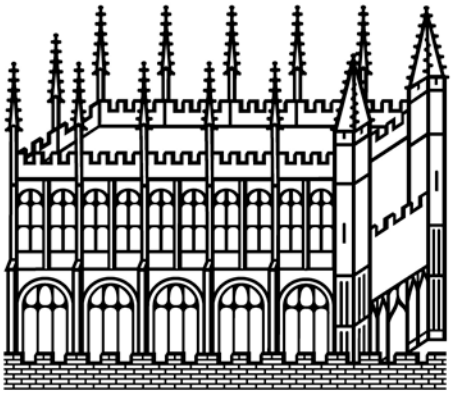


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BRITISH AND FOREIGN

State Papers.

SPEECH of The Lords Commissioners to both Houses of Parliament, on Tuesday, February 3, 1824.

My Lords, and Gentlemen,

WE are commanded by His Majesty to express to you His Majesty's deep regret, that, in consequence of indisposition, He is prevented from meeting you in Parliament upon the present occasion.

It would have been a peculiar satisfaction to His Majesty to be enabled in person to congratulate you on the prosperous condition of the Country.

Trade and commerce are extending themselves both at Home and Abroad.

An increasing activity pervades almost every branch of manufacture.

The growth of the Revenue is such, as not only to sustain public credit, and to prove the unimpaired productiveness of our resources, but (what is yet more gratifying to His Majesty's feelings) to evince a diffusion of comfort among the great body of His People.

Agriculture is recovering from the depression under which it laboured; and, by the steady operation of natural causes, is gradually re-assuming the station to which its importance entitles it among the great interests of the Nation.

At no former period has there prevailed throughout all classes of the community in this Island, a more cheerful spirit of order, or a more just sense of the advantages which, under the blessing of Providence, they enjoy.

In Ireland, which has for some time past been the subject of His Majesty's particular solicitude, there are many indications of amendment; and His Majesty relies upon your continued endeavours to secure the welfare and happiness of that part of the United Kingdom.

His Majesty has commanded us further to inform you, that He has every reason to believe that the progress of our internal prosperity and improvement will not be disturbed by any interruption of tranquillity Abroad.

His Majesty continues to receive from the Powers, His Allies, and generally from all Princes and States, assurances of their earnest desire to maintain and cultivate the relations of friendship with His Majesty; and nothing is omitted on His Majesty's part, as well to preserve general peace as to remove any causes of disagreement, and to draw closer the bonds of amity between other Nations and Great Britain.

The negotiations which have been so long carried on through His Majesty's Ambassador at Constantinople, for the arrangement of differences between Russia and the Ottoman Porte, are, as His Majesty flatters himself, drawing near to a favourable termination.

A Convention has been concluded between His Majesty and the Emperor of Austria, for the settlement of the pecuniary Claims of this Country upon the Court of Vienna.

His Majesty has directed that a copy of this Convention shall be laid before you, and He relies on your assistance for the execution of some of its provisions.

Anxiously as His Majesty deprecated the commencement of the War in Spain, He is every day more satisfied that, in the strict neutrality which He determined to observe in that Contest (and which you so cordially approved), He best consulted the true interests of His People.

With respect to the Provinces of America which have declared their separation from Spain, His Majesty's conduct has been open and consistent; and His opinions have been at all times frankly avowed to Spain, and to other Powers.

His Majesty has appointed Consuls to reside at the principal ports and places of those Provinces, for the protection of the trade of His Subjects.

As to any further measures, His Majesty has reserved to Himself an unfettered discretion, to be exercised as the circumstances of those Countries, and the interests of His own People, may appear to His Majesty to require.

Gentlemen of the House of Commons,

His Majesty has directed us to inform you, that the Estimates for the year are prepared, and shall be forthwith laid before you

The numerous points at which, under present circumstances, His Majesty's naval force is necessarily distributed, and the occasion which has arisen for strengthening His garrisons in the West Indies, have rendered unavoidable some augmentation of His establishments by sea and land.

His Majesty has, however, the gratification of believing, that, notwithstanding the increase of expence incident to these augmentations, it will still be in your power, after providing for the Services of the year, to make arrangements in some parts of our system of taxation, which may afford relief to certain important branches of the national industry.

My Lords, and Gentlemen,

His Majesty has commanded us to acquaint you, that He has not been inattentive to the desire expressed by the House of Commons in the last Session of Parliament, that means should be devised for ameliorating the condition of the negro slaves in the West Indies.

His Majesty has directed the necessary information relating to this subject to be laid before you.

His Majesty is confident that you will afford your best attention and assistance, to any proposition which may be submitted to you for promoting the moral improvement of the negroes, by an extended plan of religious instruction, and by such other measures as may gradually conduce to the same end.

But His Majesty earnestly recommends to you, to treat this whole subject with the calmness and the discretion which it demands.

It is a subject perplexed with difficulties, which no sudden effort can disentangle.

To excite exaggerated expectations in those who are the objects of your benevolence, would be as fatal to their welfare as to that of their employers; and His Majesty assures Himself you will bear in mind, that in the correction of a long-standing and complicated system, in which the fortunes and the safety of large classes of His Majesty's Subjects are involved, that course of proceeding is alone likely to attain practical good, and to avoid aggravation of evil, in which due regard shall be paid to considerations of justice, and in which caution shall temper zeal.

MESSAGE of The President of The United States, to both Houses of Congress, December 2nd, 1823.

Fellow-Citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present Session, of which I shall endeavour to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our revolution, when, regarding the condition of the civilized world, and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that, in this respect, I shall comply more fully with the sound principles of our government. The People being with us exclusively the Sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs, are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, being at home in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events, and of the conduct of those who are parties to them. To the People, every department of the Government, and every individual in each, are responsible; and the more full their information, the better they can judge of the wisdom of the policy pursued, and of the conduct of each in regard to it. From their dispassionate judgment much aid may always be obtained, while their approbation will form the greatest incentive, and most gratifying reward, for virtuous actions, and the dread of their censure the best security against the abuse of their confidence.—

Their interests, in all vital questions, are the same; and the bond, by sentiment, as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with Foreign Powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it, that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defence. It is by rendering justice to other Nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them.

The Commissioners under the fifth Article of the Treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective Reports, in compliance with that Article, that the same might be referred to the decision of a friendly Power. It being manifest, however, that it would be difficult, if not impossible, for any Power to perform that office, without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavour to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere, by legislative Acts, while each Party pursued its own course, without agreement or concert with the Other, a proposal has been made to the British Government to regulate this commerce by Treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United States, inhabiting the states and territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these, and other objects of high importance to the interests of both Parties, a negotiation has been opened with the British Government, which, it is hoped, will have a satisfactory result.

The commissioners, under the sixth and seventh Articles of the Treaty of Ghent, having successfully closed their labours in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States, under unjustifiable seizures and confiscations of their property, has not, as yet, had the desired effect. As this claim rests on the same principle with others, which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two Nations.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two Nations on the north-west coast of this Continent A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with His Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Powers.

Since the close of the last Session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citi-

zens of the United States, under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the Convention concluded at St. Petersburg, on the 12th of July, 1822, have assembled in this city and organized themselves as a board for the performance of the duties assigned to them by that Treaty. The commission constituted under the eleventh article of the Treaty of the twenty-second of February, 1819, between the United States and Spain, is also in session here; and, as the term of three years, limited by the Treaty for the execution of the trust, will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives, adopted at their last Session, instructions have been given to all the ministers of the United States, accredited to the Powers of Europe and America, to propose the proscription of the African Slave Trade, by classing it under the denomination, and inflicting on its perpetrators the punishment, of Piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French Government, that it would grant no commissions to Privateers, and that neither the commerce of Spain herself, nor of neutral Nations, should be molested by the naval force of France, except in the breach of a lawful Blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States, from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it, as a permanent and invariable rule, in all future maritime wars, might meet the favourable consideration of the great European Powers. Instructions have accordingly been given to our Ministers with France, Russia, and Great Britain, to make those proposals to their respective Governments; and, when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result

from the abolition of Private War on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few Sovereigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

The ministers who were appointed to the Republics of Colombia and Buenos Ayres, during the last Session of Congress, proceeded, shortly afterwards, to their destinations. Of their arrival there, official intelligence has not yet been received. The minister appointed to the Republic of Chili will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other Governments have been informed that ministers, or diplomatic agents of inferior grade, would be received from Each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded, soon after his appointment, for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron, by which it was blockaded, and not permitted to enter, although apprised by the captain of the frigate, of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of Ambassadors and of Nations, will form a just cause of complaint, to the Government of France, against the officer by whom it was committed.

The actual condition of the public Finances, more than realizes the favorable anticipations that were entertained of it at the opening of the last Session of Congress. On the first of January there was a balance in the Treasury of 4,237,427 dollars, and 55 cents. From that time to the 30th September, the receipts amounted to upwards of 16,100,000 dollars, and the expenditures to 11,400,000 dollars. During the fourth quarter of the year, it is estimated that the receipts will, at least, equal the expenditures, and that there will remain in the Treasury, on the first of January next, a surplus of nearly 9,000,000 dollars.

On the first of January, 1825, a large amount of the war debt, and a part of the revolutionary debt, become redeemable. Additional portions of the former will continue to become re-

deemable, annually, until the year 1835. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed, by the ordinary revenue of those years during that period, under the provision of the Act of March 3d, 1817, creating the sinking fund; and, in that case, the only part of the debt that will remain, after the year 1835, will be the 7,000,000 of five per cent. stock, subscribed to the bank of the United States, and the three per cent. revolutionary debt, amounting to 13,296,099 dollars, and 6 cents. both of which are redeemable at the pleasure of the Government.

