams.

HENRY DEARBORN.

(33.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, October 25, 1823.*

HAVING received no intimations from this Government, of a disposition for recommencing Negotiations for a Commercial Treaty, I begin to doubt whether any further progress may be expected; but a few months more must afford sufficient time for either completing what has so long since been begun, or for ascertaining the real dispositions of this Government on the subject.

Hon. J. Q. Adams.

HENRY DEARBORN.

(34.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, November 7, 1823.*

THE Vessel by which my other Letters will be conveyed, not having ailed, I have concluded to profit by the delay, by writing a Note to the Marquis Palmella, as my probable last effort for drawing from him the real disposition and intention of this Government, in relation to a renewal of the Negotiation for a Commercial Treaty; a Copy of which Note I have the honour of enclosing. I hope I may receive his answer before the Vessel sails, so that I may have the honour of enclosing it with my other Letters; if not, I will forward it by the earliest opportunity.

Hon. J. Q. Adams.

HENRY DEARBORN.

(35.)—*General Dearborn to the Marquis de Palmella.*

SIR,

*Lisbon, November 7, 1823.*

SEVERAL months having elapsed since your Excellency was pleased to say, that you would, as soon as possible, look over the Papers relating to the Commercial Treaty, which had, to a certain extent, been mutually agreed on, by the Count de Lapa, on the part of His Most Faithful Majesty, and myself, on the part of The United States, and that you would give me early notice of your having examined the subject; and your Excellency having been pleased to express an opinion, that a Treaty on the basis of our Treaty with Great Britain would be most desirable, I at the same time informed your Excellency, that my Government did not wish me to press this Government on the subject of a Treaty, but, if it should find it inclined to enter into liberal and reciprocal arrangements, to shew an equal desire, on my part, for forming a Treaty on the basis of the late Treaty between The United States and Great Britain. I have, therefore, waited for a Communication from your Excellency, as proposed at our last Conference at your Excellency's Office; but not having received any intimation of a desire on the part of His Most Faithful Majesty's Government, to renew the Negotiation, I conclude that I may now, with propriety, state to my Government that there is very little, if any, probability, of effecting any commercial arrangement with this Government within the probable term of my mission. My motive for communicating the foregoing observations to your Excellency, is no other than that of merely placing the subject once more before your Excellency, in a plain and candid manner, free from any complaint on my part, or a disposition to urge the renewal of the Negotiation.

I renew to your Excellency the assurance, &c.

*H. E. the Marquis de Palmella.*

HENRY DEARBORN.

(36.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, November 27, 1823.*

ON the 12th instant I received a Note from the Marquis de Palmella, in reply to my Note to him of the 7th, of which I had the honour of enclosing a Copy in my Letter to you, of the 9th. The Marquis proposed a Conference on the 14th, at his Office: I waited on him accordingly; he very candidly admitted, that, previous to the expiration of the term of the 15 Years, stipulated in their Treaty with England, concluded in February, 1810, and to such modifications of said Treaty as would remove the obstacles now existing to a satisfactory arrangement with The United States, the Government of His Most Faithful Majesty could not, with propriety, form any such Treaty with The United States, as is desirable, but that we might, nevertheless, form a short Convention, merely relative to Navigation, which would be a commencement of such a friendly and reciprocal arrangement as both

Governments desired, which should be on the basis of our Convention with Great Britain. I agreed to make a sketch of such a short Convention, relating to Navigation, as he had proposed, and accordingly made out one and sent it to him on the 19th, a Copy of which I have the honour of enclosing. I met the Marquis on the 22d, when he assured me, that within a very few days, he would communicate to me the result of His Majesty's decision on the sketch I had proposed. I doubt whether the 3d Article will be considered as admissible at present, and whether we shall ultimately agree on any thing that will be of much consequence; but, by the 1st and 2d Articles, some advantage would be gained, as we have so great a number of Vessels entering the Ports of Portugal, compared with the Portuguese Vessels that enter the Ports of The United States.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(37.)—PROJECT OF A TREATY.

ART. I.—There shall be a reciprocal liberty of Navigation and Commerce between the United States of America and the Kingdom of Portugal, and such of her Colonies as any other Foreign Nations are, or shall be, allowed to carry on Commerce with.

The Inhabitants of the two Countries, respectively, shall have liberty freely and securely to come with their Vessels and Cargoes to all such Places, Ports, Rivers, and Harbours, in their respective Territories, to which any other Foreign Vessels are or shall be permitted to come; to enter into the same, and remain and reside in any parts of the said Territories, respectively; also, to hire and occupy houses and stores for the purpose of their Commerce; and, generally, the Merchants and Traders of each Nation, respectively, shall enjoy the most complete protection and security for their Commerce, Persons, and Property, but subject always to the Laws and Statutes of the two Countries respectively.

II. No higher Tonnage, Anchorage, Light money, or other charges of any kind, shall be imposed on Vessels belonging to the Subjects of His Most Faithful Majesty, on entering any of the Ports of The United States, whilst remaining in Port, or on clearing out and leaving any of the said Ports, than shall be paid on like Vessels belonging to Citizens of The United States arriving from Foreign Ports, other than those belonging to The United States. Nor shall any higher Tonnage, Anchorage, Light money, or other charges of any kind, be imposed on Vessels belonging to Citizens of The United States on entering any of the Ports of Portugal, or such of her Colonies as Foreign Vessels may be allowed to enter; or while remaining at, or on clearing out and leaving any of the said Ports, than shall be paid on like Vessels belonging to Subjects of His Most Faithful Majesty, arriving from Foreign

Ports, other than those belonging to the Dominions of His Most Faithful Majesty.

III. No higher duties shall be paid on Articles, the growth, produce, or manufacture of Portugal, or such of her Colonies as Vessels of The United States shall be allowed freely to trade with, being imported into The United States in Vessels belonging to Portugal or her Colonies, as aforesaid, than would be paid on similar Articles imported into The United States, in Vessels of The United States. Nor shall any higher duties be paid on Articles, the growth, produce, or manufacture of The United States, being imported into Portugal or her Colonies, as aforesaid, in Vessels of The United States, than would be paid on similar Articles imported in Vessels of Portugal or her Colonies, into the Ports of Portugal.

IV. It shall be free for each of the two Contracting Parties, respectively, to appoint Consuls for the protection of Trade, to reside in the Dominions and Territories of the other Party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the Laws of the Government of the Country to which he is sent, such Consul may be punished according to Law, if the Laws will reach the case, the offended Government assigning to the other the reasons for the same.

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(38.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, January 26, 1824.*

SINCE the date of my Letter of the 27th November, in which I have the honour of enclosing a sketch of a short Convention, as proposed by the Marquis de Palmella, I have heard nothing from him on the subject; and, under existing circumstances, I have not deemed it expedient to press the subject any further, or to attempt to refresh his memory; being fully satisfied that, whatever might have been his own views, he has found such insurmountable obstacles to carry them into practical effect, as have compelled him to be silent. I am fully convinced that there remains no probability of effecting any satisfactory arrangement with this Government at present.

*Hon. J. Q. Adams.*

HENRY DEARBORN.

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(39.)—*General Dearborn to the Secretary of State.*

(Extract.)

*Lisbon, March 4, 1824.*

I HAVE received no intimation from the Marquis de Palmella, in relation to the proposed Convention, since the date of the last letter I had the honour of writing to you; nor is it probable I shall; of course I am quite at leisure.



I have not yet received the Copies of the regulations of the Custom Houses of Portugal, and her Colonies, which I had expected to receive as early as the 1st of December.

I am now anxiously looking for the President's permission to return home, as early as I proposed in my former Letters.

Hon. J. Q. Adams.

HENRY DEARBORN.

*CORRESPONDENCE between The United States and France, relative to Claims of Citizens of The United States for Spoliations upon their lawful Commerce. 1816 to 1823.\**

(230.)—*Mr. Gallatin to the Secretary of State.*

(Extract.)

*Paris, September 8, 1822.*

I HAD, on the 17th ultimo, written to Viscount Montmorency, and again on the 31st to M. de Villèle, on the subject of our reclamations, only to remind them, that the late Convention [signed at Washington, 24th June,] had removed the sole cause assigned for delay. I received, last night, M. de Villèle's Note of the 3d, of which a Copy is enclosed.

Hon. J. Q. Adams.

ALBERT GALLATIN.

(Enclosure 1.)—*Mr. Gallatin to M. de Montmorency.*

*Paris, 17th August, 1822.*

I BEG leave to call again your Excellency's attention to the American Claims, for sequestrations and spoliations. The cause assigned by your Excellency, in your Letter of the 1st of June last, for suspending their consideration, being happily removed by the late Commercial Arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that Letter, your Excellency will be pleased to bring that important subject before the King's Council.

I request your Excellency to accept, &c.

H. E. M. de Montmorency.

ALBERT GALLATIN.

(Enclosure 2.)—*Mr. Gallatin to M. de Villèle.—(Translation.)*

(Extract.)

*Paris, August 31, 1822.*

PERMIT me to remind your Excellency, that the three last Letters which I had the honour of addressing to His Excellency the Viscount de Montmorency, are still unanswered. The first, under the date of the 17th current, had for its object the different Claims of Citizens of The United States. The second, of the 20th, contained my observations on the Project of an Ordinance, necessary that the execution of the Convention of 24th June may commence on the 1st

\* Laid before the Congress of The United States 2d February, 1824.

of October next. The last, of the 27th, remonstrated against the conduct pursued by the Local Authorities, in regard to the American Vessel the "General Hamilton," thrown upon the Coast, near Montreuil, on the Sea.

I eagerly seize this occasion to beg your Excellency, &c.

H. E. M. de Villèle.

ALBERT GALLATIN.

(Enclosure 3.)—*M. de Villèle to Mr. Gallatin.*—(Translation.)

SIR,

Paris, September 3, 1822.

You did me the honour, on the 31st of August last, to remind me of several American claims, of which you had formerly apprized the Viscount de Montmorency. It is necessary for me to collect some documents respecting this affair, in order to judge of what consequences they may be susceptible. Be pleased to believe, Sir, that I shall attend to them with a good deal of interest and attention.

Accept, Sir, the assurances, &c.

Mr. Gallatin.

JH. DE VILLELE.

(233.)—*Mr. Gallatin to the Secretary of State.*

(Extract.)

Paris, 24th September, 1822.

\* I HAD yesterday a conference with M. de Villèle, on the subject of our Claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two Countries; stated those to be, the reclamations of The United States for spoliations on their Trade, those of France on account of Beaumarchais' Claim, and of the Vessels captured on the Coast of Africa, and the question arising under the Louisiana Treaty; and asked, whether I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of Claims for Indemnity, as they were essentially distinct; and, as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our Claims, by connecting it with subjects foreign to them.

Hon. J. Q. Adams.

ALBERT GALLATIN.

(236.)—*Mr. Gallatin to the Secretary of State.*

(Extract.)

Paris, 13th November, 1822.

I RECEIVED, on the 8th instant, a Letter from M. de Villèle, of the 6th, a copy of which is enclosed, together with that of my answer of the 12th.

Hon. J. Q. Adams.

ALBERT GALLATIN.

(Enclosure 1.)—*M. de Villèle to Mr. Gallatin.*—(Translation.)

SIR,

*Paris, 6th November, 1822.*

THE Convention concluded at Washington, on the 24th of June last, has removed the obstacles which have, momentarily, impeded the relations of Commerce between France and The United States. Although this Convention is only temporary, it holds out the expectation of a Treaty more extensive and more durable. It has left leisure proper for discussing and establishing this Treaty, upon bases the most conformable to the interests of the two States. Already the communications are re-opened, on both sides, on the most amicable footing: His Majesty has seen, with satisfaction, this happy effect of the arrangement concluded in his name, and in that of The United States.

If any partial difficulties still remain to be removed, they will be easily arranged between two Powers, who sincerely wish to establish their relations upon the most perfect equity.

In this spirit of reciprocal justice, I have received the Claims which you have done me the honour to transmit to me; and, without prejudging any thing in their regard, I must, first of all, Sir, remark to you, that France has also Claims pending, or to be produced, to the Government of The United States. It would appear agreeable to the interest of the two Parties, and to the reciprocity of justice, and of protection, to which the Subjects of the two States have equally a right, that these affairs should be examined and arranged, unanimously, by way of Negotiation.

His Majesty's intention would be, that these Claims, and the other points in dispute, upon which the Convention of 24th June has not been able to pronounce, should be the object of this Negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana, on the French commerce, contrary to the tenor of the 8th Article of the Treaty of Cession.

You will only perceive, Sir, in this intention of His Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding, or of complaints between the two States, and on the part of their respective Subjects.

If you are authorized, Sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a Negotiator, charged with treating with you.

If you are also authorized to sign a Consular Convention, the same Plenipotentiary would receive powers, *ad hoc*, for also pursuing the Negotiation.

Accept, Sir, the assurance of the high consideration, &c.

*Mr. Gallatin.*

JH. DE VILLELE.

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(Enclosure 2.)—*Mr. Gallatin to M. de Villèle.*

SIR,

*Paris, 12th November, 1822.*

I HAD the honour to receive your Excellency's Letter of 6th instant.

I have special powers to negotiate a Convention providing for the just Claims of Citizens of The United States against France; as also, for the like Claims of French Subjects against The United States, with such Person or Persons as may have a like authority from His Most Christian Majesty.

As Minister of The United States, I am authorized to discuss the question respecting the construction of the 8th Article of the Louisiana Treaty, and to give and receive explanations on that subject. But the Negotiation on that point having been transferred to Washington, no special powers in that respect have been transmitted to me. I had understood, in the course of the conference I had the honour to have with your Excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private Claims. It is indeed, obvious, that it would be utterly unjust to make the admission of these to depend on the result of a Negotiation, on a subject with which they have no connection whatever, and the difficulties respecting which are of a date posterior to that of the claims.

All the representations which His Majesty's Government has made to that of The United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of The United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question respecting the 8th Article of the Louisiana Treaty has in particular been the subject of a voluminous Correspondence, in the course of which the arguments in support of the construction insisted on by each Party, respectively, were made known to the other. I have, in the mean while, for 6 Years, made unceasing applications to His Majesty's Government for the settlement of Claims to a vast amount, affecting the interest of numerous Individuals, and arising from flagrant violations of the Law of Nations, and of the rights of The United States, without having ever been able to obtain to this day satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have at different times been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connection with one foreign to it, and which has already been discussed. The United States have, at least, the right to ask that their demands should also be examined and dis-



cussed; and I trust that since I am authorized to treat, as well concerning the Claims of French Subjects against the United States, as respecting those of American Citizens against France, a distinct Negotiation to that effect will be opened without any further delay.

Permit me, at the same time, to renew to your Excellency the assurances that The United States have the most earnest desire, that every subject of difference between the two Countries should be amicably arranged, and their Commercial and Political Relations placed on the most friendly and solid footing. They will be ready to open again Negotiations on the subject of the 8th Article of the Louisiana Treaty, and on every other which remains to be adjusted, and will have no objection that the seat of those Negotiations should be transferred from Washington to this place.

Although my powers to treat respecting every subject connected with the Commerce of the two Countries may embrace that of a Consular Convention, yet, as this had not been contemplated by my Government, I am not at this time prepared to conclude an arrangement for that purpose. I request your Excellency to accept, &c.

*H. E. Count de Villèle.*

ALBERT GALLATIN.

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(237.)—*Mr. Gallatin to the Secretary of State.*

SIR,

*Paris, 19th November, 1822.*

I RECEIVED last night, and have the honour to enclose a Copy of M. de Villèle's answer (dated 15th instant,) to my Letter of the 12th. You will perceive that, without taking any notice of the reasons I had urged, why a distinct Negotiation should be immediately opened on the subject of the claims against both Governments, he insists that this shall be treated in connection with the question respecting the construction of the 8th Article of the Louisiana Treaty. The object is too obvious to require any comments on my part, and this final decision leaves me no other course than to refer the whole to my Government. I have the honour to be, &c.

*Hon. J. Q. Adams.*

ALBERT GALLATIN.

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(*Enclosure.*)—*M. de Villèle to Mr. Gallatin.*—(Translation.)

SIR,

*Paris, 15th November, 1822.*

You did me the honour to announce to me, on the 12th of this month, that you were authorized to negotiate a Convention relative to the claims of Americans against France, and to those of France against The United States; but, that you had no power to enter upon a Negotiation concerning the interpretation of the 8th Article of the Louisiana Treaty.

The discussions which have arisen upon this last point between your Government and the King's Minister Plenipotentiary to The United States, having had no result, and this question being thus left

undecided, it is both proper and just to resume the examination of it: it touches upon too great interests not to be treated of with renewed attention, or to be abandoned.

If a new arrangement takes place for the claims, which are still in controversy, it ought to comprehend the whole, and the desire of the King's Government is not to leave any difficulty, any indecision, remaining in the relations of the two Countries.

It is for the same reason, Sir, that I demanded, in the Letter which I had the honour to address to you on the 6th of this month, that the Negotiation to be opened on the respective claims should also include a Consular Convention.

If your powers for discussing these difficult points should not appear to you sufficiently extensive to make it the object of a Negotiation, I think, Sir, that you will deem it fit to ask of your Government supplementary authority, to come at an arrangement which cannot be of the utility proposed by the two Governments, unless it shall embrace all the questions and the claims which are still in dispute.

I can only refer, Sir, on this subject, to the communications which I had the honour to make to you on the 6th of this month, and with which you have, doubtless, acquainted your Government. Accept, &c.  
*Mr. Gallatin.* *JH. DE VILLELE.*

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(250.)—*Mr. Gallatin to the Secretary of State.*

(Extract.)