The state of the Army in its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies, of various descriptions, have been of good quality and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the Act re-organizing the staff of the army, passed on the 14th of April, 1818.

The monies appropriated for Fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year; that is, Fort Washington, Fort Delaware, and the Fort at the Rigolets, in Louisiana.

The board of Engineers, and the topographical corps, have been in constant and active service, in surveying the coast and projecting the works necessary for its defence.

The Military Academy has attained a degree of perfection in its discipline and instruction, equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance department, has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the Fortifications renders it necessary that there should be a suitable appropriation for the purpose

of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the western waters for the location of a site for a western Armory, a commission was constituted, consisting of Colonel M'Ree, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labours, but it is believed that they will be prepared to do it, at an early part of the Session of Congress.

During the month of June last, General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees, while peaceably trading with the Indians at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes on the Missouri, as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit, in greater detail, the condition of the department, in its various branches, and the progress which has been made in its administration, during the three first quarters of the year.

I transmit a return of the Militia of the several States, according to the last reports which have been made by the proper officers in each, to the department of war.—By reference to this Return it will be seen that it is not complete, although great exertions have been made to make it so. As the defence, and even the liberties of the Country must depend, in times of imminent danger, on the militia, it is of the highest importance that it be well organised, armed, and disciplined throughout the Union. The report of the Secretary of War shews the progress made during the three first quarters of the present year, by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms ac-

cording to the Act of Congress providing for it, from the failure of the proper departments in many of the States to make regular returns. The Act of the 12th of May 1820, provides that the system of tactics and regulations of the various corps of the regular army shall be extended to the militia. This Act has been very imperfectly executed, from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to the main arm of the public defence. It is thought that this important subject, in all its branches, merits the attention of Congress

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that department for the three first quarters of the present year, with the progress made in augmenting the navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean sea, the Pacific ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico, our naval force has been augmented, by the addition of several small vessels, provided for by the "Act authorizing an additional naval force for the suppression of Piracy," passed by Congress at their last Session. That armament has been eminently successful in the accomplishment of its object. The piracies, by which our commerce in the neighbourhood of the island of Cuba had been afflicted, have been repressed, and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprize of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command.— And in reflecting, with high satisfaction, on the honorable manner in which they have sustained the reputation of their country and its navy, the sentiment is alloyed only by a concern, that, in the fulfilment of that arduous service, the diseases incident to the season and to the climate in which it was discharged, have deprived the Nation of many useful lives, and among them of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and

knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skilful surgeons, to ascertain the origin of the fever and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rogers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism.—Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the Island, and returned to the United States, in consequence of the prevailing sickness. Much useful information has, however, been obtained, as to the state of the Island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed Piracies from that Island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colours, in the neighbouring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the Governor of that Island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The Minister of the United States to that Court, was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The Minister, as has been seen, was debarred access to the Spanish Government, and, in the mean time, several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and others have been threatened with, assassination, for asserting their unquestionable rights, even before the lawful tribunals of the Country.

The usual orders have been given to all our public ships, to seize American vessels engaged in the Slave Trade, and bring them in for adjudication, and I have the gratification to state, that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defence, it enjoys the public confidence, and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it, might not, in several respects, be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served their country; present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services, and relieve our officers from many inconveniences and mortifications, which occur when our vessels meet those of other Nations—ours being the only service in which such grades do not exist.

A report of the Post Master General, which accompanies this communication, will shew the present state of the Post Office Department, and its general operations for some years past.

There is established, by law, 88,600 miles of post roads, on which the mail is now transported 85,700 miles, and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are 5,240 post offices in the Union, and as many Postmasters. The gross amount of postage which accrued from the 1st of July, 1822, to the 1st of July, 1823, was 1,114,345 dollars, 12 cents. During the same period, the expenditures of the Post Office Department amounted to 1,169,885 dollars, and 51 cents; and consisted of the following items: Compensation to Postmasters, 353,995 dollars, and 98 cents; incidental expenses, 36,866, dollars and 37 cents: transportation of the mail, 784,600 dollars, and 8 cents; payments into the Treasury, 423 dollars, and 8 cents. On the 1st of July last, there was due to the Department, from Postmasters, 135,245 dollars, and 28 cents; from late Postmasters and Contractors, 256,749 dollars, and 31 cents; making a total amount of balances due

to the Department, of 391,994 dollars, and 59 cents: these balances embrace all delinquencies of Postmasters and Contractors, which have taken place since the organization of the Department. There was due by the Department, to Contractors, on the 1st of July last, 26,548 dollars, and 64 cents.

The transportation of the mail, within five years past, has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage, which has accrued within the last three years, has fallen short of the expenditures 262,821 dollars, and 46 cents, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

It is estimated that not more than 250,000 dollars of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipt for postage is expected. A prompt attention to the collection of monies received by Postmasters, it is believed will enable the Department to continue its operations without aid from the Treasury, unless the expenditure shall be increased by the establishment of new mail routes.

A revision of some parts of the Post-office Law may be necessary; and it is submitted, whether it would not be proper to provide for the appointment of Postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the general Government are appointed.

Having communicated my views to Congress, at the commencement of the last Session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add, that those views remain unchanged, and that the present state of those Countries, with which we have the most immediate political relations and greatest commercial intercourse, tends to confirm them. Under this impression, I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the Country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the monies drawn from the Treasury since the 4th of March, 1817, the

sum remaining unaccounted for on the 30th of September last, is more than 1,500,000 dollars less than on the 30th of September preceding; and, during the same period, a reduction of nearly 1,000,000 of dollars has been made in the amount of the unsettled accounts for monies advanced previously to the 4th of March, 1817. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished, by settlement, the difficulty of settling the residue is increased, from the consideration that, in many instances, it can be obtained only by legal process. For more precise details on this subject, I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last Session, for the repairs of the Cumberland road, has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed to superintend it. As soon as it is received, it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of *opinion* that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass, would find a market through that channel. Troops might be moved with great facility in war, with cannon, and every kind of munition, and in either direction. Connecting the Atlantic with the western country, in a line passing through the seat of the national Government, it would contribute essentially to strengthen the bond of Union itself. Believing as I do, that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining to the States through which the canal would pass), I submit it to your consideration, whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next season, and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes

through which the waters of the Ohio may be connected, by canals, with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution, for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration, whether it may not be expedient to authorize the Executive to enter into an arrangement with the several States through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing, also, by suitable penalties, for its protection against future injuries.

The Act of Congress of the 7th of May, 1822, appropriated the sum of 22,700 dollars for the purpose of erecting two piers as a shelter for vessels from ice, near Cape Henlopen, Delaware Bay. To effect the object of the Act, the officers of the board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the Act. It appears by their report, which accompanies the Documents from the War Department, that the appropriation is not adequate to the purpose intended; and, as the piers would be of great service, both to the navigation of the Delaware Bay, and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriations should not be made.

The Board of Engineers were also directed to examine and survey the entrance of the harbour of the port of Presqu'isle, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same under the appropriation for that purpose, by Act of Congress passed third of March last. The report of the Board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the Nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no Power has declared in their favour, yet none, according to our information, has taken part against them. Their cause and their name have

protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of Nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their Enemy has lost for ever all dominion over them; that Greece will become again an independent Nation. That She may obtain that rank is the object of our most ardent wishes.

It was stated at the commencement of the last Session, that a great effort was then making in Spain and Portugal to improve the condition of the people of those Countries; and that it appeared to be conducted with extraordinary moderation.—It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of The United States cherish sentiments the most friendly, in favour of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole Nation is devoted. We owe it, therefore, to candour, and to the amicable relations existing between The United States and those Powers, to declare, that we should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But with the Governments who have declared their

independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new Governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact, no stronger proof can be adduced, than that the Allied Powers should have thought it proper, on any principles satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent Powers, whose Governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the Globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every Power; submitting to injuries from none. But in regard to these Continents, circumstances are eminently and conspicuously different. It is impossible that the Allied Powers should extend their politicals ystem, to any portion of either Continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that She can never subdue them. It is still the true policy of the United States to leave the Par-

ties to themselves, in the hope that other Powers will pursue the same course.

If we compare the present condition of our Union, with its actual state at the close of our revolution, the history of the world furnishes no example of a progress in improvement, in all the important circumstances which constitute the happiness of a Nation, which bears any resemblance to it. At the first epoch our Population did not exceed 3,000,000. By the last census it amounted to about 10,000,000, and, what is more extraordinary, it is almost altogether native, for the emigration from other countries has been inconsiderable. At the first Epoch, half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississipi, the navigation of which to the ocean was of the highest importance to the original States.

Over this territory our population has expanded in every direction, and new States have been established, almost equal, in number, to those which formed the first bond of our Union. This expansion of our population, and accession of new States to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources and added to our strength and respectability, as a Power, is admitted by all. But, it is not in these important circumstances only, that this happy effect is felt. It is manifest that, by enlarging the basis of our system, and increasing the number of States, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government confiding in its own strength, has less to apprehend from the other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself, by the adoption of this Constitution, and of its happy effect in elevating the character, and in protecting the rights of the Nation, as well as of individuals. To what, then, do we owe these blessings? It is known to all, that we derive them from the excellence of our institutions. Ought we not, then, to adopt every measure, which may be necessary to perpetuate them?

Washington, Dec. 2, 1823. JAMES MONROE.

CONVENTION between France and Spain. Signed at Madrid 5th January, 1824.*

Convention conclue entre l'Ambassadeur de S. M. Très-Chrétienne et le Ministre d'Etat de S. M. Catholique, relativement aux prises maritimes faites dans le cours de l'année 1823.

Dans le but de régler le mode d'après lequel les sujets Français et Espagnols, propriétaires de bâtimens capturés pendant le cours de l'Année précédente, devaient être indemnisés et remboursés, les Soussignés, dûment autorisés à cet effet, sont convenus des Articles suivans :

ART. 1.

Les navires Espagnols capturés par les bâtimens de S. M. Très-Chrétienne, ainsi que leurs cargaisons, étant estimés à une valeur approximativement égale aux prises faites par les bâtimens et corsaires Espagnols sur le commerce Français, il est convenu que les prises réciproquement faites et conduites dans les ports de la Puissance qui a fait ces prises, demeurent acquises à chacun des deux Gouvernemens, à charge par Eux de régler comme ils le jugeront convenable, les indemnités dues à leurs sujets respectifs ; la France et

Convenio concluido entre el primer Secretario de Estado de Su Magestad Catolica y el Embaxador de Su Magestad Cristianissima, relativamente a las presas maritimas, hechas en el año proximo pasado.

Con el fin de arreglar el modo de que los subditos Españoles y Franceses, proprietarios de buques apresados en el Año precedente, sean indemnizados y pagados, los Infraescritos, autorizados al efecto en debida forma, han convenido en los Articulos siguientes :

ART. 1.

Mediante que los barcos Españoles apresados por los buques de Su Magestad Cristianissima, y sus cargamentos se graduan de un valor aproximativamente igual al de las presas hechas por los buques y corsarios Españoles sobre el comercio Francés, se ha convenido que las presas hechas reciprocamente y conducidas hasta los puertos de la potencia que haya hecho los apresamientos, se consideren adquiridas par cada uno de los dos Gobiernos, quedando a su cargo el arreglar segun jusgue conveniente, las indemnisa-

* Moniteur, 19th January, 1824.

l'Espagne renonçant mutuellement à toute répétition à cet égard.

ART. 2.

Toutefois et attendu qu'il est constant que des navires Français capturés antérieurement au 1er Octobre dernier, et qui avaient été conduits aux Iles Canaries et Baléares et dans les ports de la Péninsule, ont été relachés, ce qui détruit l'exactitude de la compensation admise en principe par l'Article 1er de la présente Convention, le montant estimatif de ces navires sera tenu en compte au Gouvernement Espagnol, qui demeurera libre d'assigner aux *propriétaires* Espagnols des navires capturés, leur remboursement sur le Gouvernement Français, jusqu'à concourrence des sommes que celui-ci sera reconnu devoir.

ART. 3.

Le compte de l'estimation de ces restitutions sera réglé d'ici au premier Mai prochain; et comme ces navires ont été restitués sans que, vraisemblablement, il en ait été fait aucun inventaire ni estimation, il sera donné aux agens Espagnols toutes facilités auprès des administrations Françaises pour qu'ils puissent se convaincre de l'exactitude des évaluations qui seront faites,

ciones debidas à sus propios subditos, renunciando la España y la Francia mutuamente à toda repeticion ulterior sobre la materia.

ART. 2.

En atencion a tenerse por cierto que algunos barcos Franceses apresados antes del dia primero de Octubre, y conducidos a las Islas Canarias, a las Baleares, y alos puertos de la Peninsula, han sido restituidos; cuyo hecho destruye la exactitud de la compensacion reconocida como principio por el Articulo 1° de este Convenio, se declara que la suma en que se valuen estos buques y cargamentos se tendrà en cuenta à favor del Gobierno Español, el que podra girar a favor de los proprietarios Españoles de buques apresados su reembolso contra el Gobierno Francés, hasta la suma concurrente que se conosca como deuda de este.

ART. 3.

La cuenta del valor de estas restituciones se formalizarà des de ahora hasta el dia primero de Mayo venidero; y como estos buques habran sido probablemente devueltos sin preceder inventario, ni taxation, se proporcionaran a los agentes Espanoles todos los medios para facilitarles en las administraciones Francesas, el convencimiento de la exactitud de las valuaciones que se execu-

de concert, des dits navires ainsi que de leurs cargaisons.

ART. 4.

Si le Gouvernement Français reconnaissait de son côté avoir aussi relâché des navires Espagnols capturés, le compte en serait immédiatement dressé, et le Gouvernement Espagnol lui en rembourserait le montant, par compensation, sur les sommes qu'il aurait à répéter, pour le même objet, du Gouvernement Français, ou de toute autre manière.

ART. 5.

Les prises faites par les bâtimens de l'une ou de l'autre Puissance, postérieurement au premier Octobre de 1823, seront considerées comme nulles et non avenues, les deux Gouvernemens s'obligeant à en faire opérer la restitution aux propriétaires ou ayant droit.

En foi de quoi les Soussignés, en vertu de leurs Pleins Pouvoirs respectifs, ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Madrid, le cinq janvier 1824.

L'Ambassadeur de Sa Majesté Très-Chrétienne,

(L. S.) Le Marquis de TALARU.

taran de comun acuerdo tanto por lo tocante à la estimacion de los barcos, como al de sus cargamentos.

ART. 4.

Si resultase que el Gobierno Francès por su parte, hubiese tambien puesto en libertad barcos Españoles apresados, se formarà immediatamente la cuenta de ello, y al Gobierno Español le reembolsarà su importe, por compensacion contra las sumas que el tenga que repetir del Gobierno Francès por igual titulo o de qualquiera otra manera.

ART. 5.

Los apresamientos hechos por los buques de la una o de la otra potencia, despues del dia primero de Octubre de 1823, se consideraran como nulos, y como si no hubieren existido, y los dos Gobiernos se obligan à hacer executar la restitucion à los proprietarios, o a quien legitimamente los represente.

En fé de lo qual los Infraescritos, en virtud de sus respectivos Plenos Poderes, firmaron el presente Convenio, y lo sellaron con el sello de sus armas.

En Madrid à cinco de Enero de 1824.

El Primer Secretario de Estado interino de S. M. C.

(L. S.) El Conde de OFALIA.

*ADDITIONAL ARTICLES between Great Britain and Portugal. Signed at Lisbon 15 March, 1823.**

Additional Articles to the Convention between His Britannick Majesty and His Most Faithful Majesty, signed in London, on the 28th of July, 1817.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the United Kingdom of Portugal, Brazil, and Algarves, wishing to remove every obstacle to the faithful execution of the Convention signed in London, by Their respective Plenipotentiaries, on the 28th of July, 1817, for the purpose of preventing Their Subjects from engaging in any illicit Traffick in Slaves; and seeing the necessity of adding, to that intent, certain Articles to the said Convention, have, for this purpose, named Their Plenipotentiaries, that is to say:—His Majesty The King of the United Kingdom of Great Britain and Ireland, Edward Michael Ward, Esquire, His Chargé d'Affaires at the Court of Lisbon; and His Majesty The King of the United Kingdom of Portugal, Brazil, and Algarves, Joze Bazilio Rademaker, Knight Professed in the Order of Christ, and Chief Clerk of

Artigos Addicionaes á Convençao entre Sua Magestade Britannica, e Sua Magestade Fidelissima, assignada em Londres, aos 28 de Julho de 1817.

Sua Magestade El Rey do Reyno Unido da Grande Bretanha e Irlanda, e Sua Magestade El Rey do Reyno Unido de Portugal, Brazil, e Algarves, desejando evitar qualquer obstaculo á fiel execução da Convenção assignada em Londres, pelos Seus respectivos Plenipotenciarios, aos 28 de Julho de 1817, para o fim de impedir qualquer commercio illicito de Escravatura por parte de Seus respectivos Subditos; e reconhecendo a necessidade de accrescentar, para esse fim, alguns Artigos á mesma Convenção, Nomeáram para este effeito, por Seus Plenipotenciarios, á saber:— Sua Magestade El Rey do Reyno Unido da Grande Bretanha e Irlanda, a Eduardo Miguel Ward, Escudeiro, Seu Encarregado de Negocios na Corte de Lisboa; e Sua Magestade El Rey do Reyno Unido de Portugal, Brazil, e Algarves, a Joze Bazilio Rademaker, Cavalleiro Professo na Ordem de Christo, e Official Maior da Secretaria

* Presented to Parliament 4th February, 1824.

the Department of State for Foreign Affairs :—who, after having exchanged their respective Full Powers, found to be in good and due form, have agreed upon the following Articles :

ARTICLE 1.

Whereas it is stated, in the first Article of the Instructions intended for the British and Portuguese 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 Convention of the 28th of July, 1817: the Two 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, of either sex, has or have been put on board a Vessel for the purpose of illegal Traffick, in

de Estado dos Negocios Estrangeiros :—os quaes, depois de haverem trocado os seus Plenos Poderes respectivos, que se acháram em boa e devida forma, conviéram nos Artigos seguintes :

ARTIGO 1.

Havendo-se estipulado, no primeiro Artigo das Instrucçoes destinados para os Navios de Guerra Inglezes e Portuguezes, que tiverem a seu cargo o impedir o commercio illicito de Escravos, que "os Navios a bordo dos quaes se não acharem Escravos destinados para o trafico, não poderão ser detidos, debaixo de nenhum pretexto ou motivo qualquer:" e tendo mostrado a experiencia, que os Navios empregados no dito Trafico illicito tem momentaneamente desembarcado os Escravos que estávam a seu bordo, immediatamente antes de serem visitados pelos Navios de Guerra, achando assim o meio de evitarem a condemnação, e poderem continuar impunemente sua illegal viagem, em contravenção ao verdadeiro objecto e espirito da Convenção de 28 de Julho de 1817 : as Duas Altas Partes Contractantes conhecem a necessidade de declarar, e por este Artigo declaram, que, se houver prova clara e innegavel de ter sido embarcado, a bordo de qualquer Navio, algum

the particular voyage on which the Vessel be captured, then and on that account, according to the true intent and meaning of the stipulations of the above-mentioned Convention, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

ARTICLE 2.