*Paris, 27th February, 1823.*

THE more I have reflected on the ground assumed by this Government, on the subject of our claims, and on the attempt to connect their discussion with the question arising under the 8th Article of the Louisiana Treaty, the more I have felt satisfied that it was impossible that The United States should depart from the true construction of that Article, and acquiesce in that contended for by France, and that renewed discussion on that subject would be unprofitable, and lead to no result whatever. As a last, but I believed unavailing effort, I have concluded to express that conviction to the French Government, and have accordingly addressed, this day, to M. Chateaubriand the Letter of which I have the honour to enclose a Copy.

*Hon. J. Q. Adams.*

*ALBERT GALLATIN.*

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(Enclosure.)—*Mr. Gallatin to M. de Chateaubriand.*

SIR,

*Paris, 27th February, 1823.*

I HAD the honour to receive his Excellency Count de Villele's Letter of the 15th November last, by which, notwithstanding the remonstrances contained in mine of the 12th, his Excellency, being at that time charged with the department of Foreign Affairs, still insisted that the discussion of the claims of individuals of both Nations upon the two Governments, respectively, should not take place, unless it was

connected with a renewed Negotiation on the 8th Article of the Louisiana Treaty.

A conversation I had the honour to have with his Excellency the Duke de Montmorency, after his return from Verona, induced me to hope, although he did not encourage any expectations of a different result, that he would, however, again lay the subject before His Majesty's Council of Ministers. This circumstance, the subsequent change in the department of Foreign Affairs, and the objects of primary importance which have heretofore necessarily engrossed your Excellency's attention, have prevented an earlier official answer to his Excellency Count de Villèle's Letter.

It has, together with the others on the same subject, as he had naturally anticipated, been of course transmitted to my Government. But, on a review of the correspondence of Mr. Adams with M. Hyde de Neuville, and with myself, I must express my perfect conviction that the subject having been maturely examined, and thoroughly discussed, there cannot be the least expectation that The United States will alter their view of it, or acquiesce in the construction put by His Majesty's Minister on the 8th Article of the Louisiana Treaty.

It is not my intention, at this moment, to renew a discussion which seems to have been already exhausted; but I will beg leave, simply, to state the question to your Excellency.

It was agreed, by the article above-mentioned, that the ships of France should for ever be treated upon the footing of the most favoured Nation in the Ports of Louisiana.\*

Vessels of certain foreign Nations being now treated in the Ports of the United States, including those of Louisiana, on the same footing with American vessels, in consideration of the American vessels being treated in the Ports of those Nations on the same footing with their own vessels, France has required that French vessels should, by virtue of the said Article, be treated in the Ports of Louisiana, on the same footing with the vessels of those Nations, without allowing, on her part, the consideration, or reciprocal condition, by virtue of which those vessels are thus treated.

The United States contend, that the right to be treated upon the footing of the most favoured Nation, when not otherwise defined, and when expressed only in those words, is that, and can only be that, of being entitled to that treatment, gratuitously, if such Nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. Setting aside every collateral matter

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\* Treaty between The United States and France, Paris, 30th April, 1803, Art. VIII. In future and for ever, after the expiration of the 12 Years, the Ships of France shall be treated upon the footing of the most favoured Nations, in the Ports above-mentioned.

and subsidiary argument, they say that the Article in question, expressed as it is, can have no other meaning, is susceptible of no other construction, for this plain and incontrovertible reason: that, if the French vessels were allowed to receive, gratuitously, the same treatment which those of certain other Nations receive, only in consideration of an equivalent, they would not be treated as the most favoured Nation, but more favourably than any other Nation. And, since the Article must necessarily have the meaning contended for by The United States, and no other, the omission or insertion of words to define it is wholly immaterial, a definition being necessary only when the expressions used are of doubtful import, and the insertion of words to that effect in some other Treaties, belonging to that class of explanatory but superfluous phrases, of which instances are to be found in so many Treaties.

It might, indeed, have, perhaps, been sufficient to say, that, in point of fact, there was no most favoured Nation in The United States, the right enjoyed by the vessels of certain foreign Nations to be treated in the Ports of The United States as American vessels, in consideration of American vessels receiving a similar treatment in the Ports of those Nations, not being a favour, but a mere act of reciprocity.

Let me also observe, that the pretensions of France would, if admitted, leave no alternative to The United States, than either to suffer the whole commerce between France and Louisiana to be carried exclusively in French vessels, or to renounce the right of making arrangements with other Nations deemed essential to our prosperity, and having for object not to lay restrictions on Commerce, but to remove them. If the meaning of the 8th Article of the Louisiana Treaty was such, indeed, as has been contended for, on the part of France, The United States, bound to fulfil their engagements, must submit to the consequences, whatever these might be; but this having been proved not to be the case, the observation is made only to shew that The United States never can, either for the sake of obtaining indemnities for their citizens, or from their anxious desire to settle by conciliatory arrangements all their differences with France, be brought to acquiesce in the erroneous construction put upon the Article in question.

The proposal made by his Excellency Mr. de Villèle, in his Letter of the 6th November, and reiterated in that of the 15th, can, therefore, have no other effect than to produce unnecessary delays, and would, if persisted in, be tantamount to an indefinite postponement of the examination and settlement of the claims of the citizens of The United States. It will remain for His Majesty's Government to decide, whether this determination be consistent with justice, whether the reclamations of private individuals should be thus adjourned, because the two Governments happen to differ in opinion on a subject altogether foreign to those claims. Having nothing to add to my reiterated



and unavailing applications on that subject, my only object at this moment has been, to show that I cannot expect any instructions from my Government that will alter the state of the question. I request your Excellency to accept the assurance, &c.

*H. E. Visct. de Chateaubriand.*

ALBERT GALLATIN.

*AN ACT to carry into effect the 9th Article of the Treaty concluded between The United States and Spain, the 22d day of February, 1819.\* Approved 3d March, 1823.*

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Judges of

\* ART. IX. The Two High Contracting Parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be for ever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective Citizens and Subjects, may have suffered, until the time of signing this Treaty.

The renunciation of The United States will extend :

1. To all the injuries mentioned in the Convention of the 11th August, 1802.\*
2. To all Claims on account of Prizes made by French Privateers, and condemned by French Consuls, within the Territory and Jurisdiction of Spain.
3. To all Claims of Indemnities, on account of the suspension of the right of deposit at New Orleans, in the Year 1802.
4. To all Claims of Citizens of The United States upon the Government of Spain, arising from the unlawful seizures at Sea, and in the Ports and Territories of Spain, or the Spanish Colonies.
5. To all Claims of Citizens of The United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of The United States, have been presented to the Department of State, or to the Minister of The United States in Spain, since the date of the Convention of 1802, and until the signature of this Treaty.

The renunciation of His Catholick Majesty extends :

1. To all the injuries mentioned in the Convention of the 11th of August, 1802.\*
2. To the sums which His Catholick Majesty advanced for the return of Captain Pike from the Provincias Internas.
3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.
4. To all Claims of Spanish Subjects upon the Government of The United

\* "A Convention between His Catholick Majesty and The United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of Individuals of either Nation during the late War, contrary to the existing Treaty or Laws of Nations."

the Superior Courts established at St. Augustine and Pensacola, in the Territory of Florida, respectively, shall be, and they are hereby authorized and directed to receive and adjust all Claims, arising within their respective jurisdictions, of the Inhabitants of said Territory, or their Representatives, agreeably to the provisions of the 9th (2d \*) Article of the Treaty with Spain, by which the said Territory was ceded to the United States.

SEC. 2. And be it further enacted, That in all cases in which said Judges shall decide in favour of the Claimants, the decisions, with the evidence on which they are founded, shall be, by the said Judges, reported to the Secretary of the Treasury, who, on being satisfied that the same is just and equitable, within the provisions of the said Treaty, shall pay the amount thereof to the person or persons in whose favour the same is adjudged, out of any money in the Treasury, not otherwise appropriated.

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*MEMORIAL of the Secretary of State for Exterior and Interior Relations to the Congress of Mexico.*

1st November, 1823.

(Extract.)

(Translation.)

IN presenting myself for the purpose of acquainting the Sovereign Congress, which is now engaged in consolidating the publick welfare

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States, arising from unlawful seizures at Sea, or within the Ports and territorial Jurisdiction of The United States.

Finally, To all the Claims of Subjects of His Catholick Majesty upon the Government of The United States, in which the interposition of His Catholick Majesty's Government has been solicited, before the date of this Treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his Minister in The United States.

And the High Contracting Parties respectively renounce all Claim to Indemnities for any of the recent events or transactions of their respective Commanders and Officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of Law, shall be established to have been suffered by the Spanish Officers, and Individual Spanish Inhabitants, by the late operations of the American Army in Florida.

\* ART. II. His Catholick Majesty cedes to The United States, in full property and sovereignty, all the Territories which belong to Him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent Islands dependant on said Provinces, all publick lots and squares, vacant lands, publick edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said archives and documents shall be left in possession of the Commissaries or Officers of The United States duly authorized to receive them.

on the basis of a wise and liberal Constitution, with the state of the Nation, in what relates to the administration of the affairs of the Exterior and Interior, entrusted to my charge, I could have wished at the same time to have offered to your inspection both a satisfactory and an accurate account of them; but my wishes unfortunately cannot in this respect be gratified. Circumstances, known to all, and by all lamented, have placed the Country in a most deplorable condition; and, notwithstanding the efforts of Government, it has been impossible in a few months to remedy those evils which are the result of so many years of desolation and error.

In times of tranquillity and peace, under the influence of a Constitution suited to our habits, the Annual Memorial of my Department should announce the successive improvement made in its various branches; but, under circumstances entirely different, and amidst political difficulties, which are inevitable at the moment when the fundamental basis of the Government and the Publick Administration are about to be established, it can only contain an exposition of the endeavours, more or less successful, which have been made in preparing for such happy results; of the care and foresight which have been applied to this object, and of the plans formed to promote, by all possible means, the national welfare and prosperity.

As soon as the present Government was installed, detailed information, upon the various points of political and economical arrangement, was required from every Province, for the purpose of collecting the data necessary for an exact knowledge of the state of the affairs connected with my Department; few, however, have as yet been received, and those, with some exceptions, are of so general and vague a character, as to have been of little service. In the absence of the desired details, I must limit myself to the information which I have been enabled to collect, in the course of the transactions which have passed through my hands, distinguishing the two principal attributes belonging to my office, and considering them agreeably to the order and distribution prescribed for that purpose.

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#### EXTERIOR RELATIONS.

During the first steps of our political existence, the extent of our Foreign Relations have necessarily been very limited; for, whilst our attention was occupied with domestick dissensions, it was not possible for the Nation to be represented with the requisite dignity and consistency, to render it respectable in the eyes of other Nations.

Our independence has nevertheless been solemnly recognized by the United States; and although our Form of Government was not the one which that Nation might have wished to see generally established on this Continent, and which is being adopted in other parts of America, it has abstained from inquiring into the Constitutions pecu-

liar to each State, and has recognized the independence at present enjoyed by those Provinces which were formerly under the Spanish Dominion. It has appointed an Envoy Extraordinary and Minister Plenipotentiary to this Government, (whose arrival, however, has not yet taken place) and its Consuls for this Capital and our principal Ports are already in employment, and to whose appointments the necessary *Exequatur* has been given. The friendship and good understanding with that Nation continues undisturbed; and in order to avoid any cause for disagreement which might hereafter arise, our *Chargé d'Affaires* in those States has been directed to invite the mutual agreement of the two Governments, conformably to the Treaty of Washington of 22d February, 1819, to the line of boundary prescribed in the 4th Article of that Treaty\*.

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\* *Extract of the Treaty between Spain and The United States, of 22d February, 1819.*—ART. III. The Boundary Line between the two Countries West of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the River Sabine, in the Sea, continuing North, along the Western bank of that River, to the 32d degree of Latitude; thence, by a line due North, to the degree of Latitude where it strikes the Rio Roxo of Natchitoches, or *Red River*; then, following the course of the Rio Roxo Westward, to the degree of Longitude 100 West from London, and 23 from Washington; then crossing the said Red River, and running thence, by a line due North, to the River Arkansas; thence following the course of the southern Bank of the Arkansas, to its source in Latitude 42 North; and thence, by that parallel of Latitude, to the South Sea, the whole being as laid down in Melish's Map of The United States, published at Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas River shall be found to fall North or South of Latitude 42, then the Line shall run from the said source due South or North, as the case may be, till it meets the said parallel of Latitude 42, and thence, along the said parallel, to the South Sea; all the Islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to The United States; but the use of the waters, and the navigation of the Sabine to the Sea, and of the said Rivers Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the respective Inhabitants of both Nations

The Two High Contracting Parties agree to cede and renounce all their rights, claims, and pretensions, to the Territories described by the said Line; that is to say; The United States hereby cede to His Catholick Majesty, and renounce for ever, all their rights, claims, and pretensions, to the Territories lying West and South of the above described line; and, in like manner, His Catholick Majesty cedes to the said United States, all his rights, claims, and pretensions, to any Territories East and North of the said Line; and for himself, his Heirs, and Successors, renounces all claim to the said Territories for ever.

IV. To fix this Line with more precision, and to place the land-marks which shall designate exactly the limits of both Nations, each of the Contracting Parties shall appoint a Commissioner and a Surveyor, who shall meet, before the termination of one Year from the date of the Ratification of this Treaty, at Natchitoches, on the Red River, and proceed to run and mark the said Line,



The Government of Spain, authorized by the Cortes, sent Commissioners to all the American Provinces, formerly Spanish, which had proclaimed their Liberty, to hear and transmit whatever proposals should be made to them. They had been previously empowered to make provisional Conventions for Commerce. Those destined for our Nation presented themselves at the Castle of San Juan de Ulua, at the commencement of this Year, in the character with which they had been invested by their former Government. The events which occurred in this Country prevented the intended Conferences from being held, but as soon as the present Government was installed, they again solicited to enter into communication with it in order to fulfil the object of their mission.

As they had obtained the necessary permission from the preceding Sovereign Congress, they were permitted to approach into the interior as far as Jalapa, the Most Excellent Señor D. Guadalupe Victoria being commissioned to open the Negotiation with them. Their first conference, at which it appeared that Spain was not averse to the recognition of our independence, proving very satisfactory, the General was empowered to enter with that Nation into a Treaty, the basis of which should be the explicit acknowledgment of that Independence, and the surrender of the Fortress of San Juan de Ulua, as an integral part of our Territory: the interests of our brethren of the other Independent States of America, who, engaged in the same glorious contest as ourselves, ought to participate in our destiny, were not forgotten, and it was therefore proposed, amongst other conditions, that all hostilities against them should also cease. As the Commissioners were directed to enter immediately into a Treaty of Commerce, and as it was considered a matter of moment, to come to an amicable settlement of the differences which were frequently excited with the Governor of the Fortress of Ulua, respecting the use and advantage of the Port of Vera Cruz, and to fix a permanent rule for the continuation of the Commercial intercourse which had not been broken off between Spain and the Ports of the Antilles, it was decided that General Victoria should conclude such a Treaty, and he was accordingly furnished with instructions for that purpose.

from the mouth of the Sabine to the Red River, and from the Red River, to the River Arkansas, and to ascertain the Latitude of the source of the said River Arkansas, in conformity to what is above agreed upon and stipulated, and the line of Latitude 42 to the South Sea; they shall make out plans, and keep Journals of their proceedings, and the result agreed upon by them shall be considered part of this Treaty, and shall have the same force as if it were inserted there-

The two Governments will amicably agree respecting the necessary articles to be furnished to those Persons, and also as to their respective Escorts, should each be deemed necessary.

The Spanish Commissioners stated that, before entering into a Negotiation of minor importance, the main purpose of their mission being to hear, receive and transmit, any Propositions, with a view to terminate the differences between this Nation and Spain, those which this Government had to offer, in order to attain the leading object, should first be explained. To this it was replied, that they were comprised in the acknowledgment of our Independence, and the surrender of the Castle of Ulua, which unquestionably belongs to our Territory.

The Negotiations proceeded slowly, but without altering the good understanding which, from the first, subsisted, until the interruption given to it by the Governor of the Castle of San Juan de Ulua, respecting the dominion over the Island of Sacrificios, gave to them a new aspect.

This Government deeming it its duty to resist those pretensions, the City of Vera Cruz was ultimately fired upon, from which moment all Negotiation with the Commissioners was broken off, and recourse had to the hostile measures authorized by War, after every exertion had failed to maintain and ensure Peace with Spain.

With the other Nations of Europe our Relations are much in the same state as they were at the time of the Declaration of our Independence: the great events and the remarkable changes which have taken place in that part of the World are of the highest importance to us. They will undoubtedly attract the particular attention of Congress, and excite the vigilance of Government. It may have reason to apprehend that the Allied Monarchs who have interfered in the internal affairs of Spain, may extend their views to the possessions formerly belonging to that kingdom on this Continent; but the sentiments manifested by England have, in some degree, relieved this suspicion, her Minister having declared in Parliament, that his Government could not consent to any transfer which Spain might make of Countries which were no longer under its controul; whose independence it must ere long recognize, "although the period for their formal recognition might be accelerated or delayed, either by exterior circumstances, or by the progress, more or less satisfactory, which might be made by each State towards a regular and settled form of Government."

Shortly after the installation of the present Government, it was in contemplation to send a Diplomattick Agent to Rome, to settle Ecclesiastical Affairs with the Holy See, but it has not been possible so to do; and it has been thought advisable to defer putting this intention into execution, and, for the present, merely to assure His Holiness, through his Minister of State, of the religious sentiments which are entertained by this Nation and its Government.

If political motives, and commerce, place us in connexion with the Nations of Europe, some of which may be considered as our Neigh-

bours, from their establishments on this Continent, and the adjacent Islands, more powerful motives connect us with the States recently formed in America. Their origin, their interests, are the same as our own; they are threatened by the same dangers, and, as our destiny is the same, our exertions should correspond. Influenced by these considerations, the Republic of Colombia has proposed the assembling of a General Confederation of all the States of America, formerly Spanish: the proposal has been accepted by the Republics of Peru and Chili, which have entered into Treaties of Alliance and Commerce with Colombia.

The Honourable Señor Miguel Santamaria, Envoy-Extraordinary and Minister Plenipotentiary from that Republic, made the same proposition to our late Government; but circumstances of a peculiar nature, and the departure of that Minister from this Capital, prevented the acceptance of it at that time. Our good understanding with Colombia has since, however, been re-established, and, on the return of that Minister to this City, Negotiations were commenced, the result of which has been, the conclusion of a Treaty, which I shall have the honour of presenting to the Sovereign Congress, for its consideration and approval. It will serve as a basis for that real Social Compact, which will comprehend all Americans as one family, united for their defence, independence, and liberty, and for the purpose of furthering their commercial and reciprocal interests.

Since the Union of Guatemala to the so-called Mexican Empire, symptoms of disagreement have been exhibited amongst the inhabitants of that ancient Kingdom. The Province of San Salvador resisted the Union with open War, and, although it submitted to force, it was again preparing for resistance. The dissolution of the Imperial Government, which for a time embarrassed those Provinces, led to the Convocation of a Congress, which assembled in the Capital of that Country, annulled the Act of Union, and established a Republic, under the title of the United Provinces of Central America. By direction of the former Sovereign Congress, and by order of this Government, the Mexican division, under the command of General Filisola, stationed in that territory, has been withdrawn: it has not, however, been deemed expedient to proceed to the formal recognition of its Independence since that time, its interior tranquillity having subsequently been disturbed, and symptoms of disaffection exhibited in its Provinces, although the Congress and Government still continue in the exercise of their functions.

The savage tribes, that frequently occupy and infest our northern frontier, have been, and continue, pacifick, although an attack from them was expected in the Province of Sonora, and the "Apaches" had committed assassination and plunder in that of Chihuahua, but the judicious conduct of the Governors has been

sufficient, either to avoid or put a stop to these disorders. It is, however, to be feared that they may be repeated; owing to their tribes requiring the payment of the tributes which they were accustomed to receive annually, but which circumstances have prevented us latterly from continuing to them. They are aware of the imperfect organization of our troops, and will take advantage of it, until they be re-established on a proper footing, and the Militia of those Provinces organized; but when we possess an adequate force in that quarter, it is to be hoped that, with the increase of population, and their being brought into a more regular intercourse with us, they will lead a more settled life, and, by reaping the benefits of Religion and Society, become at length useful Members of the Nation.

*Mexico, 1st November, 1823.* LUCAS ALAMAN.

***POLITICAL CONSTITUTION of the State of Chili.—***  
*Promulgated the 29th December, 1823.*

THE Supreme Director of Chili to those who may see and hear these presents, be it known,

That the Sovereign Constituent Congress of the Nation has decreed and sanctioned the Political Constitution of the State of Chili, in the following Code:

In the name of God, the All-powerful Creator, Preserver, Benefactor, and Supreme Legislator, of the Universe,

The National Constituent Congress of Chili decrees and sanctions the Political and Permanent Constitution of the State, under the following Titles:

**TITLE I.**

**OF THE CHILIAN NATION AND PEOPLE.**

ART. I. The State of Chili is one and indivisible: the National Representation is consolidated for the whole Republick.

II. Chili is a Nation independent of the Spanish Monarchy, and of any other Power.

III. The Sovereignty belongs essentially to the Nation, and the exercise of it to its Representatives.

IV. The Territory of Chili, North to South, extends from the Desert of Atacama to Cape Horn; and, East to West, from the Pacifick Ocean, including all the adjacent Islands, the Archipelago of Chiloé, and the Islands of Juan Fernandez, Mocha, and Santa Maria, to the Mountains of the Andes.

V. The Constitutional Guarantees and the Laws protect every Individual resident in Chili.



**VI. Those are Chilians :**

1. Who are born in Chili.
2. Who are born in other Countries, if they be Children of a Chilian Father or Mother, and become domiciliated in Chili.
3. Foreigners resident in Chili, married to a Chilian Woman, domiciliated according to the Laws, and exercising any profession.
4. Foreigners married to Foreign Women, after a Year's residence, possessing a legal domicile, and exercising a profession enabling them to subsist.
5. Those favoured by the Legislative Power.

**VII.** Every Chilian is equal in the eye of the Law; and he may be called to employments under the conditions required by it. All are to contribute towards the expenses of the State in proportion to their means. All are its defenders.

**VIII.** In Chili there are no Slaves. Whoever resides on its Territory during one day is free. Whoever carries on the Slave Trade shall not reside in Chili longer than one month, nor shall ever become naturalized.

**IX.** Expenses for the defence of the Country, the Publick Administration, and the instruction of the Citizens, are essentially National. The Legislatures alone shall provide for others, after those shall have been settled.

**X.** The Religion of the State is the Roman Catholick Apostolick, to the exclusion of the worship and exercise of any other.

**TITLE II.****OF ACTUAL CITIZENS.**

**XI.** Every natural or legal Chilian is a Chilian Citizen, with the Right of Suffrage in the Electoral Assemblies, provided he be 21 Years of age, or have contracted marriage, and that he possess any of the following requisites :

1. An immoveable property of 200 dollars.
2. A business or trade belonging to himself worth 500 dollars.
3. Being a Proprietor of, or being regularly instructed in, any permanent manufacture.
4. The having produced or brought to the Country any invention, industry, science, or art, the utility of which is approved by the Government.
5. The having fulfilled his civick duties.
6. The being a Roman Catholick, or favoured by the Legislative Power.

All must be instructed in the Constitution of the State, their names inscribed in the great National Book, and be in possession of the Cer-

tificate of Citizenship, at least one month before the Elections. They must be able to read and to write, after the Year 1840.

**XII.** Citizenship shall be forfeited :

1. By naturalization in a Foreign Country.
2. By accepting employment from other Governments, without permission of the Senate.
3. By declining, without sufficient cause, the fulfilment of any duty required by the chief Authorities of the State.
4. By fraudulent Bankruptcy.

**XIII.** Citizenship shall be suspended, in consequence :

1. Of having been condemned to corporeal or other degrading punishment, unless reinstated in society.
2. Of physical or moral incapability of free and deliberate action.
3. Of being a fiscal debtor for a protracted period.
4. Of want of employment or known manner of living.
5. Of being a menial servant.
6. Of being proceeded against criminally.
7. Of habitual drunkenness, or being addicted to prohibited games.

Declaration being made of the defects mentioned in this and the former Article, one month previous to the Elections, and by competent authority.

### TITLE III.

#### OF THE EXECUTIVE POWER.

**XIV.** A Citizen, with the Title of Supreme Director, shall govern the State, with submission to the Laws, and hold exclusively the exercise of the Executive Power. The office shall last 4 Years ; re-election being allowed a second time by two-thirds of the Votes.

**XV.** In the event of the sickness, death, resignation, deposition, or absence of the Director, or of his being in command of the Armed Force, the President of the Senate, separated from that body and its functions, shall take his post. He shall also officiate in his stead, during his absences in the Interior, in such part of the Administration as the Director may appoint.

**XVI.** The Dress of the Supreme Director shall be peculiar, and distinguished from that of the Civil or Military Officers.

**XVII.** To be Supreme Director it is requisite :

1. To be a Citizen by birth, and, if a Foreigner, to have exercised the Citizenship for 12 Years, and to have been previously declared deserving in an eminent degree.

2. For a Native, to have been 5 Years; and, for a legalized Citizen, to have been 12 Years, an immediate resident in the Country ; unless he have been absent on official service of the State ; and to be 30 Years of age.

**XVIII. The exclusive faculties of the Supreme Director are :**

1. To govern the State ; executing and fulfilling the Laws and Regulations which may have been sanctioned.
2. To promulgate the Laws.
3. To originate, exclusively, the Laws, except during the Constitutional Period, when the same belongs to the Senate, and the sanction of them to the Director.
4. To organize and dispose of the Land and Sea Forces conformably to the Law.
5. To nominate the Generals in Chief, with the consent of the Senate.
6. To declare War in the Constitutional form.
7. To decree the supply of the funds legally destined for the branches of Publick Service.
8. To nominate the Officers of the Army and Navy below the rank of Lieutenant-Colonel.
9. To dictate hostile or defensive measures, of urgency, in the event of a sudden attack from without, or of any internal commotion ; consulting on the occasion with the Senate.
10. To appoint to civil and ecclesiastical employments, appertaining to civil nomination or presentation, which are not prohibited by the Constitution.
11. To nominate the Ministers of the Cabinet, previously consulting with his Council of State, and his Councillors, according to the Constitution.
12. To watch over the ministerial conduct of the functionaries of justice, and the fulfilment of their decrees.
13. To remove his Ministers, without assigning a cause.
14. To take especial care that the Constitution be fulfilled, in respect of the Elections and the requisite qualifications.
15. To pardon and commute punishments, with the consent of the Senate.
16. To withhold or confirm Warrants for Papal Bulls and Ecclesiastical Ordinances ; with the consent of his Council of State, and the sanction of the Senate, if they relate to matters of Government ; and with the consent of the Supreme Court of Justice, if they relate to contentious matters.
17. To suspend Persons in Office, for unfitness, neglect of duty, or crimes. In the first case, with the consent of the Senate, and in the two last, communicating the necessary information to the Tribunals of Justice for judicial decision.
18. To negotiate Treaties of Peace, Alliance, Commerce, Subsidies, and Limits, subject to the sanction of the Senate.
19. To render an account annually to the Senate, of the state of the Nation, in all the branches of Publick Administration.

20. To prepare, through the medium of his Ministers, an estimate of the annual expenditure, and to report the application of the preceding estimate.

XIX. It shall not be lawful for the Supreme Director :

1. To command the Armed Force, or to absent himself from the Territory of the Republick, without leave of the Senate.

2. To nominate any Officer to the effective command of a Corps, of and superior to the rank of Lieutenant-Colonel : the proposing and nomination of which must receive the consent of the Senate.

3. To take cognizance of judicial matters, whether relating to the Police, Government, or any other Department.

4. To deprive any one of personal liberty for more than 24 hours, or to inflict corporeal punishments.

5. To suspend, on any pretext, the assembling of the National Chamber, immediately after the Veto of the Senate shall have been pronounced.

6. To grant employments, without the particular exercise of his Ministry acknowledged by the Law, to extend their number, or to distribute money, on any other ground than that of actual service or legal retirement.

7. To suspend the Electoral Assemblies.

8. To despatch Diplomatick Agents, either with Powers or an Official Character, to Foreign Countries, without the consent of the Senate.

9. To create commissions, with emolument or salary, without the consent of the Senate.

10. To issue any order without the signature of his Ministers ; he being responsible if it be obeyed under any other form.

XX. At the expiration of his office, the Supreme Director shall deliver to the Senate a Report on all the operations of his Administration, to the end that, together with the notes and observations thereon of the Senate, it may be printed, and, the name of the Director being inscribed on the Electoral Lists, the Assemblies may declare (in the same form as in the Elections) how far his conduct may be deemed meritorious.

#### TITLE IV.

##### OF THE MINISTERS OF STATE.

XXI. There shall be, for the present, three Ministers, Secretaries of State, for the directorial despatch of business.

XXII. Each Minister shall be personally responsible for the acts which he shall have signed alone, and all of them for those which they shall have signed in common.

XXIII. Every organick instruction drawn up by the Directory, on the acts which shall have been sanctioned by the Senate, relating to Foreign Affairs, shall be considered in concert with the Council of State, and shall have the signature of the respective Minister of State,



without which requisite it shall not be executed. Should any extraordinary case demand one of a secret nature, the Minister who issues the instruction and signs it shall be personally responsible for the same.

XXIV. To be a Minister, it is necessary to be a Citizen, to be 30 Years of age, to be of good repute, and to have a well-known competency.

XXV. No Minister shall absent himself from the Country until the expiration of 4 months, after the termination of his office.

XXVI. To render the responsibility of a Minister effective, the Senate shall declare when there be cause for the institution of legal proceedings against him, the Supreme Court of Justice adjudging it afterwards, on principles of prudence and discretion, with reference to what is purely of a ministerial nature.

XXVII. The business and interior organization of each Department shall be settled by a regulation, prepared by the Government, and sanctioned by the Senate.

## TITLE V.

### OF THE COUNCIL OF STATE.

XXVIII. There shall be a Council of State, composed of two Ministers of the Supreme Court of Justice, an Ecclesiastical Dignitary, a Military Chief, an Inspector of Fiscal Rents, and the two officiating Directors of National Economy, who shall receive no other emolument than the Salary attached to their employment. The Ex-Directors are Members of this Council.

XXIX. The Council of State shall be consulted:

1. Respecting those Projects of Law which cannot be submitted for the sanction of the Senate without the previous assent of the Council of State.

2. Respecting the nomination of Ministers of State, the Council having the right of proposing their dismissal.

3. Respecting the Estimates of Fiscal Expenses, which must annually be laid before the Senate.

4. Respecting all matters of superior importance.

XXX. The Council shall meet in the House of the Director, on two appointed days in the week, and on extraordinary occasions, when called by the Supreme Director, who shall always preside over it.

XXXI. The Council shall be divided into 7 Sections, each Section being entrusted to a particular Member, who shall prepare and explain the business to be expedited.

XXXII. The Sections are :

1. Interior Government, Justice, Legislation, and Elections.

2. Commerce and Foreign Affairs.

3. Public Instruction, Morals, Services, National Merit, and Ecclesiastical Affairs.

4. Fiscal and Publick Finance.

5. War and Marine.

6. Mines, Agriculture, Industry, and the Arts.

7. Publick Establishments, and every description of Police.

XXXIII. A Book shall be kept in the Council of State, in which all the decisions given by the Director shall be registered. In the consultations on the nomination of Ministers of State, each Councillor shall record his personal vote with his name.

XXXIV. The Councillors shall be permanent, unless they be removed or superseded by the Supreme Director.

## TITLE VI.

### OF THE SENATE.

XXXV. There shall be a permanent Body, with the title of the Conservative and Legislative Senate.

XXXVI. It shall be composed of 9 individuals, elected Constitutionally, for the space of 6 Years, who may be re-elected at any period.

XXXVII. To be a Senator it is necessary :

1. To be 30 Years of age.

2. To possess a Property, the value of which is not less than 5,000 dollars.

3. To have been a Resident during three Years immediately previous to the Election, unless the person should have been absent in the employment of the State.

4. To be in the exercise of Citizenship.

XXXVIII. The attributes of the Senate are :

1. To watch over the observance of the Laws, and the conduct of the Authorities.

2. To sanction the Laws proposed by the Directory, or to suspend their sanction until the opinion of the National Assembly shall have been ascertained.

3. To suspend, immediately, the Executive Acts of the Directory, should it perceive in them a serious and dangerous tendency, or a violation of the Laws.

4. To watch over the National customs and morals, taking care of education, and that the civick and moral virtues be always distinguished by rewards and honours.

5. To protect and defend individual Rights, under the strictest responsibility.

6. To report meritorious conduct, keeping a register of the services and virtues of every Citizen, in order to present and recommend them to the Directory, and to propose them as deserving persons to the National Chamber.

**XXXIX.** In virtue of the foregoing Articles it belongs to the Senate:—To sanction :

1. Regulations and Ordinances for every Publick Body or Administration, proposed by the Directory.
2. Declarations of War, or measures against Aggressions, with the previous consent of the National Chamber.
3. Treaties of Peace, and other Treaties with Foreign Nations.
4. Taxes and Contributions, with the previous assent of the National Chamber.
5. Estimates of the Publick and Fiscal Expenses prepared by the Executive.
6. Debts and Foreign Loans, if proposed on any extraordinary exigency, with the previous assent of the National Chamber.
7. The creation or suppression of Offices, and their salaries.
8. The formation of Cities, Towns, and the demarkation of Territories.
9. The ceremonies, objects, rewards, and honours, of National Festivals.
10. Publick Establishments of every description.
11. The ingress, or stationing, of Foreign Troops, or Squadrons, within the jurisdiction of the State, and the manner in which it is to be effected.
12. The departure of National Troops from the Territory of the State.
13. The Land and Sea Forces for each Year, or as Publick urgency demands.
14. To urge the Directory, at any time, to negotiate a Peace.
15. To sanction rewards and honours to deserving Citizens.
16. To regulate the Law, Weight, and Mould of the Coinage.
17. To examine and approve the application of the Publick Revenue, every Year, and at any time when it may deem it necessary.
18. To declare and register the Right of Citizenship.
19. To propose to the National Chamber the Persons who are to be declared deserving, in order that the Chamber may confirm the same, if their merits are of an ordinary kind ; or to consult the Nation respecting them, if they are of a superior description.
20. To declare when there is cause to institute Criminal Proceedings against any Publick Functionary, who shall, in the mean while, be suspended from office.
21. To sanction the privileges which the Directory shall propose, for the Inventors or Promoters of useful establishments.
22. To sanction the acquisition or alienation of Publick Property.
23. To approve the apportionment of Taxes in the Departments.
24. To exercise the right of Police and Correction in the place of its sittings, and in the district in which it deliberates.

25. To exercise the right, of proposing Laws each Year, during 2 periods of 15 days each : the first to commence at the termination of the month in which the visiting Senate shall conclude its annual visit ; and the second, 6 months after the first period. Also, of inviting the Directory at any time to propose such Law as it may consider necessary or suitable to the interests of the State.

26. To consult the National Chamber, in respect of accusations and criminal causes against Senators ; who shall be tried by the Supreme Court of Justice, after the National Chamber shall have declared that there is cause for the formation of a process, with the concurrence of the Senate.

XL. The President of the Senate shall be elected annually in the Electoral Assemblies, and the Election must fall on one of the Senators for the time being.

## TITLE VII.

### OF THE FORMATION OF THE LAWS.

XLI. The Supreme Director shall propose the Law to the Senate, after it shall have been approved and signed by his Council of State.