Inasmuch as the Convention of the 28th of July, 1817, does not stipulate the mode of supplying the absence of the Commissioners, occurring from any other cause besides that of death, which is the only case provided for by the fourteenth Article of the Regulation for the Mixed Commissions, annexed to the said Convention; the Two High Contracting Parties have agreed, that, in the event of the recall, or of the absence on account of illness, or any other unavoidable cause, of any of the Commissioners Judges, or Arbitrators; or in the case of their absence in consequence of leave from their Government (which must be notified to the respective Commission), their Posts shall be supplied in the same form and manner as is determined for the case of death, by the above-mentioned fourteenth Article of the said Regulation.

Escravo ou Escravos, de um ou outro sexo, destinados ao trafico illicito, na viagem em que o mesmo Navio fôr capturado, nesse caso, e por esse motivo, em conformidade do verdadeiro esperito e intenção das estipulações da Convenção acima mencionada, será aquelle Navio detido pelos Cruzadores, e condemnado a final pelos Commissarios.

ARTIGO 2.

Não se achando estipulado, na Convenção de 28 de Julho de 1817, o modo de supprir os Commissarios que viarem a faltar por qualquer outra causa que não seja a de morte, que foi o unico cazo providenciado no Artigo XIV. do Regulamento para as Commissões Mixtas, annexo á mesma Convenção; Conviéram as Duas Altas Partes Contractantes, em que, no cazo de demissão, ou de auzencia por molestia, ou por outro qualquer impedimento inevitavel, de qualquer dos Commissarios Juizes, ou Arbitros; ou no cazo de se auzentarem com licença do seu Governo (que deverão communicar á Commissão respectiva), os seus Logares serão suppridos pela mesma forma e maneira que para o cazo de morte se acha determinado, no citado Artigo XIV. do referido Regulamento.

These Additional Articles shall have the same force and effect as if they were inserted, word for word, in the said Convention, and shall be considered as forming part of the same: they shall be ratified, and the Ratifications thereof exchanged in Lisbon, within three months, at latest, after the date of their signature.

In witness whereof the Undersigned, being furnished with Full Powers to that effect, have signed these Articles, and affixed thereunto the Seals of their Arms.

Done at Lisbon, this fifteenth day of March, in the year of Our Lord one thousand eight hundred and twenty-three.

(L. S.) E. M. WARD.

Estes Artigos Addicionaes terão o mesmo vigor e effeito, como se fossem inseridos, palavra por palavra, na mencionada Convenção, e serão considerados como formando parte della: serão ratificados, e as Ratificações trocadas em Lisboa, no termo de tres mezes, ao mais tardar, depois da data da sua assignatura.

Em fé do que, os Abaixo assignados, munidos de Plenos Poderes para este fim, assignáram estes Artigos, e os selláram com os Sellos de Suas Armas.

Feito em Lisboa, aos quinze dias do mez de Março, do anno do nascimento de Nosso Senhor Jesus Christo, de mil outocentos e vinte e tres.

(L. S.) JOZE BAZILIO RADEMAKER.

CONVENTION between His Majesty and The Emperor of Austria, for the definitive Settlement of the Austrian Loan.—Signed at Vienna, November 17, 1823.*

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Austria, being equally desirous of coming to a definitive Agreement upon the subject of the

Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté L'Empereur d'Autriche, ayant également à cœur d'en venir à un Arrangement définitif et complet au sujet de

* Presented to Parliament 4th February, 1824.

Austrian Loan, and of cancelling the whole debt with which Austria is burthened under this denomination; Their said Majesties have resolved to make this the object of a Convention, and have named Their respective Plenipotentiaries for drawing up and concluding the same, to wit: His Britannick Majesty, The Honourable Robert Gordon; and His Majesty The Emperor of Austria, Clement Wenceslas Lothaire, Prince Metternich-Winnebourg, Prince of Ochsenhausen, Duke of Portella, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, of the Civil Cross of Honour, and of St. John of Jerusalem, Chancellor of the Military Order of Maria Theresa, Grand Cross of the Guelphic Order, and of several others; Chamberlain, Privy Councillor of His Imperial Majesty, His Majesty's Minister of State and of Conferences, Chancellor of Court and State, and of the Imperial House, &c. &c. &c. who, after having communicated their Full Powers, have agreed upon the following Articles:

ARTICLE 1.

His Majesty The Emperor of Austria engages to pay the sum of Two Millions Five Hundred Thousand Pounds sterling, in satisfaction of the

l'Austrian Loan, et d'éteindre toute dette et réclamation provenant de ce chef à la charge de l'Autriche, Leurs dites Majestés ont résolu d'en faire l'objet d'une Convention, et Elles ont nommé pour la discuter, arrêter, et signer, savoir: Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable Robert Gordon; et Sa Majesté L'Empereur d'Autriche, le Sieur Clement Wenceslas Lothaire, Prince de Metternich-Winnebourg, Prince d'Ochsenhausen, Duc de Portella, Chevalier de la Toison d'Or, Grand Croix de l'Ordre Royal de St. Etienne de Hongrie, de la Croix-civile d'Honneur, et de celui de St. Jean de Jérusalem, Chancelier de l'Ordre Militaire de Marie Thérese, Grand Croix de l'Ordre des Guelfes, et de plusieurs autres; Chambellan, Conseiller intime actuel de Sa Majesté Impériale, Son Ministre d'Etat et des Conferences, Chancelier de Cour et d'Etat, et de la Maison Impériale, &c. &c. &c. lesquels, après s'être communiqués leurs Pleinpouvoirs, sont convenus des Articles suivans:

ARTICLE 1.

Sa Majesté L'Empereur d'Autriche s'engage à payer Deux Millions Cinq Cent Mille Livres sterling, au moyen de laquelle somme il aura

whole of the British Claims upon His Imperial Majesty, under the head of the Austrian Loan.

ARTICLE 2.

It is agreed that this Sum of Two Millions Five Hundred Thousand Pounds sterling, shall be paid into the British Treasury, in the name and on the behalf of the Austrian Government, by the Houses of Baring, Reid, and Irving, and Rothschild, in London: the said Houses having been appointed and fully empowered by the Austrian Government to make the above Payment, according to such terms as have been agreed to, and are judged satisfactory, by the British Government.

ARTICLE 3.

Immediately after the Ratification of the present Convention, by Their Majesties The King of the United Kingdom of Great Britain and Ireland, and The Emperor of Austria, His Britannick Majesty's Plenipotentiary will deliver up to such Persons as shall be appointed by His Imperial Majesty to receive them, the original Letters of Octroi, and the whole of the Imperial Bonds, which have been held in the possession of His Britannick Majesty's Government, as Securities, from the time of raising the Austrian

été satisfait, de la part de Sa Majesté Impériale, à l'ensemble des Réclamations Britanniques provenant de *l'Austrian Loan.*

ARTICLE 2.

Il est convenu que cette somme de Deux Millions Cinq Cent Mille Livres sterling, sera payée à la Trésorerie Britannique à Londres, pour compte et au nom du Gouvernement Autrichien, par les Maisons Baring, Reid, et Irving, et Rothschild, de Londres: les dites Maisons sont tenues, conformément à l'autorisation qu'elles en ont reçue du Gouvernement Autrichien, à remplir ce payement dans les termes convenus avec le Gouvernement Britannique, et réglés à sa satisfaction.

ARTICLE 3.

Immédiatement après l'échange des Ratifications de la présente Convention, le Gouvernement Britannique fera remettre par Son Plénipotentiaire, aux Commissaires de l'Autriche, les Lettres d'Octroi en original, et la totalité des Engagemens qui, à l'époque où *l'Austrian Loan* fut levé, ont été fournis, comme Sûretés au Gouvernement Britannique: ce dernier se charge des dispositions nécessaires pour opérer et constater l'entière libération du Gouvernement Autrichien de toute Réclamation quelconque, qu'on

Loan; and His Britannick Majesty's Government will henceforth be responsible for the complete release of the Austrian Government from all British Claims that could be founded upon the said Loan.

ARTICLE 4.

It is expressly understood that, in virtue of the present Convention, all pecuniary Claims upon Austria that are connected with the Austrian Loan, as well as all pecuniary Claims upon Great Britain, of whatever description they may be, which have existed, or might be considered to exist, on the part of the Imperial Government of Austria, are declared to be extinct, and are hereby totally abolished.

ARTICLE 5.

The present Convention shall be ratified within the space of Six Weeks, or sooner if possible, and the Instruments of Ratification shall be exchanged in London. In faith of which, the respective Plenipotentiaries have hereunto affixed their Signatures, and the Seals of their Arms.

Done at Vienna, this Seventeenth day of November, 1823.

(L. S.) R. GORDON.

pourrait agiter du chef de *l'Austrian Loan*.

ARTICLE 4.

Il est expressément entendu, que toutes Réclamations pécuniaires que le Gouvernement Britannique pourrait former envers l'Autriche du chef de *l'Austrian Loan*, comme aussi toutes Réclamations pécuniaires que le Gouvernement Impérial d'Autriche a formées, ou pourrait former, envers La Grande Bretagne sous tout autre titre, sont, en vertu de la présente Convention, déclarés éteintes et totalement abolies.

ARTICLE 5.

La présente Convention sera ratifiée dans le délai de Six Semaines, ou plutôt si faire se peut, et les Instrumens de Ratification seront échangés à Londres. En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Vienne, le dix-sept Novembre, 1823.

(L. S.) METTERNICH.