XLII. The Law being received, the Senate shall sanction it, if it consider it useful, and necessary for the publick good.

XLIII. If it appertain to War, Contributions, or Loans, it shall assemble and obtain the assent of the National Chamber, after which it shall sanction it.

XLIV. Should the Senate consider the Law proposed prejudicial or unnecessary, it shall return the same to the Director with its observations ; in which case, the Director may either withdraw his proposition, or transmit it a second time to the Senate, with answers to the objections.

XLV. Should the Senate still deem it prejudicial, it shall suspend its sanction, and shall declare its veto, after it shall have consulted the opinion of the National Chamber.

XLVI. A Law, approved by the Chamber, shall necessarily receive the sanction of the Senate ; and, if rejected by the Chamber, it shall be considered as not having been proposed.

XLVII. On the occasion of the veto, or the suspension of the Senate, the National Chamber must have been legally convoked.

XLVIII. No Law shall be proposed to the Senate until it has been discussed three times in the Council of State, and unless it shall have been printed eight days before the discussion. The Senate shall not sanction or return it without three further discussions on the observations of the Director.

XLIX. At the two periods of the Year, when the Senate shall possess the right of proposing Laws, the Supreme Director shall



sanction the Law, under similar regulations, and with the consultive Vote of the Chamber.

L. The proposed Law shall be discussed in the Council of State, with the previous observations of the Ministers, who, in all cases, shall possess the right to give their opinions in the said Council.

LI. The Senate may suspend an Executive Act, or one seriously prejudicial or inexpedient, by referring it back to the Director. Should he reply, and persist, without satisfactorily explaining the objections, or defer his reply for a longer period than that fixed by the Senate, the Senate shall pronounce its veto, and convoke the National Chamber, in order to approve or suspend the same.

#### TITLE VIII.

##### OF THE MEANS OF RENDERING EFFECTIVE THE OTHER ATTRIBUTES OF THE SENATE.

LII. Each Senator shall be an Inspector, for the term of a Year, of some Tribunal, Magistracy, Administration, Corporate Body, or Publick Establishment, (except the Directory and the National Chamber :) he shall preside over its affairs one or more days in the month, but not at stated or fixed periods ; he shall regulate their order, make his observations, and communicate the same to the Senate or the Government.

LIII. In order to decide upon the merit of Citizens, three Senators shall be especially charged with adopting and regulating the instructions and justifications necessary for that purpose ; they shall render an account thereof to the Senate, and cause the same to be recorded in the General Register of Civick Merit, in which the Provinces shall be separated. There shall be a Secretary, solely for this Department.

LIV. All Functionaries, to whatever class or dignity they may belong, shall be bound to render a faithful account to the Municipalities, of the merit and service of each Citizen ; which they will convey to their respective Political Chiefs, in order that the latter may be enabled to give documentary evidence thereof to the Senate as well as to the Directory. The same may be rendered by private Citizens.

LV. It is a crime deserving of publick accusation for any Functionary or intermediate Authority to omit giving such account, or remitting the same to the Senate.

LVI. The Senate, after consultation with the Directory, or being urged thereto by it, shall propose the deserving Citizens.

LVII. To make known those deserving in a high degree, (after consulting with the National Chamber, in order to obtain its assent,) it shall propose them for the approval or rejection of the Electoral Assemblies, at their periodical meetings.

LVIII. Every Senator shall, in each Year, visit some of the Provinces of the State, so that every 3 Years the whole may be visited by him.

He shall therein personally enquire into :

1. The merits and services of the Citizens.
2. Their moral and civil habits.
3. The observance of the Laws.
4. The fulfilment of the duties of Functionaries.
5. Publick Education and Instruction.
6. The Administration of Justice.
7. The collection of the Fiscal and Municipal Funds.
8. The training of the Militia.
9. The local Police, Charity, and Benevolence.
10. Religious conduct.
11. All other objects connected with his office.

LIX. He shall conform to the Instructions of the Senate, in what regards the attributes of that Magistracy, and to those of the Directory in what belongs to the Executive Power; his duties on these occasions are, to advise, instruct, and report upon the conduct of, the respective local Authorities, and to declare if there be ground for Legal Proceedings; transmitting, in the latter case, documentary evidence thereof to the Tribunals appointed by the Constitution and the Law; the Functionary being in the meanwhile suspended from his office.

## TITLE IX.

### OF THE NATIONAL CHAMBER.

I.X. The National Chamber is a meeting of National Counsellors, in a temporary Assembly.

LXI. To become a National Counsellor it is necessary :

1. To be an eligible Citizen.
2. To be 30 Years of age.
3. To possess Property of the value of 1000 dollars at least.

LXII. Counsellors shall not be answerable for their opinions. They shall remain in office during 8 Years, one of them being renewed in each Year. During the first 7 Years the lot shall decide who are to be renewed. The Members who have died, who may be incompetent, or have been dismissed, shall be considered as having been drawn by the lot, and shall be included in the number deficient.

LXIII. There shall not be less than 50, nor more than 200, whatever may be the extent of the population.

LXIV. The Counsellors shall meet in the same place as the Senate and Directory. The lot shall decide which of those who inhabit other Provinces shall attend the sittings when they take place in the Capital.

LXV. The National Chamber shall be legally and actually convoked by the Act of a suspensive veto of the Senate, or of the Supreme Director, when the sanction shall belong to him.

**LXVI.** A Minister of State, a Secretary of the Senate, and the Procurator General, shall cite the Chamber, in virtue of the Veto or Senatorial Decree, and shall preside at the ceremony of drawing lots for the Assembly. For that purpose they shall place the names of all the Counsellors living in the Capital, in an urn, out of which 25 shall be drawn by lot, who shall assemble immediately in the Hall of the Sessions, and as soon as they shall have elected their President, the former shall retire. In default of any of the Functionaries who may be drawn, the others shall be eligible for the Assembly.

**LXVII.** No National Chamber shall be formed unless four-fifths of those drawn by lot be assembled, and in default of that number, the same Chamber shall have a fresh drawing, by lot, and continue in Session, until it be completed.

**LXVIII.** A whole day shall not elapse between the pronouncing of the Veto and the assembling of the Chamber.

**LXIX.** The attributes of the National Chamber are:

1. To approve or reject the Laws which may be proposed, in the following Form only: "It ought to be sanctioned." "It ought not to be sanctioned."

2. To approve or reject a Declaration of War, measures of defence, taxes, and loans, although no Veto may have preceded; under the same Form as that for Laws.

3. To approve in the same Form the proposal of deserving Persons of an ordinary and of a superior description.

4. To nominate the Tribunal to protect the Liberty of the Press, the Censors, and the Commission for the trial of those Individuals.

**LXX.** The National Chamber shall have 3 Sittings for legislative consultations, with an intermission of 3 days between each of them. On the first, the Law shall be presented to them, when it shall hear the Orators of the Senate and the Directory, which shall consist of a Minister or Councillor of State and a Secretary of the Senate. On the second and third, it shall discuss the matter, and, on the last, shall definitively decide upon it. The Orators shall not be present during the discussion and decision.

**LXXI.** For Executive Acts it shall have 2 Sittings on two succeeding days. On the first, the Veto shall be presented to it, and it shall hear the Orators; on the second it shall decide; the discussion taking place on both days.

**LXXII.** On any extraordinary occasion the Chamber shall previously declare if there be urgency; it shall, however, decide within the time appointed, but not in less than two sittings, although the interval be but a few hours.

**LXXIII.** The Ministers of State, the Secretary of the Senate, and the National Procurator, shall not exercise the functions of Counsellors during their Office.

**LXXIV.** The National Chamber shall be immediately annulled:

1. If it assemble without a previous Veto, or for any other purpose than that clearly and distinctly appointed by the Constitution.

2. If, after meeting, it attempt to be a permanent Body.

3. If it extend its deliberations beyond the specific object proposed by the Veto, and designated by the Constitution.

4. If it attempt to alter, modify, or add to, the proposition submitted to it, or to extend its powers beyond the approval or rejection of a Law, of an Executive Act, or of the declaration and report respecting meritorious Individuals.

## TITLE X.

### OF ELECTORAL ASSEMBLIES.

**LXXV.** The Citizens of Chili shall meet in Electoral Assemblies, to proceed to the Elections, Nominations, and Censures established by the Constitution.

**LXXVI.** The meeting of Citizens in the number and form required by the Constitution, for the purpose of electing, censuring, or nominating meritorious Individuals, as Citizens, qualified to fill, and be proposed for, the Magistracies of the State, agreeably to the Law, constitutes an Electoral Assembly.

**LXXVII.** An Electoral Assembly shall, for the present, be formed in every District, Parish, or Section of the Municipalities, which contains 200 voting Citizens; and, as the Population increases, an Assembly shall be formed for every Population which does not contain upwards of 400.

**LXXVIII.** Although there be one-fourth above or below the required number of Citizens in the whole of the Municipality, or in its respective Districts, Parishes, or Sections, an Electoral Assembly shall nevertheless be formed: but, should the excess or deficiency be greater, one district shall be joined to another of the same Municipality. A Municipality shall have the right to form an Electoral Assembly, although the number of its Citizens be less than that required for the ordinary Assemblies.

**LXXIX.** The Assembly shall proceed as a National Electoral Assembly when it elects or censures Functionaries of the Nation; and as a Provincial Assembly when they belong to a Department.

**LXXX.** All Chilians shall be Members of the Electoral Assemblies who are possessed of a legal certificate of Citizenship without any other qualification.

**LXXXI.** A Regidor, or, in his absence, a Prefect or Inspector, shall convoke the Electoral Assembly to meet at the place appointed.

**LXXXII.** A list shall be placed on the table of each Assembly, of the Citizens who compose it, who must be matriculated in the General Register of their Municipality.



**LXXXIII.** In the presence of the Citizens assembled at the hour and on the day appointed by Law, there shall be placed in the urn the names of those of the Assembly who are inscribed in the Municipal Register. The ballot shall proceed until 12 Individuals, who can read and write, be drawn; the first 6 of whom shall be the Committee of Scrutiny, and the remaining 6 their substitutes.

**LXXXIV.** The Scrutineers being appointed, the convoking Functionary alone shall have the inspection of the Police.

**LXXXV.** The Scrutineers shall elect a President and Secretary from amongst themselves, to whom the convoking Functionary shall deliver the lists of the Elections, and the National and Provincial censures, containing the number of Individuals who are to be balloted.

**LXXXVI.** The Ballot shall decide which half of the Individuals composing the Assembly shall retire, without reference to the Absentees, or Members who may be unable to attend.

**LXXXVII.** The List of Individuals drawn shall be immediately posted up in the most publick places of the District, and on the following day, between 6 o'clock in the Morning and 6 in the Evening, the suffrages of each Citizen shall be taken, who, at the time of voting, shall receive the List, and may retire alone to a convenient spot, (accompanied by the Secretary, if he be unable to read) and indicate upon the List each Person whom he desires to elect or censure. The Secretary shall be sworn to secrecy, and to the faithful discharge of this duty.

**LXXXVIII.** The Electoral Lists shall contain the names of the Persons legally qualified for each of the Employments which are to be filled up in these Elections; the Names of the Functionaries subjected to censure; and the Names of those proposed as meritorious in the highest degree, which shall be distinguished by a mark attached to each Name.

**LXXXIX.** The Citizens who remain to vote, after the drawing by Lot, and other arrangements, whatever be their number, shall form a Legal Assembly.

**XC.** All doubts shall be decided by the Scrutineers, on the first day, without appeal (unless it affect their personal responsibility). If their votes be equal, that of the President shall be decisive.

**XCI.** As soon as the voting is concluded, it shall be made publick: and four legalized Copies thereof shall be prepared, and transmitted to the Municipality, the Chief of the Department, the Directory, and the Senate. The urn which contains the votes shall be kept in a secure place, locked with two keys, one of which shall be kept by the President of the Scrutineers, and the other by the Political Chief until the Votes be promulgated by the Directory.

## TITLE XI.

## QUALIFICATION AND CENSURE OF FUNCTIONARIES.

XCII. The Constitution requires, that the principal portion of its Functionaries be elected directly by the Nation, their competency being previously ascertained.

XCIII. The fitness of the Functionary will be made known by the qualification, which must be verified by the Constitutional Magistracies.

XCIV. The Electoral Assemblies will, therefore, elect to vacant Offices those Persons only who are entitled to them, and are qualified for the employment.

XCV. The Departmental Councillors alone will be elected by the Delegations, without a previous qualification.

XCVI. The Nation has also the right to displace its Functionaries, should they not fulfil their duties, or abuse their Ministry.

XCVII. The exercise of this National faculty is called the Censure, and the Nation shall verify it every 2 years, for the present, in its periodical Electoral Assemblies. For this purpose, there shall be delivered to each Citizen, at the time of voting, a List of the Persons whom the Constitution subjects to the censure.

XCVIII. Should a Functionary be censured by a majority of the votes of the Nation, or of the respective Provinces, he shall be deprived of his employment. He shall not be reputed a delinquent, unless he shall have been legally judged: should he be declared innocent, he shall not, however, be restored within the period of the same Elections.

XCIX. The National Electoral Assemblies shall possess the right to elect and censure the Supreme Director; the Senators; the Ministers of the Supreme Court of Justice; the Military of, or superior to, the rank of Colonel; the Fiscal Inspectors; the Directors of National Economy; the Procurador General; the Counsellors of a National Chamber; and, for the present, the Ministers of the Court of Appeal.

C. They shall also possess the exclusive right to censure the Ministers and Councillors of State, and the Members of the Tribunes of the Liberty of the Press.

CI. The Electoral Provincial Assemblies, in their respective districts, shall possess the right to elect and censure the Members of the Court of Appeal, whenever, as a consequence of the increase of the Population, the States shall possess different Courts; and also the Departmental Councillors.

CII. They shall possess the exclusive right to censure the Governors, Intendants, and Judges.

CIII. They shall possess the right to present for Archbishoprics and Bishopricks.

**CIV.** Each election or provincial censure shall be performed solely by the Assemblies comprehended within the districts of the jurisdiction of the Functionary, or of the whole Body, one of the Members of which is to be elected or censured.

**CV.** The Delegates and Regidores can be censured only by the Councils of Department, in accordance with the Chief of the Department, and with the consent of two-thirds of the whole number of Voters.

**CVI.** The qualification of Persons as eligible for employments shall take place in the following form. The Senate, the Supreme Director, and the Departmental Councils, each in its particular Magistracy, shall qualify from 1 to 3 Persons for each employment vacant, of those contained in Article XCIX.

**CVII.** The Departmental Councils may qualify, generally, 3 persons belonging to other Provinces, for general employments; but not more than one person of their own Province. For Provincial Employments they may qualify indiscriminately, from their own or from another Province. The qualification of the same person by various Authorities is unobjectionable and legal.

**CVIII.** Three persons, at least, shall be proposed for Provincial Employments, by the Supreme Director, the Senate, and the Departmental Council of the Province. These employments are comprehended in those mentioned in Articles CI. and CIII.

**CIX.** Each qualifying Authority shall transmit its propositions in duplicate to the Senate and Directory, and those from every part of the Nation shall be printed and published by the 8th of September.

**CX.** Qualified Persons, who may wish to withdraw from the election, shall express such wish within 40 days immediately following the 8th of September, in order that their names may be erased from the Lists of eligible Persons. The employments of Councillors, Departmental Councillors, and Municipal Functionaries cannot be declined.

**CXI.** The Electoral Assemblies, throughout the Nation, shall meet on the 10th of December, the Lists of eligible Persons being previously sent to all the Municipalities.

**CXII.** Vacant Employments, before the periodical Elections take place, if they be general, shall be filled up by the Director, with the concurrence of his Council of State, and if they be Provincial, by the Governor-Intendant, subject to the confirmation of the Supreme Director.

**CXIII.** A Person elected for two Employments, may select which he prefers, and that which he declines shall be filled by the Person who obtained the majority of Votes. In an equality of votes for an employment, the question shall be decided by lot.

**CXIV.** No Citizen shall be appointed to electoral employments, nor to any which are honorary, jurisdictional, or are rewarded with salary,

or emoluments from the State, exceeding 500 dollars; of whatever class, or description, who shall not have obtained his *civic merit*, or have legally acquired the same by having held such an employment without salary.

CXV. Civic merit is a particular service to the Country which protects his rights, and whose prosperity is identified with that of the Citizen. The Senate shall frame a regulation describing the services which constitute civic merit, whose bases are :

1. To serve 5 Years in the National Militia.
2. To make improvement in landed property, beneficial to the State, as indicated by Law.
3. To be a Proprietor, or experienced Agent, of any art or useful industry, the materials of which are the production of the Country.
4. To be occupied, for some time, gratuitously, in giving instruction, for the encouragement of morality, science, or industry.
5. To execute, gratuitously, laborious duties at the instance of the Publick Authorities.
6. To contribute by means of talent, money, or personal labor, towards a publick object.
7. To serve usefully and gratuitously in the administration of the State.
8. To be the Author of some literary work, or to discover means of advancing the National prosperity.
9. To provide useful employment for women and mendicants.
10. To encourage the establishment of manufactories.
11. To subscribe towards Funds or Companies destined to promote agriculture, mining and commerce.
12. To assist gratuitously, or to any considerable extent, in the erection and support of correctional prisons and hospitals, and other establishments of charity and beneficence; and in works of local Police, cleanliness, and ornament.
13. To hold voluntarily a considerable share in Publick roads, bridges, canals, or other works, for the purpose of facilitating Commerce.
14. To be employed in any Campaign, in the service of the State, without personal reproach, or to perform distinguished services in garrison.
15. To undertake, gratuitously, municipal functions, or those of Departmental Councils.
16. To be engaged in succouring distressed, infirm, or maimed persons.
17. To promote with zeal the observance of religious morality, and sacred worship.
18. To be occupied with the study of medicine, moral philosophy, or natural science.