DOCUMENTS accompanying the Message of The President of The United States, to both Houses of Congress, at the commencement of the first Session of the Eighteenth Congress. December 2d, 1823.

Report of the Secretary of the Navy.

Navy Department, December 1st, 1823.

The President of The United States:

Sir,—In obedience to the request contained in your letter of the 10th ultimo, I submit, respectfully, the following Statement of the administration of this Department, during the present year; comprehending the number of vessels commissioned, the number in ordinary, fit for service, or requiring repairs; the progress made in building vessels, with the disbursements of the department, and the service in which the vessels have been employed; with such observations on the whole subject as are deemed proper.

Letter 1, from the Commissioners of the Navy, with papers A, B, C, D, and E, which accompany it, exhibit,

1. The vessels of war in commission, with the service in which they are employed. See A.

2. The vessels in ordinary, on the Atlantic board, and on the Lakes, with the state of repairs of each vessel. B. and C.

3. The progress made in building, under the Law "to increase the Navy of the United States"—D. By this, it appears that four ships of the line have heretofore been built, and that five ships of the line, and five frigates of the first class, are now building; some of which *might* be launched in thirty days; and all, except one, in one hundred and twenty days.

4. A general view of the improvements at the several building yards. In some of the yards, additional improvements are now necessary for their comfortable and economical administration.

5. The disbursements of the Department during the three first quarters of the present year, up to the 30th September. (2.) The disbursements of the year 1822 appear by the Report made to Congress in the month of February last. It appears that 1,984,520 dollars, 74 cents, have been drawn from the Treasury between the 1st January and the 30th September, leaving, on the latter day, 2,218,168 dollars, 66 cents, unex-

pended of the amount applicable to the service of the year.—Of this unexpended balance, a large proportion will be used during the remaining quarter; and a minute statement of the whole will be furnished to Congress in the Annual Report required from this Department.

On paper A, it is to be remarked, that the frigate Constitution, sloop of war Ontario, and schooner Nonsuch, are in the Mediterranean, under the command of Captain Jones. No change in the amount of force, in that sea, has been made within the year. It has been found competent to all the purposes for which it is maintained. Our commerce there has been amply protected; the officers and seamen have enjoyed good health, and no circumstance has occurred worthy of particular notice. While our relations with Other Powers continue friendly, any large augmentation of that portion of our naval force will not be necessary. In the coming year, it is not proposed materially to increase or diminish it. The Cyane and Erie will, in a short time, relieve the Constitution and Ontario, that they may return home, discharge their crews, whose term of service will soon expire, refit, and resume their station. For this purpose, the Erie, Captain Deacon, sailed from New York on the 8th of November, and the Cyane, Captain Creighton, will sail in a few days.

On the same paper, A, it is to be further remarked, that the Franklin, ship of the line, and the schooner Dolphin, of 12 guns, are still in the Pacific Ocean, where they have remained for more than two years, under the command of Captain Stewart. By the presence of this force on the coasts of Chili and Peru, depredations on our growing commerce have been, in a great degree, prevented, and respect for our interests and flag secured.

Captain Stewart will return to the United States in the course of this winter, or early in the ensuing spring; and, in the place of the Franklin, it is proposed to substitute the frigate United States, and the Peacock, sloop of war, of 18 guns. Such a division of the force, it is believed, will more extensively protect the flag and commerce of The United States, and permit the Commanding Officer, with the larger vessel, to be absent from the usual cruising grounds for a short time, should circumstances render such absence necessary. Captain Hull will sail, in a few days, from Norfolk, in command of these vessels.

The Cyane, Captain Spence, and the Shark, commanded by Lieutenant M. C. Perry, have, for short periods, cruised upon the coast of Africa, to carry into effect the intentions of the Government, in the suppression of the Slave Trade, and the protection of the Agency for liberated Africans, established at Cape Mensurado.

While Captain Spence was at Sierra Leone and the Cape, he fitted out the Augusta, a small Schooner, which was found on the coast, deserted and dismantled, and placed it under the command of Lieutenant Dashiell, to cruise in the neighbourhood of the Cape, with the conviction that its presence was at that time essential to the protection of the Agency, and might be useful in preventing the Traffic in Slaves. It still remains upon that coast.

During the time that Captain Spence and Lieutenant Perry were cruising, they neither saw nor heard of any vessel, under the American flag, engaged in the Slave Trade. If citizens of The United States are still employed in that traffic, they seem to have been driven to conceal themselves under the flags of other Nations.

The Agency at Cape Mensurado, for receiving the re-captured and liberated Africans, enjoyed favorable prospects, until late last fall, when it was assailed by a large body of the Natives, and in danger of being entirely destroyed. Some of the liberated Africans were killed in the contest. The extracts of letters from Captain Spence, Lieutenant Perry, and Messrs. Ashmun and Ayres, will shew the manner in which they were able to defend themselves, with the aid of a midshipman and several men belonging to a British vessel of war, then in the neighbourhood. The Establishment having passed through this trial, now promises to accomplish all the benefits anticipated from it. In order to afford it the necessary protection, and to continue our exertions to repress the Slave Trade, it is proposed, as the most efficient and economical arrangement, that the commander of the West India Squadron, shall, from time to time, detach one or more of the vessels belonging to his command, to cruise along the African coast, occasionally touching at Cape Mensurado, and ministering to the wants of the people there; and following, in their return, the usual track of the Slave Ships.

Eleven Africans, none of whom could speak the English language, were, some months ago, brought by a Captain

Chase, as mariners, into the port of Baltimore, and were there taken into the possession of the officers of the Government, and an investigation instituted into the supposed violation of our Laws in introducing them. By means of an interpreter, who understood the languages of all, except one or two of them, it was subsequently discovered that they belonged to tribes in the neighbourhood of Mensurado, and that some of them were of the head men of their tribes. It was, therefore, believed, that their restoration by this Government would produce a salutary effect; and an inquiry was directed to be made through the interpreter, whether they were willing to return to Africa. Such being found to be their wish, they were, in the early part of October, sent to our agent at Mensurado, with directions to permit their return to their several homes, by the best and most expeditious means.

So far as the Department is yet apprised of the expenditures for the Agency, during the present year, they have amounted to 7,287 dollars, and 48 cents.

On the western side of the Atlantic Ocean, and in the Gulf of Mexico, the operations of our Naval Force have been more active. Several vessels were in commission there, at the close of the last year. To these were added, under the authority of the Law passed at the last Session of Congress, "authorizing an additional Naval Force for the suppression of Piracy," the steam galliot Sea Gull; eight small schooners, the Greyhound, Jackall, Fox, Wild Cat, Beagle, Ferret, Weazel, and Terrier; five barges, the Musquito, Gnat, Midge, Sand Fly, and Gallinipper; and one transport ship, the Decoy.

Captain David Porter was appointed to the command of the squadron, and sailed from Norfolk about the 10th of February last. His station was at Thompson's Island, from which he despatched his vessels, in such way as he judged best suited to attain his objects. The annexed extracts from his letters and reports exhibit the results.

The size of most of the vessels, the nature of the duties, and the exposure of the officers and men, called for a display of perseverance and fortitude seldom required of those engaged in our service—but the call was well answered. Every thing was accomplished, which was anticipated from the expedition. Piracy, as a system, has been repressed, in the neighbourhood of the Island of Cuba, and now requires only to be watched, by a proper Force, to be prevented from afflict-

ing commerce any further in that Quarter. The public Authorities of the Island of Cuba manifested a friendly disposition towards the squadron, and rendered much assistance in the pursuit of its objects.

On the 5th March, as Lieutenant Cocke, in obedience to the orders of Captain Porter, was entering the harbour of St. John's, Porto Rico, in the schooner, Fox, he was killed by a shot from the castle. Extracts from the correspondence between Captain Porter and the Government of the Island on this subject are annexed.

The squadron was healthy and prosperous, until about the middle of August, when a malignant fever broke out at the station, and destroyed many valuable lives. The first reports of this calamity were brought to the Department on the 17th September. At the time they left the Island, Captain Porter and most of the medical officers were sick, and there was great cause to fear that the squadron would be deprived of its commanding officer, and of the medical assistance necessary to its safety. Under these circumstances it was considered expedient to send to the station an officer of rank and experience, with a sufficient number of surgeons, to furnish, in any event, the aid necessary for the safety and proper conduct of the squadron, with power to remove it should that be found necessary. Captain Rodgers cheerfully consented to encounter the hazard and responsibility attendant on such an expedition. He sailed from New York as soon as a vessel could be prepared for the purpose; but, before his arrival, Captain Porter had become convalescent, and, with the greater part of the squadron, had returned to The United States. The reports of these officers will fully explain their views of the causes of the disease, and the means by which a recurrence of it may be prevented.

It is believed that the Florida station is incalculably important to some of the best interests of this Union; and that it ought not to be deserted until every expedient has failed to render it a secure and healthy position for our vessels. I feel great confidence in the opinion that it may be made such, without encountering great hazard of the evils we have heretofore suffered.

For the protection of Commerce, and the suppression of Piracy in the western Atlantic and Gulf of Mexico, it is proposed, in the ensuing year, to continue Thompson's Island as the station for the vessels employed in those objects; to place

there a ship of the line, armed and manned as a frigate,—for which purpose the Independence is well fitted ;—and to attach to the command the John Adams and Hornet, and one other sloop of war, with four of the larger schooners, the Grampus, Porpoise, Shark, and Spark, one of the smaller schooners, and the barges. This force is competent to protect all our interests. The ship of the line, placed in a proper position, will afford comfortable accommodations to those who are obliged to remain at the station, and prevent the necessity of intercourse with the Island, when danger is suspected. The cruises of the other vessels, except those which visit the coast of Africa, may be limited to four, five, or six weeks, and, on their return, their crews may be exchanged for others, who, during that time, have been stationary. By these means, and a proper attention to cleanliness, both in the men and the vessels, and avoiding intercourse with places known to be sickly, the health of all will probably be preserved. For the proper execution of such a system, full reliance may be placed in our officers. The Island itself, by clearing, draining, and cultivating, will, after a time, probably become more healthful.