19. To be declared meritorious, in consequence of celebrity in the institutions and departments of education.

20. To contribute gratuitously to any fiscal or publick expence.

21. To be the Father of more than 6 legitimate Children.

22. The advantages to result to the well deserving shall be decided in proportion to their civic merit, at the discretion of the legislature.

## TITLE XII.

### OF THE JUDICIAL POWER.

CXVI. The Judicial Power shall protect the rights of individuals, agreeably to the following principles:

CXVII. It shall deprive no one of their property, except on the ground of publick necessity, declared by the Senate to be extremely urgent, but not without previous indemnification.

CXVIII. The personal right of presenting petitions to the constituted Authorities, without restriction or modification, shall be free, if exercised legally and respectfully.

CXIX. No partial Assembly of Citizens shall assume to itself the sovereignty or rights of the Nation, or exercise Publick Authority or Functions without formal Delegation.

CXX. The house of a Citizen shall be inviolable; and can only be searched by virtue of an especial decree of the competent Authority, previously exhibited to the owner of the house.

CXXI. Every Judge is answerable for the delays and abuses of the Judicial Forms.

CXXII. No one shall be condemned unless judged legally, and in virtue of a Law promulgated anterior to the act committed.

CXXIII. No one shall be imprisoned except in the cases provided for by Law, and agreeably to its forms. Whoever shall decree or execute an arbitrary arrest shall be severely punished.

CXXIV. No one shall be imprisoned or detained except in his own house, or in a publick place destined for that purpose.

CXXV. The person charged with the custody of prisoners, or detained persons, shall not receive any one until after he shall have inserted in his register the decree, ordering the arrest, by which he may be enabled to prove that he acted under competent authority.

CXXVI. No interdict shall prevent a Senator, or the Magistrate who superintends the Prison, from visiting the accused.

CXXVII. Every person, at the moment of his being arrested or imprisoned, shall receive a certificate, wherein it shall be set forth that he is detained by order of the proper Judge. The Officers of the prison shall acquaint the Senate, or the Representatives of the Provinces, with the fact, should the accused desire it, and transmit his official communications either to the Judge or to the Post Office.

CXXVIII. No one shall be imprisoned more than 48 hours without being informed of the cause of his detention, and of the measures which have been taken in consequence thereof.

CXXIX. During a trial the witnesses shall be confronted after the declaration, should either party require it. The Judge shall examine the witnesses in criminal causes.

CXXX. The accused may defend his own cause, or employ legal advisers for that purpose. He may at any time summon the Judges to the prison, or write to them, if they be distant, or to the Authorities superior to the Judges. Letters on criminal causes shall be faithfully and gratuitously delivered.

CXXXI. Those who visit prisons in virtue of their office shall be responsible for arbitrary acts within the same, unless they protest against them.

CXXXII. The penalty of confiscation, and infamy descending punishments, are wholly prohibited.

CXXXIII. The Judge and any Functionary objected to, shall immediately cease to act; but the person who challenges him shall be liable to punishment if his objection be without cause, and not sanctioned by the law. Few obstacles will thus exist to the right of challenge; one of the principal guarantees.

CXXXIV. When sufficient security has been given for the person or the property, no one, unless condemned to corporeal punishment, shall be imprisoned or detained.

CXXXV. The prompt application of punishment, propriety of conduct, and the certain reward of virtue, are the principles by which Law will prevent crime.

CXXXVI. No one shall be tried, except in a Tribunal previously established by the Law, and never by a Special Commission. In every case the parties shall be allowed to apply to the Judges for judgment and depositions.

CXXXVII. No law-suit shall be carried further than the Court of First Instance and Appeal. Suits of nullity shall be admitted when the essential forms of judicial proceeding established by Law shall have been departed from; the Tribunal which tried the case being retained in such cases, and deciding the question of nullity upon the principal ground alleged in support of it.

CXXXVIII. Any Citizen who shall remonstrate against arbitrary or unjust conduct on the part of the constituted Authorities, owing the essential forms of proceeding not having been adhered to, or the superior Decree for the protection of his rights having been wilfully disregarded, shall be gratuitously assisted in his remonstrance by the Judicial Functionaries, he giving security for the expenses in the event of his remonstrance being declared to be unfounded.

**CXXXIX.** In civil society, all citizens shall be of the same condition. The veteran class of the Army shall for the present preserve its military condition conformably to the existing laws.

**CXL.** Writings not communicated, scarcely exceed the responsibility of thought, with respect to which, therefore, measures of security only can be taken against their becoming afflictive.

**CXLI.** Every delinquent found in the act, may be arrested without a Decree, and by any person, for the purpose only of taking him before the competent judge.

**CXLII.** Neither rates, personal services, or any species of tax or contribution, shall be demanded unless by virtue of a publick regulation legally approved, and in pursuance of a Decree of the competent authority consequent upon such regulation, which shall be exhibited to the citizen at the time of application.

### TITLE XIII.

#### OF THE SUPREME COURT OF JUSTICE.

**CXLIII.** The Supreme Court of Justice shall be the first judicial magistracy of the State.

**CXLIV.** It shall be composed of 4 Members, a President, and the National Procurador, who must possess all the qualifications requisite for a Minister of State, be of the profession of the law, and have practised for 10 years as Advocates.

**CXLV.** As a body, it shall be styled Excellency, in common with the Senate, and the Supreme Director, and its members shall be styled Senhors.

**CXLVI.** Its attributes are :

1. To protect, and to cause to be respected, on its demand, by other authorities, the individual and judicial guarantees.

2. To take cognizance of the nullities of sentences of Courts of Appeal, in the particular case, and in the manner, pointed out by the Constitution.

3. To take cognizance judicially, and agreeably to the Law of Nature and of Nations, of questions concerning Ambassadors and other diplomatick Ministers.

4. Of matters of local jurisdiction, and of those of diocesan and ecclesiastical dignities, which, according to the laws, privileges, patronage, and national independence, belong to the judicial sovereignty of the Nation.

5. Of civil and criminal causes, concerning the Supreme Director, the Senators, Ministers, and Councillors of State, and of Ministers of the Courts of Appeal.

6. Of the proceedings of the Chiefs of the General Administration, or Departmental Government.

7. Of causes relating to National Patronage.

8. Of charges of violence, throughout the jurisdiction of the Court of Appeal of the capital.

9. Of matters of competency between the Superior Tribunals.

**CXLVII.** The Courts of Appeal shall take cognizance in the first instance, of such of the foregoing matters as legally admit of appeal, and the appeal shall be carried before the Supreme Court of Justice. In causes concerning Ministers of the Courts of Appeal, the Law Judges shall take cognizance thereof in the first instance, and the Supreme Court decide on appeal.

**CXLVIII.** The Supreme Court shall have an immediate superintendence, and a correctional, regulatory, and moral ministry, over the Tribunals and Courts of the Nation. It shall also have jurisdiction over the Criminal Police, agreeably to the regulation to be made concerning these attributes.

**CXLIX.** In pursuance of the foregoing Article, the Supreme Court alone shall take cognizance:

1. Of vexations, delays, and other offences and injuries, caused by the Judges of Appeal, as a consequence of the judgments they pronounce; proceeding summarily, without altering the Court, and for the purpose only of declaring the personal responsibility of the judge, after the process shall have been concluded. If, during the law suit, appeals be made against such abuses, they shall be peremptorily decided within 8 days.

2. Of doubts concerning the meaning of a law, in concert with the Senate, which shall give its opinion.

3. It shall submit annually to the Senate, a memorial respecting the improvements which it may deem advisable in the administration of justice.

4. It shall propose 3 persons to the Supreme Director, in order that he may select and nominate one of them for a Law Judge.

5. It shall name the lawyers who are to settle disputes in the Court of Appeals, and the substitutes for its Ministers.

6. One of its members shall visit every jail, and place of confinement in the capital, monthly, without privilege or exception whatever.

7. It shall report every month the business which has been transacted in the Tribunals, in order to encourage expedition.

8. In contentious matters, which might occasion scandalous dissension and injury to families or the State, it may compel the parties to an accommodation sanctioned by one of its members.

9. Each member may act as a Judge Conciliator in the capital, this being one of his principal attributes.

10. It shall be charged with the consultive and preparatory labour of framing the legal codes of the State, which it shall conclude within the time, and in the form, prescribed by the Senate.



CL. Its members shall continue in office for life, unless they fail in their duty, or be censured.

CLI. The attributes of the Procurador General are:

1. To bring forward all business of a publick nature.
2. To defend the constitutional guarantees, when violated by the first Magistracies of the State.

3. To maintain the National rights of all classes, of whatever Nation; and those of the country, in respect of itself, or of the Directory.

4. To prosecute all publick functionaries, officially, or in virtue of legal denouncements, publick or secret, he being personally responsible for any neglect or connivance.

5. To claim before the Senate the declaration or proposal in favour of deserving persons, who have rendered service to the State, without expence to the individuals.

6. He shall, moreover, take part in all that relates to publick and fiscal business; to national morality; to the moral police of the ecclesiastical hierarchy; to remonstrances against abuses respecting towns and persons, and to whatever appertains to the advancement of publick order; having the right of petition and consultation before all the Supreme Powers, and before all the tribunals of the State.

CLII. The Procurador-General shall have two Vice Procuradors attached to his Office.

#### TITLE XIV.

##### OF THE COURTS OF APPEAL.

CLIII. For the present there shall be one Court of Appeal for the whole State, composed of four Members and a President. As a body it shall be styled *most illustrious*; its Members, individually, *Senhor*, when addressed officially.

CLIV. To be a Minister of the Court of Appeal, it is necessary that he be an eligible Citizen, be 30 years of age, and have exercised the profession of the Law publickly for 8 years.

CLV. As the increase of the population shall render it necessary, Courts of Appeal shall be established in places suited to the convenient Administration of Justice.

CLVI. The attributes of such Courts are:

1. To take cognizance in Appeals concerning Civil and Criminal business of the State, including that of any branch which may not have been mentioned in the Constitution.

2. Of the proceedings of the judges of first instance, in the form prescribed in Section 1 of Art. 149.

3. Of matters which require a practical or technical knowledge; calling to its aid experienced Persons as coadjutors; naming a mer-

chant, a miner, or two persons employed in agriculture, to enable them to decide in such cases respectively; matters of a fiscal nature being always decided by reference to the Chief of the branch to which the question may relate.

CLVII. A regulation for the Administration of Justice shall designate the description of cases which may be brought in Appeal before the Court.

CLVIII. One of the Members shall, in turn, visit every two months the public offices of Notaries, to correct such defects as he may discover, or may have been pointed out to him by the Court.

CLIX. The Court of Appeal shall take care that the judges in the Departments visit the gaols and places of confinement; that they regulate the police thereof, and transmit to it detailed reports of all criminal causes, together with a statement of the condition and the number of prisoners and detained persons, and of what may be proper to be done; and shall send these details, with its observations, to the Supreme Court.

CLX. One of its Members shall visit, every week, the prisons and places of confinement; shall personally interrogate the accused as well as the judges, and superintend their interior regulations and police.

CLXI. If the imprisonment of a culprit shall have exceeded 6 months, it shall send weekly to the Supreme Court a separate bulletin of the progress of the cause, and of the grounds of his continued detention.

CLXII. Advocates, Notaries, and Procuradors, shall be examined, and admitted to their functions by the Court of Appeal, which shall have the power of dismissing at its pleasure unfit members of the two last classes, without assigning their reason for so doing.

CLXIII. There shall be delegates from the Court of Appeal, in the Provinces, who shall decide the cases of appeal, and pronounce the sentence upon them, after which the process shall be transmitted to the tribunal. If both parties agree, they may apply to the said court to decide and pronounce sentence.

CLXIV. The Court of Appeal may for the present nominate as delegates the Secretaries of the Intendencies, until other lawyers and other measures are fixed upon.

CLXV. The President of the Supreme Court shall take cognizance of objections against a Minister of the Court of Appeal; and the Supreme Court of those against the whole of that tribunal. The Court of Appeal shall decide those against a Minister of the Supreme Court, and those against the whole of the Supreme Court shall be decided by the Senate.

CLXVI. The members of the Court of Appeal shall continue in office for life, unless they fail in their duty, or be censured.

## TITLE XV.

## OF JUDGES OF CONCILIATION.

CLXVII. No one shall bring a judicial suit before the ordinary tribunals, until after he have applied to the Judges of Conciliation.

CLXVIII. All civil suits shall be submitted for conciliation, as well as such criminal ones as may admit of it without prejudice to the publick interests. Ecclesiastical suits, concerning personal rights and civil actions, may also be submitted for conciliation.

CLXIX. It will be the duty of the conciliators to attend to the applications of the parties, and to the proofs advanced to explain the matter in dispute, and to encourage or propose a means of conciliation, informing the parties concerned of their respective rights.

CLXX. If both parties decline conciliation, a certificate shall be given to them to enable them to apply to the tribunals. If either be disposed to compromise, the terms offered shall be recorded, and if the result of the judicial sentence be similar thereto in substance, the dissenting party shall be condemned in costs.

CLXXI. In the affairs of minors, and of persons incapable of legal action, communication shall be had with their representatives, and the Court of Appeal shall confirm the conciliation, in matters of considerable import, and the Law Judges in those of minor importance.

CLXXII. Fiscal actions admit of no conciliation.

CLXXIII. When flight is apprehended, bail as security may be previously required.

CLXXIV. In the Capital, the Judges of conciliation shall be the Members of the Supreme Court of Justice, and, in the Provinces which possess Law Judges, the Alcaldes of the municipality. Where there are no Law Judges, the Alcaldes shall take cognizance in the first instance, and one or two Regidores shall be Judges of conciliation. In matters of commerce, in the great Capitals, two merchants, with the title of Consul, shall fill that post, and one in the delegations or inferior cities.

CLXXV. Affairs of minor importance shall be conciliated by the Prefects and other Regidores of the municipality.

## TITLE XVI.

## PRACTICAL JUDGMENTS.

CLXXVI. When disputes arise respecting boundaries, local regulations, water courses, international affairs, matters concerning mines, and other objects, which essentially require local information, they shall be considered by competent judges, who shall enquire into the

point in dispute, and promptly decide the same after a verified examination.

CLXXVII. These judges shall be one or two persons named, with the consent of the parties interested, before the Judge Conciliator, or an ordinary tribunal, and they shall be necessarily compelled to decide within a prescribed period.

CLXXVIII. If they be appointed Arbitrators, their sentence shall be without appeal. If they proceed in the usual manner, the appeal shall be decided before one or two judges named in the same form.

CLXXIX. They shall cause their sentences to be carried into effect with the assistance of the Political Chief.

## TITLE XVII.

### DIRECTION OF NATIONAL ECONOMY.

CLXXX. There shall be a Magistracy in the State, under the title of the Direction of National Economy.

CLXXXI. It shall be composed of at least 6 Directors of superior activity, education, and probity, who shall be removed if they be of an inert and passive character. It shall have a Secretary.

CLXXXII. This Magistracy shall be charged with the inspection and direction of commerce, industry, agriculture, mercantile navigation, manufactures, mines, fisheries, roads, canals, the police of health, ornament and cleanliness, woods and plantations, general and particular statistics, publick benevolence; and whatever conduces to the advancement of industry, agriculture and trade.

CLXXXIII. Two directors shall always be employed in executing the ordinary functions of the Directory; 2 shall be engaged, during the term of 4 years, in examining the maritime and territorial localities of the State, to establish or perfect therein the arrangements which the Directory have decreed; and the remaining 2 or more Directors shall repair as Envoys to Foreign Countries, and shall employ at least 5 years in their diplomattick and economical mission, their attention being directed to all matters connected with their department; to the selection of objects fit for adoption by the Country; and to the procuring for it useful professors, and the aid that may be necessary for that purpose.

CLXXXIV. They shall all, in the first instance, engage in the duties generally, and shall be alternately employed in such of them as the Government, after consultation with the council, shall direct.

CLXXXV. They shall consult with the Government, in all matters connected with their institution, which shall be subject to its approbation.

CLXXXVI. The revenues derived from commercial companies, mines, town lands, privileges, and municipal or publick funds, and from



whatever may be at present or hereafter raised within the State, for its prosperity or internal improvement, shall be separated from the Fiscal Treasury, and be in charge of the Directory.

CLXXXVII. They shall consult with the Departmental Councils, and the municipalities, concerning the direction, wants, and arrangements of the Provinces.

CLXXXVIII. The directors shall retain their places at the pleasure of the Government, in concert with the Senate.

CLXXXIX. The Senate shall act in accordance with the Supreme Director, in the sanctioning of their propositions.

## TITLE XVIII.

### OF INTERIOR GOVERNMENT.

CXC. The State shall be regularly divided into Departmental Governments, Delegations, Sub-delegations, Prefectures, and Inspections.

CXCI. In each Department there shall be one sole Political and Military Government, which the Supreme Director shall nominate with the consent of the Senate. Its duration shall be at the pleasure of the Director, but subject to the censure of the Province.

CXCII. The Delegations shall be governed by a Delegate, dependent on the Departmental Government.

CXCIII. The Delegate shall be chosen from amongst 3 Persons proposed by the Departmental Council, and approved or rejected by its Governor, and shall be selected by the Supreme Director. He shall be subject to the censure of the Departmental Council, with the concurrence of two-thirds of its Members, and the Directorial approbation. His Office is for 4 Years. He may be re-elected by two-thirds of the votes of the Electoral Assemblies.

CXCIV. The Delegate shall name the Sub-delegates, Prefects, and Inspectors, subject to the approval or rejection of the Governor. In districts which have only one Prefect, he shall be the Sub-Delegate.

CXCV. Ten inhabited houses, either in a town or in the country, shall constitute a Community, and be under an Inspector; and 10 Communities a Prefecture.