It will be perceived, that this distribution of force includes only one of the small schooners. They were admirably calculated for the end for which they were purchased, and have effected it. But Piracy being for the present repressed, and requiring only such a force as will prevent its revival, they are no longer necessary ; and, being both very expensive, and utterly subversive of all discipline, it is respectfully recommended that they be sold, retaining one for the present season ; after which it may be sold. The Porpoise and a small schooner have been employed, under the command of Lieutenant Ramage, in the survey of a part of the Florida coast. It is proposed that those vessels be placed under the control of the commanding officer of the Florida station ; and if it be found proper to continue the survey, that the instructions for that purpose be given to that officer.

Many of the officers having died during the present year, it is thought proper to annex a list of the times and places of their deaths.

No observations on the organization and discipline of the Navy seem to be required. That subject has heretofore been presented for consideration.

Very respectfully, I have the honor to be, your most obedient servant, SAMUEL L. SOUTHARD.

Navy Commissioners' Office, 13th Nov. 1823.

Sir,—The Commissioners of the Navy have had the honor of receiving your letter of the 10th inst. and beg leave to submit the accompanying exhibits, A, B, C, D, E.

A, presents a view of the vessels of war now in commission.

B, vessels in ordinary on the Atlantic board.

C, vessels on lakes Champlain, Erie, and Ontario.

D, ships on the stocks—showing the number built and building, under the "Act for the gradual increase of the Navy."

E, a general view of the improvements at the several building yards.

With respect to the state and condition of the vessels in ordinary, and on the lakes, the Commissioners submit the latest information received by them upon the subject. It is presumed to be substantially correct; but having, some days since, called upon the several commandants for special and detailed reports, they expect to have it in their power, very shortly, to afford minute information, not only as to the hulls of the ships, but as to the state of their masts, spars, sails, rigging, armament, boats, &c. &c.

I have the honor to be, &c.

I. CHAUNCEY.

Hon. Samuel L. Southard, Secretary of the Navy.

A.

Vessels of War in commission, Nov. 10, 1823.

Franklin, ship of the line,		Pacific.
United States,	44,	Preparing to relieve the Franklin.
Constitution,	44,	Mediterranean.
Congress,	36,	Carrying ministers to Spain and to South America.
Cyane,	24,	Mediterranean.
John Adams,	24,	West Indies.
Ontario	18,	Mediterranean.
Erie,	18,	Mediterranean.
Peacock,	18,	West Indies.
Hornet,	18,	West Indies.
Spark, brig,	14,	West Indies.
Nonsuch,	12,	Mediterranean.
Porpoise,	12,	Surveying Florida coast
Dolphin,	12,	Pacific.
Grampus,	12,	West Indies.
Shark,	12,	West Indies.

Recapitulation.—One ship of the line; two 44 gun frigates; one 36 ditto; two 24 gun ships; four 18 gun sloops; one 14 gun brig; five 12 gun schooners.

In commission, specially equipped for the suppression of Piracy—one steam galliot, Sea Gull; eight small schooners, viz. Greyhound, Jackall, Fox, Wild Cat, Beagle, Ferret, Weazle, and Terrier; five barges, viz. Musquito, Gnat, Midge, Sand Fly, and Gallinipper; one transport ship, Decoy.

B.

Vessels in ordinary—Atlantic board.

Independence, ship of the line, ...		The hulls of these ships are in good order; though it would be proper to examine their bottoms before sending them to sea. Their upper works and decks require some caulking.
Washington, ... ditto, ...		
Columbus, ... ditto, ...		
Delaware, ... ditto, ...		Have never been in commission; hulls in good order; bottoms would require examination before they go to sea, and their upper works and decks would probably require some caulking.
North Carolina, .. ditto, ...		
Ohio, ... ditto, ...		
Guerriere, ...	44,	Requires repairs.
Java, ...	44,	Very much decayed.
Constellation, ...	36,	Requires some repairs.
Macedonian, ...	36,	do.
Fulton, .. steam frigate,		Used as a receiving vessel.
Alert, ...		do. in good order as such.
Asp, ...		do. much decayed.

Recapitulation.—Six ships of the line; two 44 gun frigates; two 36 gun ditto; one steam frigate, used as a receiving vessel; one receiving ship, and the small schooner Asp, "utterly worthless."

C.

Vessels of War on the Lakes.

Lake Champlain.—Confiance, ...	32,	Very much decayed.
Saratoga, ...	24,	
Eagle, ...	18,	
Ticonderoga, ...	16,	
GALLEYS.		
Allen, ...	1	hulls in tolerable condition.
Burrows, ...	2	
Boxer, ...	2	
Centipede, ...	2	
Viper, ...	2	
Nettle, ...	2	

LAKE ERIE.	Lawrence, ...	18	sunk and much decayed.
	Detroit, ...	24	
	Porcupine, ...	1	rotten.
	Queen Charlotte, ...	20	sunk and decayed.
	Ghent, ...	4	in bad condition.
LAKE ONTARIO.	Chippewa, ...	74	on the stocks, under cover; sound.
	New Orleans, ...	74	
	Superior, ...	44	sunk and decayed.
	Mohawk, ...	36	
	Pike, ...	26	
	Madison, ...	18	
	Sylph, ...	14	
	Jefferson, ...	18	
	Jones, ...	18	
	Oneida, ...	14	useless.
	Lady of the Lake, ...	1	intolerable condition.
	14 gun boats		in a state of decay.

D.

Ships on the Stocks.

Of the Line.	1 at Portsmouth	could be launched in 60 days.	
	1 at Boston	do.	30 days
	1 at ditto	do.	90
	1 at Philadelphia	do.	180
	1 at Gosport, Va.	do.	120
Frigates, 1st Class.	1 at Washington (the Potomac)	do.	30
	1 at ditto	do.	90
	1 at Philadelphia	do.	30
	1 at New York	do.	30
	1 at Portsmouth, N. H.	do.	60

Recapitulation.—5 Ships of the Line; 5 Frigates.

Note.—The above vessels could, if required for service, be launched in the time respectively stated; but their equipment would take a considerably longer time.

These vessels are building under the Law for the gradual increase of the Navy; and the following were also built under that Law:

Columbus, ...
Delaware, ...
North Carolina, ...
Ohio, ... } .....Ships of the Line.

Making the number, built and building, as follows:

9 Ships of the Line;
5 Frigates of the First Class.

E.

Contains a general view of the Improvements at the several Building Yards, at Norfolk, Washington, Philadelphia, New York, Boston, and Portsmouth.

The other Documents which accompanied the Report of the Secretary of the Navy, were:

Correspondence of Captain Robert T. Spence, Lieutenant Perry, Dr. Eli Ayres, and J. Ashmun, relating to the *Establishment at Cape Mensurado*, and

Correspondence of Commodore David Porter, and Officers of the Squadron under his Command, in relation to the *Suppression of Piracy*.

DOCUMENTS FROM THE WAR DEPARTMENT.

Department of War, Nov. 29, 1823,

SIR,—In compliance with your directions, I herewith transmit Statements from the Major General of the Army, and the several subordinate branches of this Department, lettered from A to M, which contain, in detail, a view of the administration, for the three first quarters of the year, of the various branches of the Public Service entrusted to this Department, comprising the Army, Military Academy, Fortifications, Ordnance, including the Armories, Military Pensions, Bounty Lands, and Indian Affairs.

The statements afford satisfactory proof, that order, accuracy, economy, and accountability, have been introduced into every branch of the Military Service. It will be seen, by them, that the money appropriated by Congress had been applied with economy to effect the objects of appropriation; that the accounts have been made up with accuracy, and transmitted with promptitude to the proper Departments for settlement, and have there been settled without delay. The observations are true, with scarcely a single exception; and the result has been, that, of the entire amount of money drawn from the Treasury in the year 1822, for Military Service, including the Pensions, amounting to 4,571,961 dollars, 94 cents, although it passed through the hands of no less than 291 disbursing Agents, there has not been a single defalcation, nor the loss of a cent to the Government; and that the whole has been accounted for at the Treasury, except a small amount, which

remains in the hands of the disbursing Agents, ready to be applied to the objects for which it was drawn. The disbursements of the three first quarters of this year, have been equally satisfactory; and, there is every reason to believe, that no defalcation, nor any loss, will occur in the year. The Administration in relation to Indian Affairs, though greatly improved, and the expenditure reduced fully one-half, is not as perfect as that of the Military branch of the Department, nor can it be made so, unless rendered equally perfect in its organization. It is impossible, under the present arrangement, that the minute and constant attention to its details, which is indispensable to a perfect administration, can be bestowed.

But, it is not only in its disbursements that the Military Service has attained a high perfection. The condition of the Army, in every branch, both of the Line and Staff, in its material and personal, and in its discipline and administration, is highly respectable. If there is any exception, it is in the discipline of the Artillery. Though the Officers of that branch of Service are equal in skill to any other, and are distinguished for their attention to their duty, yet, it is found impracticable, dispersed as the Artillery is, in commands of single companies, to render the discipline of the Corps as perfect as is desirable. It is contemplated, during the next year, to concentrate a sufficient number of Artillerists, for discipline, at some proper Point, and by rendering their discipline perfect, gradually extend the perfection, thus acquired, to the whole Corps. It can be effected without additional expense to the Public; and, it is believed, without material inconvenience to the Service.