CXCVI. The Prefectures shall be the political basis of the habits, virtues, police, and statistics. They shall form a family regulated by certain duties of mutual beneficence: they shall watch over and be answerable for the vicious, the wanderers, or poor of their Prefecture: they shall mutually assist each other, more especially when the chiefs of families are engaged in the defence of their Country. The Prefects shall be the ordinary judges in certain suits, and conciliators in others, according to the regulation to be formed for the arrangement of such matters.

**CXCVII.** Inspectors shall be subordinate to Prefects, and be more immediately employed in the detail of the matters under their direction.

**CXCVIII.** The Prefectures of a district shall depend on their respective Sub-delegation, and the latter on the Delegation.

**CXCIX.** Neither the Police, the Senate, the Directory, the Governors, nor any Publick Authority, shall demand information from persons, respecting any crime, or offence, or the fitness, character, or conduct of any individual, which cannot be obtained through the proper organ for such matters, and according to the regulation prescribed.

**CC.** Inspectors, Prefects, and Sub-Delegates, shall be exempt from all municipal payments, or extraordinary contributions, and by their office may obtain the Civic Merit.

**CCI.** The attributes of the Departmental Governors are:

1. To maintain publick order and security.
2. To correct and watch over the fulfilment of the duties of the Functionaries as Directorial Representatives.
3. To have the economical superintendence of the Fiscal and Publick Revenue.
4. To promulgate the Laws, and carry them into effect in their respective Districts.
5. To be subordinate to the Directory in all matters of Civil and Military Government, within their jurisdiction.

**CCII.** They are prohibited from interfering in the judicial cognizance and imprisonment of Citizens, unless temporarily, and until they shall have been handed over to the respective judges.

**CCIII.** To be a Governor or Delegate, it is requisite, to be in the exercise of Citizenship, with the right of voting; to be 25 Years of age, and to have obtained the Civic Merit.

**CCIV.** The Delegates and Sub-Delegates shall be subordinate to the Governor in their respective attributes.

**CCV.** For the present there shall be 2 Law Judges in the Capital, and 1 in each Department, (and also in the Delegations, when the Population and applications shall have increased,) who shall take cognizance in the first instance, of all judgments not excluded by the Constitution, unless they be privileged causes.

**CCVI.** He shall be the Assessor in all written causes, which may at present be brought before the Delegations, and shall be entrusted with whatever belongs to the Judicial Departmental power.

**CCVII.** The Law Judge in the Departments, and an Alcalde in the Delegations, may act as substitutes for Political Chiefs.

**CCVIII.** In the capital of each Department there shall be a Departmental Council, composed of a voting Member, or a substitute, which each Delegation shall name in the Electoral Assemblies. It shall be renewed every 3 Years, and its Members may be re-elected.

**CCIX.** The Governor shall preside over all its functions, with the exception of what concerns the qualification of Functionaries; and it shall assemble only at the Constitutional periods. Its faculties shall be consultive whenever the Constitution grants it no other prerogative.

**CCX.** Its attributes shall be :

1. To be the Council of the Governor in matters of moment, on which he may consult it.

2. To be Censor of the Municipalities and Delegates, to inform the respective powers of their omissions or exactness, and even to displace them, if two-thirds of it agree thereto.

3. To conduct within its Department the National economical administration.

4. To watch over Publick Instruction, and the establishments of Piety and Charity.

5. To superintend the legal collection of the Publick Revenue.

6. To regulate with the Governor the proportion to be paid by each Delegation, of the contributions and charges imposed on the Department, the Government deciding in case of disagreement.

**CCXI.** The Departmental Council shall name the Municipalities of each District, on the information of the respective Delegate, and shall propose 3 Persons to the Directory for each Delegate, and agreeably to the Constitution.

**CCXII.** This Council shall also qualify persons, for the National and Provincial employments, eligible in the Electoral Assemblies.

**CCXIII.** It shall assemble, generally, at two periods of the Year, for one month at each time; the first at the time of the qualification of the Functionaries, and the second, in the month of July; and, extraordinarily, at all times when it shall be called by the Governor in momentous cases.

**CCXIV.** The Governor shall be chief member of the Council, except in matters of qualification.

## TITLE XIX.

### OF THE MUNICIPALITIES.

**CCXV.** There shall be Municipalities in all the Delegations, and also in the Sub-delegations where it may be convenient, composed of Regidors, who shall never exceed 12 in number, and, where it may be practicable, not be less than 7, with 1, if not 2, Alcaldes.

**CCXVI.** The Members of the Municipalities shall be nominated by the respective Departmental Councils, and the respective Governments shall confirm them. The censure of them shall belong solely to the Departmental Council; and their suspension to the Political Chiefs, the cause being referred to the Tribunals.

**CCXVII.** To be a Regidor it is necessary to be in the exercise of Citizenship, and to be 25 Years of age.

**CCXVIII.** It shall belong to the Municipalities to superintend, in their respective districts, the police, education, and customs, and the quota of the contributions; to form their Municipal Ordinances, subject to the approbation of the Senate; and to attend to all the objects in general belonging to the Departmental Council, conferring with those Councils and the Direction of Economy.

**CCXIX.** No one can decline Municipal duties, unless employed in the Finance or regular Army.

**CCXX.** The peculiar functions of its Members are:

1. Alcaldes shall be conciliators where there are Law Judges; and where there are none, they shall be the ordinary Judges, naming in their stead 2 Regidores for the conciliation. In the Capital there shall be no Alcaldes.

2. The Senior Regidor, shall watch over: Civic Merit, and other services of Citizens, and report thereupon to the Senate and the respective Authorities; the competency of Functionaries; and public morality.

3. The second: scientific and industrious education.

4. The third: the police of health, security, ornament, cleanliness, and recreation, jails, and supplies for the town.

5. The fourth: Agricultural police, security, and regulations.

6. The fifth: the Arts, Trades, Manufactures, and every description of industry.

7. The sixth: the defence and protection of Orphans, and other persons without civil representation; of absentees, and the helpless. Also Hospitals, Workhouses, Houses of Correction, and all benevolent and pious Institutions.

8. The seventh shall be the Syndic or Municipal Procurador, and be charged with the defence and receipt of Public property, and with the direction and management of all claims and agencies, concerning objects of territorial improvement, whether in virtue of his Office, or by order of the Municipality.

**CCXXI.** The remaining Regidores shall act as substitutes, or assist in the execution of the duties entrusted to the others.

**CCXXII.** Each Regidor shall be rewarded by emoluments derived from the objects connected with their Institution, payment of which will result from the act or exercise of the functions confided to him; he shall, on the other hand, be punished, if he do not fulfil his duty in respect of persons or matters in a satisfactory manner.

**CCXXIII.** The cognizance and general deliberation of all the Municipality, in the business entrusted to the Regidores, shall not be prevented by special Commissions.

**CCXXIV.** The Municipalities and their Regidores shall be subordinate to the Political Chief, who shall preside over them.



## TITLE XX.

## OF THE NATIONAL FORCES.

CCXXV. The forces of the State are composed of all Chilians capable of bearing arms, for the maintenance of internal security and exterior defence.

CCXXVI. The Publick Forces shall be essentially obedient. No armed body shall deliberate.

CCXXVII. The Senate shall every Year decree the amount of the Permanent Army, which shall be the only Army of the State.

CCXXVIII. The Publick Forces shall not pass from one Department to another, unless by virtue of a Directorial Decree, the case of Foreign Invasion excepted.

CCXXIX. It shall not demand requisitions, nor any description of aid whatever, unless through the medium of the Civil Authorities, and by their express Decree.

CCXXX. Every Chilian, in order to the enjoyment of his rights, must be inscribed or entered in the Registers of the National Militia, when he has reached the age of 18.

CCXXXI. The Chilian Nation shall never declare itself in a state of War without previously inviting its Enemies to a reconciliation, by means of Plenipotentiaries, or through the arbitration of some other Power. Should it perceive any meditated hostile intention or aggression, it shall immediately make such overture, and in the meanwhile the Director shall adopt measures of defence, consulting with the Senate, and afterwards proceeding to the Declaration of Aggression, or of War, in the Constitutional Form, when that shall have taken place.

CCXXXII. The Publick Forces shall be divided into a Veteran and a National Militia.

CCXXXIII. In every Department, and in each Delegation, Corps of National Militia, both Infantry and Cavalry, shall be formed.

CCXXXIV. A special Regulation shall organize every thing respecting the National Militias.

## TITLE XXI.

## OF THE PUBLICK REVENUE.

CCXXXV. The Legislative Body alone shall impose direct or indirect Contributions, and the levying of them in any part of the State or its Territory shall be prohibited without the authority of the Legislature, whether as temporary or voluntary, or on any other pretext whatever.

CCXXXVI. Every Year, with the approbation of the Senate, a statement of the Income and Expenditure of such Year shall be published, divided according to the Departments of each Ministry of State.

**CCXXXVII.** No money shall be drawn out of the Publick Treasury, without a specification of the Law which authorizes the expense, and the amount which may be applied thereto. Any Treasurer who should pay any order exceeding that amount shall be responsible for the same.

**CCXXXVIII.** The Publick Money shall be deposited in the Central Treasury and its Dependencies. Every Directorial Warrant shall be registered in the Accomptant General's Office, and in the Central Treasury.

**CCXXXIX.** There shall be an Accomptant General's Office, where the accounts of all the Fiscal Departments and Branches shall be examined and liquidated. For the present there shall be only one Chief, possessing the title of Principal Accomptant.

**CCXL.** The Municipal Revenues shall also be examined and liquidated therein, as well as those belonging to the Direction of Economy of the State.

**CCXLI.** There shall be a General Inspection of all the Fiscal, Publick, and Municipal Revenues of the State.

**CCXLII.** Its Chiefs shall be two Fiscal Inspectors with their Departments respectively.

**CCXLIII.** The attributes of the Inspectors shall be:

1. To remonstrate against all Directorial Warrants, not included in, or exceeding, the legal estimate.

2. To register legal Warrants, and the grounds for their payment, or Fiscal Disbursements.

3. To interpose or commence the legal proceedings in behalf of the Exchequer, should any neglect be discovered on the part of its Agents.

4. To investigate the accounts, and verify the statements of the Accomptant General's Office.

5. To explain doubts and legal enquiries, and the Regulations of the general administrations.

6. To give information to the Senate, upon the Annual Estimates prepared by the Ministers, and on the expediency of the supplies which may be to be provided.

7. To enquire into, and render an account to the Directory of, the fulfilment of Fiscal Laws.

8. To watch over the legal organization and good management of all Fiscal Administrations and Treasuries, Publick and Municipal, belonging to the State.

9. To give information, annually, to the Senate and Directory, of the abuses discovered, and on the improvements of which the Administration of these branches may be susceptible, and especially on the economy which may be practised in respect of the objects of Publick Expenditure.

10. To make remarks on the accounts of the Administration of the Revenue, giving explanations of the same to the Directory.

11. To answer the enquiries of the Government and Senate on Fiscal matters, and to present to them organick projects.

CCXLIV. One of the two Inspectors shall remain in the Capital, performing the said functions, and visiting carefully, every 3 months, all the administrations connected with their Department.

CCXLV. The other shall be engaged a portion of each Year in visiting the Administrations of the State, so that in 4 Years the whole of them shall have been visited.

CCXLVI. During those visits, abuses shall be corrected, Fiscal Enactments shall be established; the conduct, activity, and competency of the Functionaries shall be enquired into; arrangements may be provisionally suspended; and every thing shall be adopted which may appear conducive to the better regulation and improvement of their Administrations connected with their institution.

CCXLVII. The Law shall regulate the alternate order of their duties, and the form of proceeding, of each of the Inspectors.

CCXLVIII. There shall also be, in each week, economical Juntas of Finance, in the Capital and in the Provinces, composed of the principal Chiefs of each Department, and a Fiscal Inspector; those in the Capital under the presidency of the Minister of Finance, and those in the Provinces, under that of the Chief of the Department; for the purpose of consulting upon affairs of moment, or arrangements connected with the Exchequer and its Departments.

## TITLE XXII.

### NATIONAL MORALITY.

CCXLIX. In the Legislation of the State a Moral Code shall be drawn up, which shall prescribe, in detail, the duties of a Citizen at every period of his age, and in every condition of social life, in order to regulate his habits, employment, duties, publick education, religious conduct, and amusements; so that the Laws may serve as customs, and the customs as civic and moral virtues. The following Articles shall be the basis of the Code, which shall be prepared as speedily as possible.

CCL. In the Register of National Morality or Merit of Citizens, which is to be kept by the Senate, the principal virtues for which the declaration of merit shall be given, are the following:

1. Improvements effected in the Provinces, Delegations, and other Territories of the State, by the activity and zeal of their respective Chiefs.

2. Improvements in Publick Establishments and Civil and Fiscal Departments, brought about by their Functionaries.

3. Reputation, obtained by Judges, for their extraordinary integrity and zeal for justice.

4. Honourable and distinguished conduct, in respect of the Law, the Magistrates, and Parents.

5. Valour, and remarkable activity in the fulfilment of military duties, and great danger encountered in defence of the Country.

6. Magnanimity in proclaiming, defending, and protecting the merit of others.

7. Zeal and sacrifices in defence of the oppressed, and for the just preservation of a Fellow-citizen.

8. Subscriptions, or extraordinary personal exertions, for the encouragement of industry, general benevolence, and publick improvement.

9. Subscriptions and sacrifices for the encouragement of moral, industrious, religious, and scientific instruction.

CCLI. An establishment for lending money on pledges (*Montepio*) shall be formed, from the proceeds of a small tax imposed on those who may receive Publick and Fiscal salaries or emoluments, of every description. This fund shall be augmented:

1. By a percentage on all trading Companies.

2. By mulcts and pecuniary penalties levied by all Tribunals and Authorities.

3. By a duty upon all collateral and foreign inheritances.

4. By a tax upon the licences granted, and establishments permitted, for the proper recreation of the Citizens.

CCLII. This fund shall be applied solely to rewards, in favour of Citizens who may be declared meritorious, of whatever class, or privilege; its destination being:

1. The support of their Widows, Children, or Parents.

2. The relief of the said meritorious Citizens, should they be reduced to evident poverty.

3. A regulation shall prescribe the circumstances, form, and quota, of these Rewards, as well as the two or three fold amount to be granted to those declared meritorious in an eminent degree.

CCLIII. Learning and literary talents, employed to the benefit of the Country, shall be rewarded from this fund; but with the indispensable condition that the Persons are distinguished for good conduct and morality.

CCLIV. The Country shall take upon itself the gratuitous education of the Children of meritorious Persons, wholly, or in part, according to the means of the establishments.

CCLV. It shall take upon itself, in like manner, the education of young Persons who possess extraordinary talents for the arts and sciences.



**CCLVI.** Every Student declared meritorious, by the Institutions, for particular good conduct, shall receive his education gratuitously, with the certainty of employment in his profession, unless he cease to conduct himself well.

**CCLVII.** The promotion of publick instruction, industrious and scientific, shall be one of the first duties of the State. Two Publick Institutions shall be established in the Capital; one for industry, the other for science, which may serve as a model and seminary for the Institutions in the Departments. Primary Schools shall be established in all the towns and parishes. A moral Code, and in the mean time, a Regulation, shall organize the System of Education in the Institutions.

**CCLVIII.** Four Civic Festivals shall be celebrated in each Year, with all exterior splendour, and every possible demonstration of respect to merit; on which days those who may have distinguished themselves, by virtues connected with such Festival, shall receive honours and rewards. These shall be bestowed for:

1. Publick Benevolence and National improvement.
2. Justice, filial love and respect; and obedience to the Magistracy.
3. Agriculture and the Arts.
4. National gratitude; and the encouragement of the eminently meritorious, and the Defenders of the Country.

**CCLIX.** The Secretary of the Senate shall publish every 3 months, a "Civic Mercury," containing an account of the distinguished and extraordinary services of the People, Corporations, Magistrates, Military Bodies, Functionaries, and eminent Citizens of all ranks and classes in the State; and of the rewards which have been given to virtue.

**CCLX.** Out of the funds of the Establishment for lending Money on Pledges, and in preference to others, 8 annual premiums shall be given as follows: 2 to the Chiefs of departments or territories who have most advanced the prosperity and morality of their jurisdictions: 2 to the most deserving agriculturists: 2 to the founders or supporters of any manufacture, useful to the Country, by the consumption of its produce; and 2 to the citizens and functionaries most distinguished for publick benevolence, or services in their calling.

**CCLXI.** The Inspectors and Prefects, and the Regidors of education and police, in their respective districts, shall be responsible:

1. For the wandering and the vicious.
2. For the want of education or instruction of all Chilians exceeding 10 years of age.

## TITLE XXIII.

## OF THE USE OF THE PRESS.

**CCLXII.** The Press shall be free, and be protected and encouraged, in so far as it may lead to the promotion of morality and good conduct, to the examination and discovery of useful objects within human reach, to the due exposition of the civic virtues and the faults of functionaries in employment, and the encouragement of proper and decorous amusements.

**CCLXIII.** It shall be prohibited :

1. From attacking the conduct of any private citizen, or the private actions of publick functionaries.
2. From discussing the mysteries, dogmas, and religious and moral discipline, generally approved by the Catholick Church.

**CCLXIV.** A Tribunal for the Liberty of the Press shall be formed, composed of 7 persons, from amongst 21, who may be rejected, or changed. Literary councillors shall also be appointed, and a judicial commission to decide upon the particular duties of those individuals who may be selected by the National Chamber; which shall frame a regulation detailing their respective attributes.

**CCLXV.** Every writing intended for publication shall be submitted to the Council of good men, for the mere and only purpose of pointing out to the author any objectionable passages which it may contain.