Of the Military Academy, it may, with confidence, be said, that it has attained a state of perfection as great as it is practicable, under the existing legal provisions; and that it is not inferior to any similar institution in any Country.

Under the appropriations of the last Session, Forts Washington, Delaware, and the one at the Rigolets, will be completed; and it is contemplated, should appropriations be granted, to commence, in the next year, the works projected at New Utrecht, which is intended to cover Fort La Fayette, which commands the Narrows at New York, and those at Brenton's Point, for the defence of Narragansett Bay.

The Board of Engineers, besides its ordinary duties, were, during last summer, engaged in executing several special

orders; and, among others, in projecting a Break Water at the Mouth of the Delaware, under the Act of the 7th of May, 1820, and the forming a Plan for the Improvement of the Entrance into the Harbour of Presque Isle, on Lake Erie.—In relation to both these important subjects, it made very interesting Reports, with Plans and Estimates, which accompany the Statement from the Engineer Department, herewith transmitted.

The completion of the new Fortresses, and those to be erected, will require an appropriation in order to fabricate the cannon and carriages necessary for their armament. It is estimated, that an annual appropriation of 100,000 dollars will, in ten years, furnish a sufficient number for all of the Works contemplated for the defence of the coast. There would, undoubtedly, be great economy in granting a permanent appropriation instead of an annual one, as Contractors would vest their Capital at much less profit, under the assurance which would be afforded by the former.

Under the appropriation to fix on a site for a National Armory on the Western waters, made the last Session, a Commission, consisting of Colonel M'Ree, Colonel Lee, and Captain Talcott, was constituted, which has been incessantly engaged in exploring the Country on the Western waters, in order to make the location. It has not yet reported, but it is expected that it will make its Report in the early part of the Session of Congress.

In the month of June last, the Ricaree Indians, who inhabit the Country on the Missouri, a little below the Mandan Villages, attacked General Ashley, with his party, while peaceably engaged in trading with them at their request, under licence from the Government, and killed and wounded several of his Party. Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluff, adopted immediate measures of redress. With a part of his Command he made a successful attack on the Village, and compelled the Ricarees, after a considerable loss on their part, to sue for peace. Statement marked L. contains the Correspondence in relation to the transaction, and exhibits a full view of the facts.

The Report from the Adjutant-General's Office, marked M. contains the Returns of the Militia, according to the latest Reports to that Office. Returns from only three States have

been received in the course of the year, though every effort has been used to ensure punctuality in making them.

I have the honour to be,

Your obedient servant,

J. C. CALHOUN.

The President of The United States.

LIST OF DOCUMENTS

Transmitted from the War Department to the President, to accompany his Message to Congress:

A. Report of Major-General Brown, concerning the organization, distribution, and disbursement, &c. of the Army, from A. to E.

B. Report of the Quartermaster-General, with accompanying Statements A. and B.

C. Report of the Commissary-General of Subsistence, with Statements A. and B.

D. Report of Paymaster-General.

E. Report of Surgeon-General.

F. Statements of the Commissary-General of Purchases, 3, 4, and 5.

G. Report of the Engineer Department, with Tables D. E. and F.

H. Report of the Ordnance Department, with Statements from A. to E.

I. Statement concerning Pensions.

J. Statement of Bounty Lands.

K. Statement of Indian Affairs.

L. Correspondence relative to hostilities of the Arickaree Indians.

M. Return of the Militia of the United States.*

A.

Head Quarters of the Army, Washington, Nov. 22, 1823.

SIR,—In obedience to your order of the 5th instant, I have the honour to submit to you the following Returns and Statements, viz.:

A. A Statement of the organization of the Army, agreeably to the Act of Congress of the 2d of March, 1821 †

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* Very imperfect.

† *Aggregate.*—Commissioned and Non-commissioned Officers, Musicians, and Privates, 6,183.

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 Statement of the distribution of the Troops in the Western Department.

E. A Statement showing the number of men enlisted, the Amount of Money advanced for the purposes of Recruiting, and the Amount for which Recruiting Accounts have been rendered for Settlement, from 1st of January to 1st of October, 1823.

It will be perceived, from the last-mentioned Statement, that 7,653 dollars, 99 cents, remains unapplied in the hands of Recruiting Officers. This sum is actually employed in the Recruiting Service, and will be embraced by Returns not yet due. The uniform punctuality of the Recruiting Officers, in rendering their Accounts, justifies the belief that it will, at the proper time, be regularly accounted for.

The Tours of Inspection, prescribed by the Army Regulations to the Commanding Generals of Departments, have been prevented by unavoidable circumstances. In the early part of the year, a change of Commands was arranged between these two Officers; but, on the point of executing the arrangement, their movements were suspended by a rupture wtth the Indians on the Missouri, and they were both kept under orders at their respective Head Quarters, awaiting the issue of the Military operations which were performed during the summer and autumn. They are now engaged in making the contemplated change of commands, but will not have time to comply with the Regulation on the subject of Inspections before the close of the year.

Colonel Wool has performed a course of Inspections, extending from Fort M'Henry, Baltimore, by the way of the North River and the Lakes, to Green Bay and St. Marys', and embracing the intermediate positions. His first inspection was made on the 26th of April, and the last, included in his Report, during the month of October. He is now on a short Tour to the New England States.

Colonel Archer commenced his Tour of Inspection on the 3d of April, at Norfolk, Virginia, and has inspected the Posts

* *Aggregate.*—Present and absent, 5,949.

on the Atlantic coast, from East Florida to the State of Maine. Since my Report of November last, he has also performed a rigid Inspection of the National Armory, and Works of Construction at Harper's Ferry. He is now engaged in a Tour of Inspection to the extreme Southern Posts.

As far as my information extends, the Commanding Officers of the Artillery Regiments have regularly performed the duties of Inspection required of them. Their official returns are not yet due, and I have consequently no certain basis for a report in relation to the execution of this part of their duty.

The Inspectors speak favourably of the condition of the Army in all that relates to its discipline, instruction, service, and administration; and it affords me pleasure to state, from their observations, as well as my own, that there is a progressive amelioration, throughout the different Departments of the Army, in every thing connected with its Military Character.

I have the honour to be, most respectfully, Sir, your obedient Servant,

JAC. BROWN.

Hon. J. C. Calhoun, Secretary of War.

CONVENTION between Great Britain and Spain. Signed at Madrid 12*th March*, 1823.*

Convention between His Majesty and The King of the Spains, for the amicable Adjustment of Complaints respecting the Capture and Detention of British Vessels and Property by Spanish Authorities.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains, equally animated by the desire of arriving at an amicable adjustment of the

Convenio entre Sus Magestades Católica y Británica, para el Ajuste amistoso de las quejas, sobre apresamiento de Buques y Detencion de Propiedades Britanicas, por algunas Autoridades Españolas.

Su Magestad El Rey de las Españas, y Su Magestad El Rey del Reyno Unido de La Gran Bretaña é Irlanda, igualmente animados del deseo de alejar todo motivo de desavenencia entre las dos Naciones,

* London Gazette, 11th October, 1823.

various complaints which have been from time to time laid before the Spanish Government, of the Capture of Vessels, and seizure and detention of Property, belonging to British Subjects, by Spanish Authorities; as well as of other grievances; Their said Majesties have been pleased to name Plenipotentiaries for the conclusion of a Convention for the attainment of this desirable purpose: to wit; His Britannick Majesty, the Right Honourable Sir William à Court, Baronet, Knight Grand Cross of the Order of the Bath, One of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary to The King of the Spains; and His Catholick Majesty, His Excellency Don Evaristo de San Miguel, Colonel of Infantry, Adjutant-General on the Staff of the National Armies, and Secretary of State for the Foreign Department: who, after having communicated their Full Powers, have agreed upon the following Articles:

ART. 1.

A Mixed Commission, English and Spanish, consisting of Two Members of each Nation, shall be appointed, and meet in London, within Ten Weeks after the signature of the present Convention, or

procediendo á un ajuste amistoso de las quejas que en diferentes épocas han sido dadas al Gobierno Español, sobre apresamiento de buques, y detencion de propiedades pertenecientes á Súbditos Ingleses, por algunas Autoridades Españolas, y otros agravios: han tenido á bien nombrar por Sus Plenipotenciarios, para la conclusion de un Convenio especial sobre dicho objeto: á saber;—Su Magestad Católica, á Don Evaristo San Miguel, Coronel de Infanteria, Ayudante General del Estado Mayor de los Egèrcitos Nacionales, Secretario del Despacho de Estado, y Su Magestad Británica, al muy Honorable Sir Guillermo à Court, Baronet, Caballero Gran Cruz, de la Orden del Baño, del Consejo Privado de Su Magestad Británica, y Su Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Magestad Católica:--Quienes, despues de haberse comunicado sus respectivos Plenos-poderes, han convenido en los siguientes Articulos:

ART. 1.

Se nombrará una Comision Mixta, Española é Inglesa, compuesta de dos Individuos de cada Nacion, la cual se reunirá en Londres, dentro de diez semanas despues de firmado el presente Convenio, ú

sooner if possible, for the purpose of taking into consideration and deciding in a summary manner, according to equity, upon all Cases that shall be brought before it, properly authenticated, of the capture or seizure of British Vessels, or detention of Property belonging to the Subjects of His Britannick Majesty, from the Declaration of Peace between England and Spain, of the 4th of July, 1808, to the date of the present Convention; and also upon all Cases that shall be brought before it, of the capture or seizure of Spanish Vessels, or detention of Property belonging to the Subjects of His Catholick Majesty, during the same period.

ART. 2.