**CCLXVI.** Information thereof having being given to the author, he may either correct them, or vindicate them, without costs, in a publick proceeding before the Tribunal for the Liberty of the Press, which shall be limited to the mere inspection of the passages objected to, and he shall not afterwards be answerable for the publication. Should he not chuse to correct the same, or vindicate them before that Tribunal, he shall be at liberty to publish them, subject to the legal penalty attached to an abuse of the Press, if it prove so to be; but in such cases it shall not be printed, unless the author be a person of respectability, and enabled to give good security for personal responsibility.

**CCLXVII.** A writing may be submitted anonymously for revision, and the Councillor shall keep it secret, if so required.

**CCLXVIII.** No writing shall remain in the possession of the Councillor for a longer period than that prescribed by the regulation, after which it may be printed at the responsibility of the said Councillor.

## TITLE XXIV.

## OF INTERNAL TRANQUILLITY, PERMANENCY OF THE CONSTITUTION, AND OATH OF FUNCTIONARIES.

**CCLXIX.** In the event of any serious civil discord, or of an insurrection in any Province, the Senate, the Government, the Supreme Court of Justice, or the Departmental Council of the Capital, (either Body in

default of the other), shall declare the convocation of the National Chamber, for the sole object of electing the Commission of National Conciliation.

**CCLXX.** This Commission shall be composed of 3 National Councillors elected by a majority. They may elect those who are not Councillors, should the exigency of the moment require it.

**CCLXXI.** From the moment of their election, their persons shall be inviolable. They shall have the right to present themselves before the Armies, or assemblies of the State, to treat with the chiefs or persons they may think proper, and safe conduct shall be given to them to repair to any place or conference whatever.

**CCLXXII.** Whoever shall plot against the life or liberty of the National Conciliators, or of the persons charged with their safe conduct, shall be declared an Out-law, and be subject to the penalty of death. Such crime shall never be pardoned, and the Chief within whose jurisdiction it be committed, shall not be employed by the State, unless he punish it.

**CCLXXIII.** The National Conciliators shall not command any armed corps, or join with any party, under pain of death.

**CCLXXIV.** They shall treat with the Chiefs of Provinces, or discordant parties, and shall employ every means in their power to re-establish order, conciliation, and obedience to the Laws.

**CCLXXV.** The present code shall be the permanent Constitution of the State. Neither the Senate itself, nor jointly with the National Chamber, can annul its laws, or suspend its fulfilment.

**CCLXXVI.** Should circumstances, or an extended and satisfactory investigation, prove that any Law be objectionable, and its execution impracticable, the Senate shall propose its repeal, and the proposition shall be discussed in 3 monthly Sessions of 3 days each. It shall then be remitted to the National Chamber, in which it shall be discussed in 2 monthly Sessions of 2 days each: and should its repeal be approved by the Chamber, it shall be transmitted for the confirmation of the periodical Electoral Assemblies, which shall decide the question, affirmatively or negatively, in their respective ballots.

**CCLXXVII.** Functionaries, of every class and description belonging to the State, shall take the following oath on entering office:

“ That they will obey and defend the Constitution and the Laws of the State, the suspensive veto of the Senate, the resolutions of the National Chamber, and the orders and decrees of the Directory. That they will obey and recognise as functionaries, those nominated by the People in the Electoral Assemblies; and, if possible, chastise with the punishment of death, those who may attack the inviolability of the National Conciliators, or of those charged with their safe conduct.” The Supreme Director, the Senators and Ministers of State, the Procurador-General, the Governors, Intendants and Delegates, the Departmental Council-

lors, and the Ministers of the Courts of Justice and Appeal, shall also swear that they profess the Roman Catholick Religion.

Given in the Hall of the Sessions of the Constituent Congress, signed with our hand, sealed with the Seal of State, and counter-signed by our Secretaries, the 28th of December, 1823.—6th of Independence.

FERNANDO ERRAZURIS, *President.*

JOSE IGNACIO EYZAGUIRRE, *Vice-President.*

(and 47 other Deputies.)

DR. GABRIEL OCAMPO, *Secretary.*

MIGUEL RIESCO Y PUENTE, *Pro-Secretary.*

Wherefore I command all Chilians, subjects of the Government, of whatever class or condition, to keep and observe the said Constitution as a fundamental Law of the State. And I also command all Tribunals, Justices, Chiefs, Governors, and other Authorities, as well Civil and Military, as Ecclesiastic, of all classes and dignities, to observe, and cause to be observed and executed, the said Constitution, in all its parts; causing it to be printed, published, and circulated.

Given in the Directorial Palace of Santiago, 29th December, 1823.

RAMON FREIRE.

MARIANO DE EGANA.

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*ACT of the British Parliament, relative to the Civil List Revenues; the Pensions of Ministers who have served the Crown at Foreign Courts, &c. (referred to in Page 568.)*

(Extract.)

(22 Geo. 3. cap. 82)

XVII. And for the better Regulation of the granting of Pensions and the prevention of Abuse or Excess therein, be it enacted, That from and after the 5th day of April, 1783, no Pension exceeding the sum of £300 a Year shall be granted to or for the use of any one Person; and that the whole amount of the Pensions granted in any Year shall not exceed £600; a list of which, together with the Names of the Persons to whom the same are granted, shall be laid before Parliament in 20 days after the beginning of each Session, until the whole Pension List shall be reduced to £90,000; which Sum it shall not be lawful to exceed by more than £5,000 in the whole of any Grants; nor shall any Pension to be granted after the said reduction to or for the use of any one Person, exceed the Sum of £1,200 per Annum except to His Majesty's Royal Family, or on an Address of the House of Parliament.

XVIII. And whereas it hath been usual that Persons who have served the Crown in Foreign Courts have, after the expiration of their Service, at His Majesty's Pleasure, received such proportion of their former appointments as to His Majesty hath seemed expedient:



enacted, That nothing in this Act contained relative to Pensions shall be construed to extend to such allowance either in present or in future; provided the said Persons do not severally enjoy some place or other profit from the Crown, to the amount of the Pension usually allowed in such cases; provided that the List of the said Pensions shall be laid, in the manner before mentioned, before Parliament.

XX. Provided, That nothing herein contained shall restrain or be construed to restrain the High Treasurer or First Commissioner of the Treasury for the time being, by His Majesty's Consent, from taking away, or causing to be taken away, from the Private List or Lists of Pensions, the Names and Pensions of any Person or Persons which at present are entered on the said Private List or Lists, or any of them.

XXXIII. And be it enacted by the Authority aforesaid, That from and after the 5th day of April, 1783, if any Salary, Fee, or Pension, or any part thereof, shall remain in arrear at the usual time of payment, at the end of a period of 2 Years, from want of cash belonging to the Civil List Revenue to pay and discharge the same, the said arrear of Salary, Fee, or Pension shall not be carried as a Debt to the Account of the Year following, but shall be wholly lapsed and extinguished, as if the same had not been payable.

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*DECREE of the King of the Netherlands, prohibiting the fitting out of Privateers under the French or Spanish Flag, and the admission of Belligerent Privateers and their Prizes.—21st April, 1823.*

(Translation.)

WE, William, by the Grace of God, King of The Netherlands, Prince of Orange Nassau, Grand Duke of Luxembourg, &c. &c.

On the Report, &c.

Have decreed, and do decree:

ART. I. It shall not be lawful in any of the Ports of this Kingdom, or of its Colonies, to fit out Privateers, under the French or Spanish flags.

II. No Privateers commissioned by the Powers at War, nor any prizes captured by them, shall be admitted into the said Ports.

III. Should any of the vessels above-mentioned enter the harbours of our Dominions in distress, they shall be required, as speedily as possible, to put to sea again.

Copies of the present Decree shall be transmitted to all our Ministers, &c.

Given at Brussels, April 21st, 1823, in the 10th Year of our Reign.

WILLIAM.

**CONVENTION between Austria and Sicily, for the mutual arrest and surrender of Deserters.—Signed at Naples, 14th October, 1822. And Additional Article of 10th May, 1823.**

(Translation.)

IN order to conclude a Cartel for the mutual consignment of Deserters from the Austrian Army stationed in the Neapolitan Dominions on this and on the other side of the Faro, as also those from the Austrian Marine attached to the before-mentioned Army, on the one hand, and Deserters from the Neapolitan Army, and also those from the Neapolitan Marine on the other, We, the undersigned, Prince of Scalletta, Lieutenant General in the Service of His Imperial Majesty, His Secretary of State, Minister of War, and Marine, &c. &c. &c., and Baron Frimont, Prince of Androdocco, General of Cavalry in the Service of His Imperial Royal Apostolick Majesty, commanding his Army and Marine in lower Italy, &c. &c. &c., in virtue of the power and authority vested in us, have agreed upon the following Articles:—

ART. I. Every Military individual, without any exception, belonging to the Infantry, Cavalry, Artillery, Waggon Train, or any other Military Branch, as also the Soldiers attached to the Service of the Officers of the before-mentioned Austrian and Neapolitan Armies, as well as every individual belonging to the before-mentioned Navies, who shall have fled from the Service, though they shall not have been claimed, shall immediately be arrested wherever they are found, and consigned to the nearest Military Commandant of the Army to which they shall belong, and the consignment shall take place, with the arms, horses, military accoutrements, clothes, &c., and with every thing that shall be found upon them, or that shall have been left in custody elsewhere.

II. From this consignment are excepted the Deserters, subjects of that Power into whose Service they have returned, notwithstanding Desertion, as they re-enter the Service of their natural Sovereign.

III. Every Gendarme, Peasant, or other individual, who shall have arrested and delivered up an Austrian Deserter, shall receive from the Austrian Military chest a reward of 8 Neapolitan ducats.

The expences for the maintenance of Deserters, which shall be fixed according to the Regulations of the respective Departments, shall be paid and restricted to the number of days absolutely necessary, for the transport of the Deserter from the place of his Arrest to the spot where the consignment shall take place.

IV. If a Deserter, whether Austrian or Neapolitan, shall have committed a crime, or have been an accomplice in one, during his desertion, he shall, notwithstanding, be delivered up, together with the Procès Verbal of the offences he has committed, to the Military Corps he may belong to, which shall bring him to justice and punish him according to the Laws.

V. Any person, Civil or Military, who, either by craft or violence shall dare to cause the desertion of any individual referred to in this Cartel, or shall contribute to his flight, shall be punished with all the rigour of the Laws against illegal Enlistments.

VI. The purchasing from the respective Deserters, of any article of accoutrement, arms, clothes, horses, &c. shall be mutually prohibited. These articles shall be considered as stolen, and shall be kept and restored to the Corps to which the Deserter belongs. Whoever shall have been the Purchaser of any of these articles, shall not be entitled to demand any indemnification for the same, and shall be punished for having transgressed this prohibition.

VII. All Military Commanders, under the command of the Austrian Army stationed in the Kingdom of the Two Sicilies, and the Governors, Civil as well as Military, by Sea and Land, in the Service of His Sicilian Majesty, shall receive the strictest orders to superintend the execution of the present Cartel, which shall take effect from the day the Austrian Army entered this Kingdom.

In faith of which, &c.

Done at Naples, 14 October, 1822.

SCALETТА.

GIO. BARON de FRIMONT.

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#### ADDITIONAL ARTICLE.

It shall be well understood, that what is published in this Cartel, is only applicable to Desertions which have taken place since the 23d March 1821 :

That this is equally applicable to Austrian Deserters, who shall have deserted in the interior of the Kingdom of the Two Sicilies, belonging to Regiments which shall be stationed there :

That the reward of 8 ducats, established by Art. 3, to Neapolitans who shall arrest an Austrian Deserter, shall be equally granted by the Neapolitan Government to any Austrian who shall arrest a Neapolitan Deserter.

The present Cartel shall take effect, with respect to the consignment of Deserters, from the 23d March, 1821, and, to the other Regulations, from the day of its publication.

Naples, 10th May, 1823.

SCALETТА.

GIO. BARON de FRIMONT.

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*ACT of the Turkish Government, granting to Sardinian Subjects the Privilege of Navigating and Trading in the Black Sea.—25th October, 1823.*

*Note Officielle de La Porte, remise à Son Excellence l'Ambassadeur d'Angleterre.*

(Traduction.)

SON Excellence l'Ambassadeur Extraordinaire et Ministre Plénipotentiaire de la Cour d'Angleterre, qui est l'Amie la plus affectionnée et la plus particulière de la Sublime Porte, le très-distingué Lord Strangford, Notre Ami, résidant à Constantinople, ayant fait instance, en qualité de Médiateur, au Nom de Sa Majesté le Roi de Sardaigne, que La Sublime Porte, qui vient de conclure un Traité avec la Cour de Sardaigne pour lier, pour la première fois, amitié entre elles, veuille bien accorder aux Bâtimens Marchands Sardes la permission de faire le Commerce de la Mer Noire; et vu, qu'à l'exception des Puissances connues d'être autorisées, en vertu des Traités, à se rendre par l'embouchure de la Mer Noire aux Echelles de la Russie,—la même permission accordée par le passé, par le Gouvernement Ottoman aux Bâtimens Marchands de quelques autres Puissances Amies, produit des avantages aux deux Parties, il a plu à La Sublime Porte d'accorder aux Bâtimens Marchands Sardes la permission de naviguer dans la Mer Noire, et cela à commencer du jour que, par la Grâce du Très-Haut, l'échange des Ratifications aura lieu.

Ainsi, à l'arrivée désormais dans ce Port, des Bâtimens Marchands Sardes aussi, soit qu'ils viennent de la Mer Blanche pour passer dans la Mer Noire, soit qu'ils viennent de la Mer Noire pour passer dans la Mer Blanche, il sera pris connoissance de leurs chargemens (ce qui veut dire, par Manifeste ou autre Communication Ministérielle), par le canal d'Officiers préposés à cet effet, et lorsque, dans le cas de nécessité, Constantinople aura besoin des Marchandises non prohibées qu'ils exporteront et importeront, elles seront achetées à leur juste valeur, sans que l'on ait à faire, de part ni d'autre, des propositions qui ne correspondent pas aux prix courans.

C'est pour en informer M. l'Ambassadeur Notre Ami, ainsi que pour lui renouveler les assurances de l'estime et de la considération que nous avons pour Sa Personne, que la présente Note Officielle a été rédigée, et lui est remise, ce 20 Safer, 1239.—(25 Octobre, 1823.)

[See Note annexed to the Treaty of Commerce, of the same date between Turkey and Sardinia. State Papers, 1824, 1825, page 924.]



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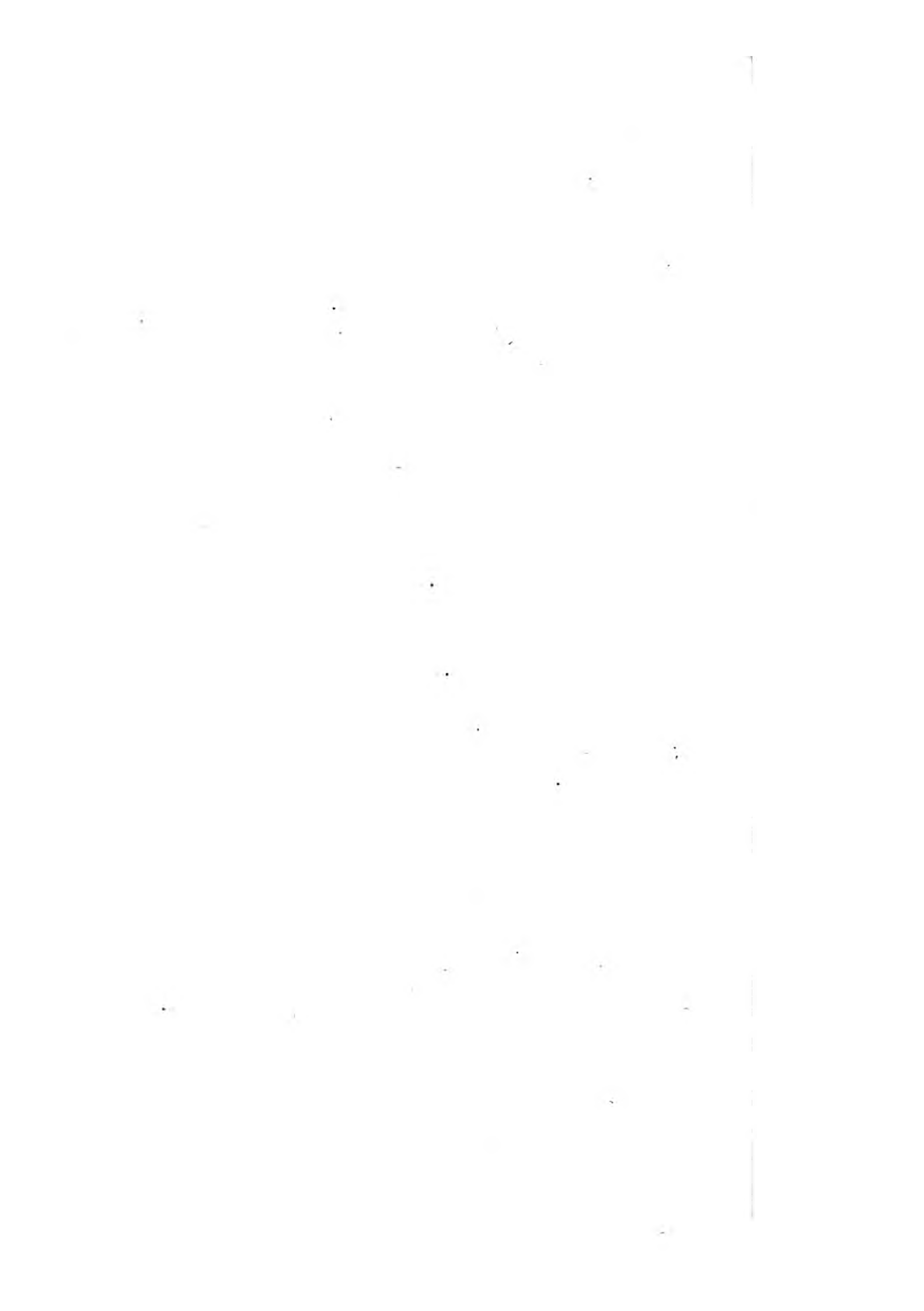
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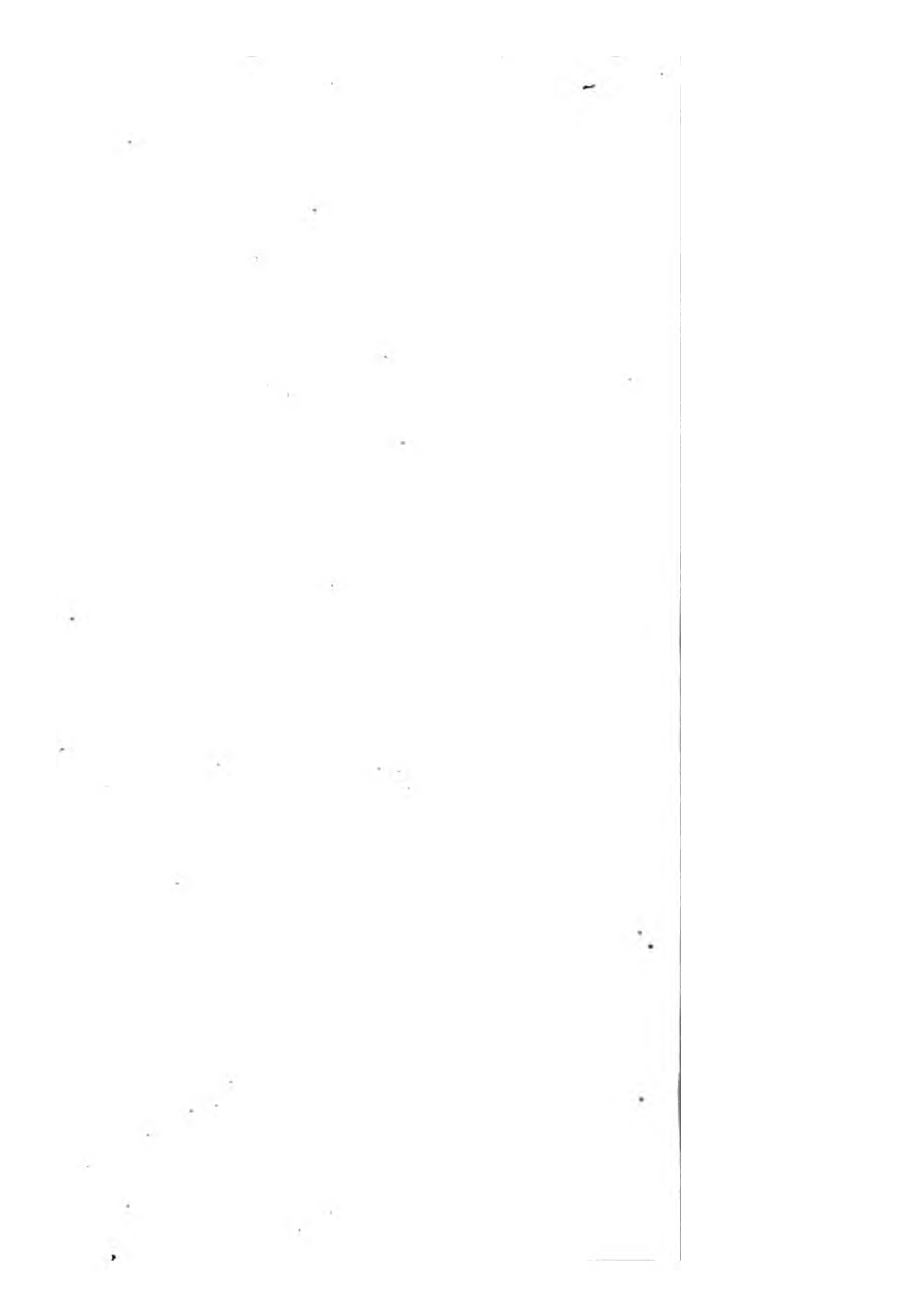
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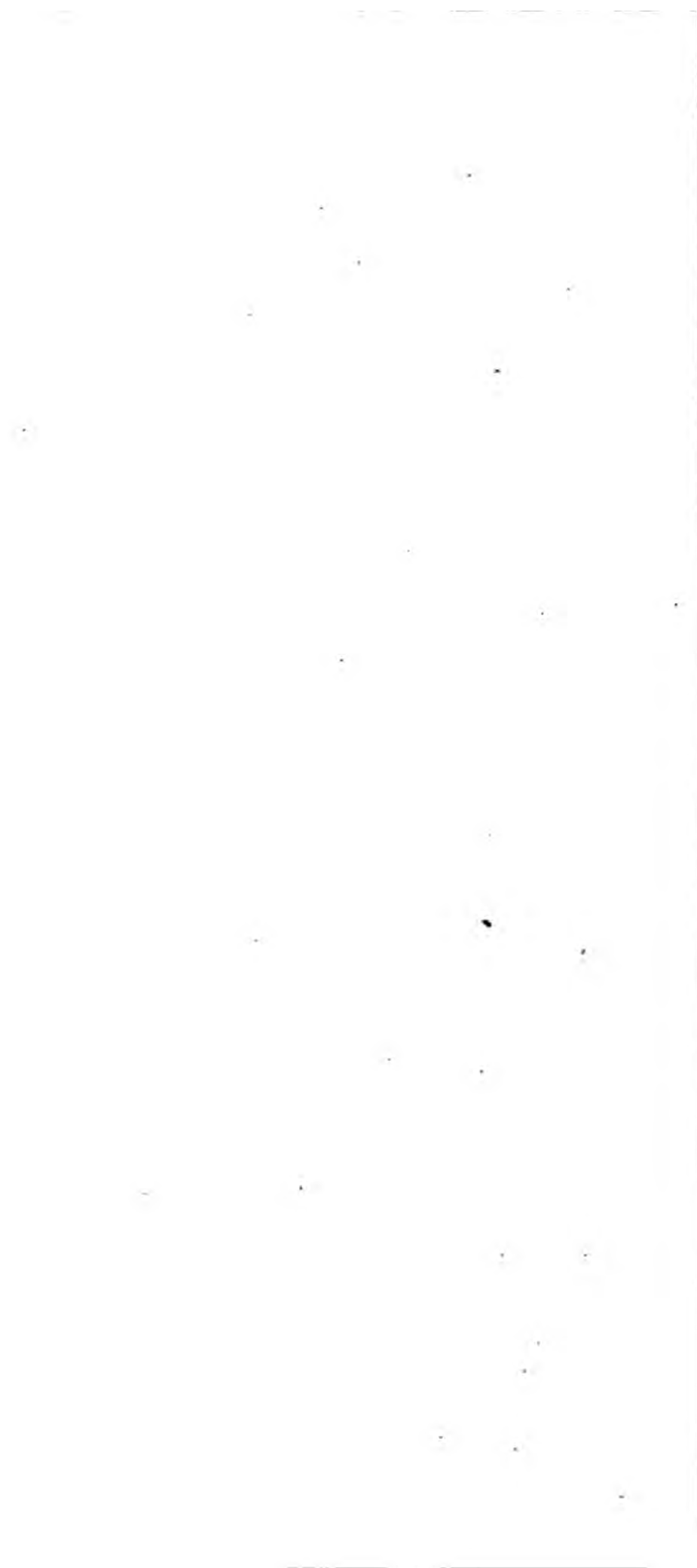














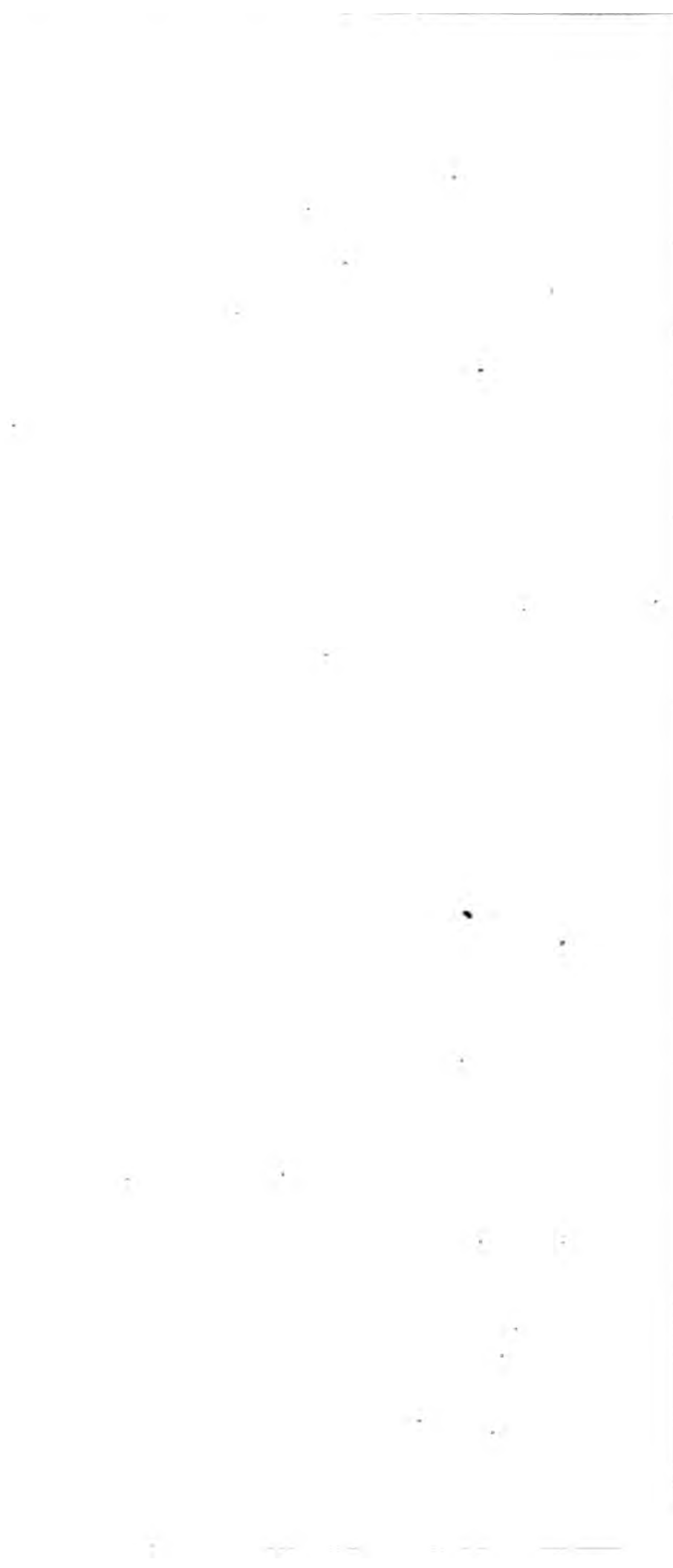






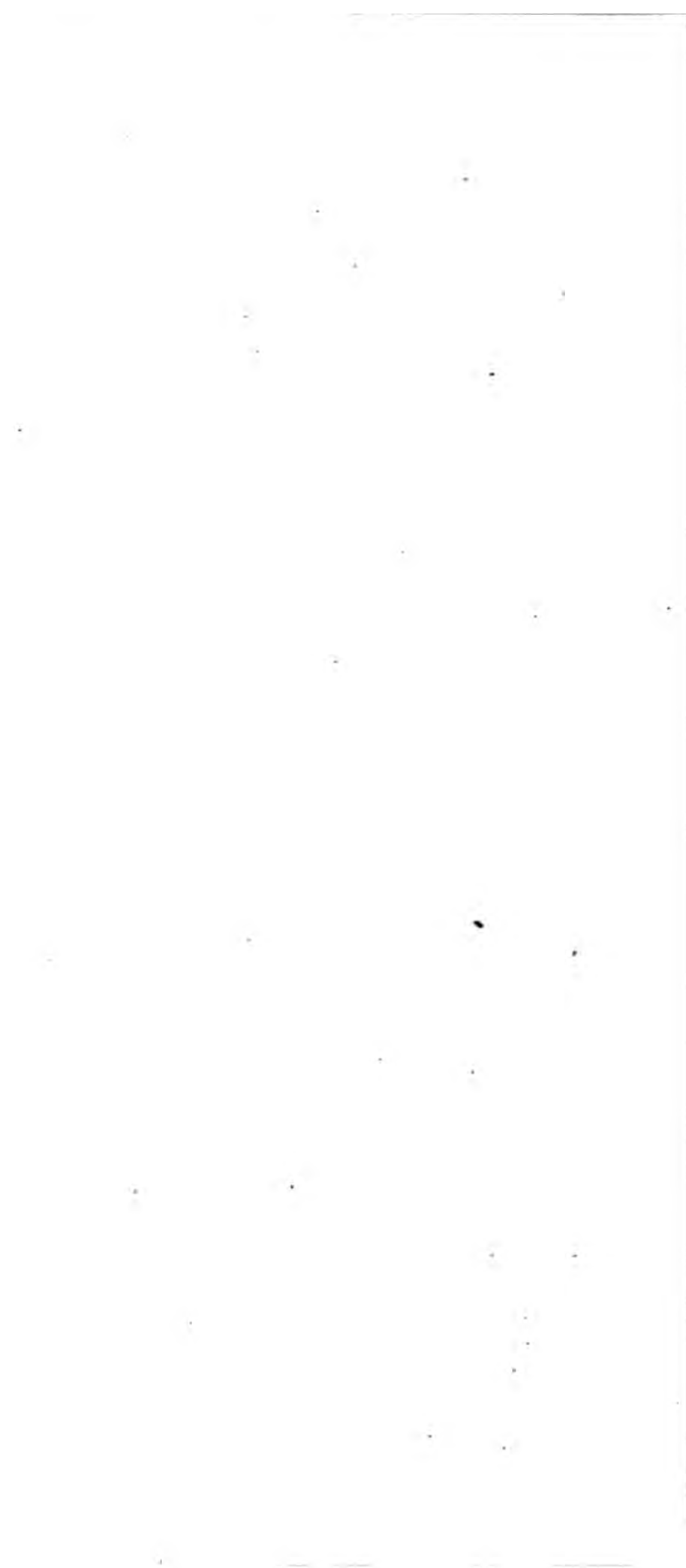














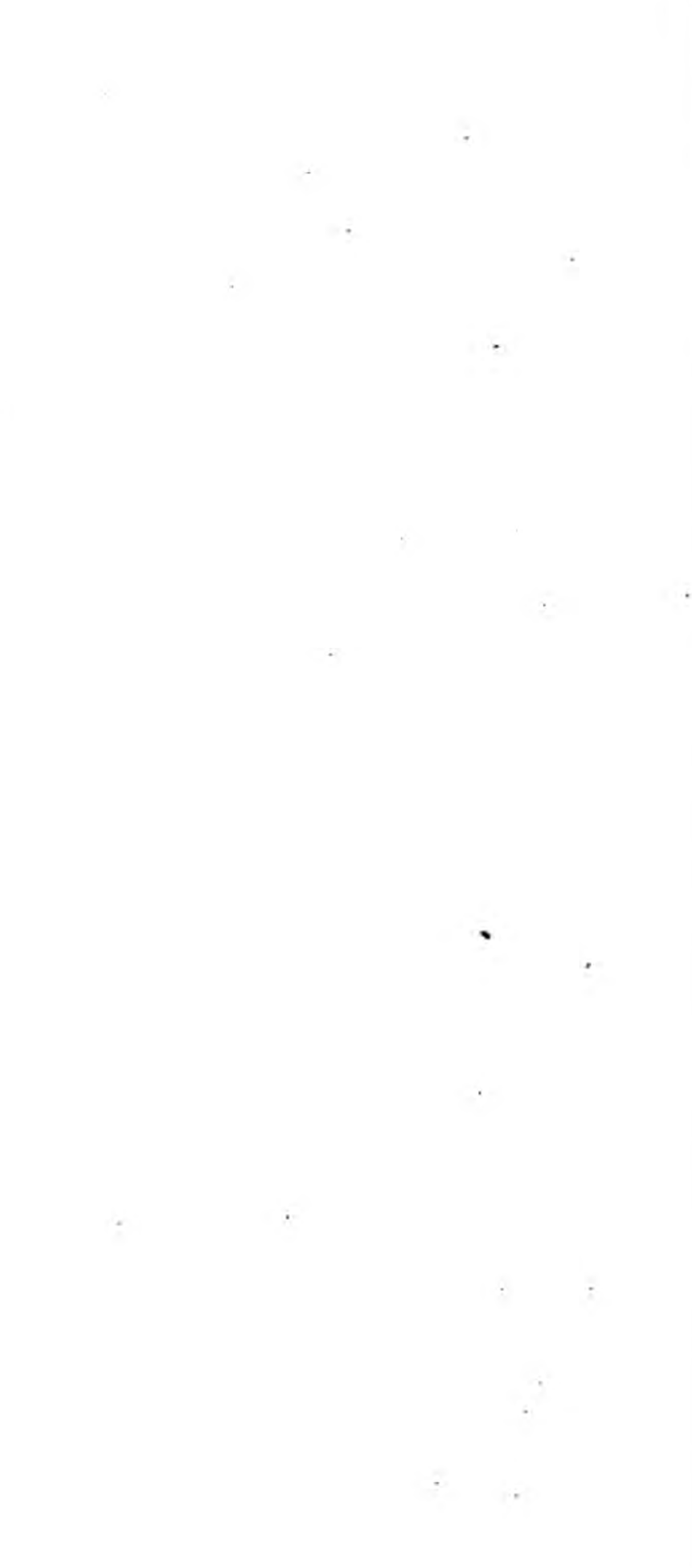


FIG. 10. Same as in Fig. 9, but for the difference in the number of days with precipitation exceeding 1 mm per day between the 1979–98 and 1999–2008 periods.