Should any difference of opinion arise amongst the Members of the said Commission, and their votes be equally divided, a reference shall then be made to the Spanish Envoy at the Court of London, and a Law Officer of the Crown to be named by His Britannick Majesty. If these Arbitrators should also be divided in opinion, it shall be determined, by lot, which of the Two shall definitively decide the question.

ART. 3.

An Assignment of Forty Millions of Rials upon the

antes si fuere posible, con el objeto de tomar en consideracion y fallar sumáriamente, conforme á equidad, sobre los Casos que se la presenten, acreditados en debida forma, de apresamiento ó captura de Buques Ingleses, y detencion de propiedades pertenecientes á Súbditos de Su Magestad Británica, desde la Declaracion de Paz entre España é Inglaterra, de 4 de Julio de 1808, hasta el dia de la fecha de este Convenio; é igualmente sobre los Casos que se sometan á la misma, de apresamiento ó captura de Buques Españoles, y detencion de propiedades pertenecientes á Súbditos de Su Magestad Católica, durante el indicado periodo.

ART. 2.

Si ocurriese alguna diversidad de opiniones entre los individuos de la Comision referida, y se empatasen los votos, se someterá el caso á la decision del Ministro Plenipotenciario de las Españas en Londres, y de un Magistrado de la Córte nombrado al efecto por Su Magestad Británica. Mas si tambien se empatasen los votos de estos Arbitros, la suerte designará cual de los dos deberá tener voto de preferencia que decida definitivamente la cuestion.

ART. 3.

Se pondrá immediatamente á disposicion de dichos Co-

Great Book, shall, according to the Decree of the Cortes, immediately be made to the said Commissioners, for the payment of such Indemnifications as may be awarded by the Commission. This Sum shall be increased or diminished, as the Decree points out, according as a greater or lesser number of Claims shall be admitted as valid, exceeding, in the one case, or not amounting to, in the other, the whole amount of the Sum in the first instance deposited.

ART. 4.

The Claims of Spanish Subjects which shall be acknowledged just, shall be paid by the British Government either in Stock, or by an Equivalent in Money.

ART. 5.

As soon as the Commissioners shall have admitted any Claim as valid, and determined the amount due to the Claimant, they shall assign or transfer, in favour of such Claimant, a portion of the said Rentes, equivalent to the Amount awarded, estimating the value thereof according to the current price in London of the said Rentes, at the time of making such assignment or transfer.

ART. 6.

No Claim shall be admitted,

misionados, una asignacion de cuarenta millones de Reales, inscriptos en el Gran Libro de la Deuda Pública, para pago de las indemnizaciones que determinen los mismos. Esta cantidad se aumentará, ó disminuirá, como indica el Decreto de las Córtes de 9 de Enero del presente año, segun fuere mayor ó menor el número de reclamaciones que se admitan como válidas, excediendo, en un caso, ó no llegando en el otro, al total de la suma depositada.

ART. 4.

Las reclamaciones de Súbditos Españoles que fueren reconocidas como legitimas, serán satisfechas por el Gobierno Británico con inscripciones sobre los Fondos Públicos de Inglaterra, ó bien en metálico.

ART. 5.

Luego que los Comisionados hayan admitido como válida cualquiera Reclamacion, y determinado la cantidad debida al Reclamante, asignarán ó transferirán á favor de El, una parte de dichas Rentas equivalente á la suma decretada, regulando su valor segun el precio corriente que tengan en Londres dichas Rentas, al tiempo de hacer tal assignacion ó traslacion.

ART. 6.

No se admitirá Reclamacion

which shall not be submitted to the Commission within Six Months after its first Meeting.

ART. 7.

A Person shall be named by each Government, for the selection and transmission of whatever Papers or Documents it may be necessary to forward from Madrid, for the consideration of the Commission, and to arrange the transfer of the Rentes, as the respective amounts shall be awarded.

In witness whereof, We, the Undersigned, Plenipotentiaries of Their Britannick and Catholick Majesties, duly authorized by our Full Powers, have signed Two Originals of the present Convention, and have affixed thereunto the Seals of our Arms, in Madrid, this 12th day of March, 1823.

(L. S.)
WILLIAM à COURT.

alguna, que no se presente á la Comision dentro de seis Meses contados desde el dia en que esta se junte por primera Vez.

ART. 7.

Cada Gobierno nombrará una persona para escoger y remitir cualesquiera Papeles ó Documentos que sea necesario enviar desde España, á fin de que la Comision referida los tome en consideracion, y para arreglar la traslacion de las Rentas, segun sevayan determinando las respectivas asignaciones.

En fé de lo cual, nos los Insfrascriptos Plenipotenciarios de Sus Magestades Católica y Británica, autorizados con nuestros Plenos-poderes, firmamos dos Originales del presente Convenio, y los sellamos con el sello de nuestras armas, en Madrid, á doce de Marzo, de mil ocho cientos veinte y tres.

(L. S.)
EVARISTO SAN MIGUEL.

*COMMUNICATIONS with France and Spain, relating to the Spanish American Provinces.**

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No. 1.

Extract of a Memorandum of a Conference between The Prince de Polignac and Mr. Canning, held Oct. 9th, 1823.

The Prince de Polignac having announced to Mr. Canning, that His Excellency was now prepared to enter with Mr. Canning into a frank explanation of the views of his Government respecting the question of Spanish America, in return for a similar communication which Mr. Canning had previously offered to make to The Prince de Polignac on the part of the British Cabinet, Mr. Canning stated :—

That the British Cabinet had no disguise or reservation on that subject: that their opinions and intentions were substantially the same as were announced to the French Government, by the Despatch of Mr. Canning to Sir Charles Stuart of the 31st of March; which Despatch that Ambassador communicated to M. de Chateaubriand, and which had since been published to the World :

That the near approach of a Crisis, in which the Affairs of Spanish America must naturally occupy a great share of the attention of both Powers, made it desirable that there should be no misunderstanding between Them on any part of a subject so important :

That the British Government were of opinion, that any attempt to bring Spanish America again under its ancient

* Presented to both Houses of Parliament by Command of His Majesty, 4th March, 1824.

submission to Spain, must be utterly hopeless: that all negotiation for that purpose would be unsuccessful; and that the prolongation or renewal of War for the same object would be only a waste of human life, and an infliction of calamity on both Parties, to no end:

That the British Government would, however, not only abstain from interposing any obstacle, on their part, to any attempt at negotiation, which Spain might think proper to make, but would aid and countenance such negotiation, provided it were founded upon a basis which appeared to them to be practicable; and that they would, in any case, remain strictly neutral in a War between Spain and the Colonies, if War should be unhappily prolonged:

But that the junction of any Foreign Power, in an Enterprize of Spain against the Colonies, would be viewed by them as constituting an entirely new question; and one upon which they must take such decision as the Interests of Great Britain might require:

That the British Government absolutely disclaimed, not only any desire of appropriating to Itself any portion of the Spanish Colonies, but any intention of forming any political connexion with them, beyond that of Amity and Commercial Intercourse:

That in those respects, so far from seeking an exclusive preference for British Subjects over those of Foreign States, England was prepared, and would be contented, to see the Mother Country (by virtue of an amicable arrangement) in possession of that preference; and to be ranked, after Her, equally with Others, on the footing of the most favoured Nation:

That, completely convinced that the ancient system of the Colonies could not be restored, the British Government could not enter into any stipulation binding Itself either to refuse or to delay It's Recognition of their Independence:

That the British Government had no desire to precipitate that Recognition, so long as there was any reasonable chance of an accommodation with the Mother Country, by which such a Recognition might come first from Spain:

But that It could not wait indefinitely for that result; that It could not consent to make It's Recognition of the New States *dependent* upon that of Spain; and that It would con-

sider any Foreign Interference, by force or by menace, in the dispute between Spain and the Colonies, as a motive for recognizing the latter without delay:

That the Mission of Consuls to the several Provinces of Spanish America, was no new measure on the part of this Country:—that it was one which had, on the contrary, been delayed, perhaps too long, in consideration of the state of Spain, after having been announced to the Spanish Government in the month of December last, as settled; and even after a List had been furnished to that Government of the Places to which such Appointments were intended to be made:

That such Appointments were absolutely necessary for the protection of British Trade in those Countries:

That the old pretension of Spain to interdict all trade with those Countries, was, in the opinion of the British Government, altogether obsolete;—but that, even if attempted to be enforced against Others, it was, with regard to Great Britain, clearly inapplicable:

That permission to trade with the Spanish Colonies had been conceded to Great Britain in the year 1810, when the Mediation of Great Britain between Spain and her Colonies was asked by Spain, and granted by Great Britain:—that this Mediation, indeed, was not afterwards employed, because Spain changed her counsel; but that it was not, therefore, practicable for Great Britain to withdraw Commercial Capital once embarked in Spanish America, and to desist from Commercial Intercourse once established:

That it had been ever since distinctly understood that the trade was open to British Subjects, and that the ancient Coast Laws of Spain were, so far as regarded them at least, tacitly repealed:

That in virtue of this understanding, redress had been demanded of Spain in 1822, for (among other grievances) seizures of vessels for alleged infringements of those Laws; which redress the Spanish Government bound Itself by a Convention (now in course of execution) to afford:

That Great Britain, however, had no desire to set up any separate right to the free enjoyment of this Trade: that She considered the force of circumstances, and the irreversible progress of events, to have already determined the question

of the existence of that freedom for all the World; but that, for Herself, She claimed, and would continue to use it; and should any attempt be made to dispute that claim, and to renew the obsolete interdiction, such attempt might be best cut short by a speedy and unqualified Recognition of the Independence of the Spanish American States.

That, with these general opinions, and with these peculiar claims, England could not go into a joint deliberation upon the subject of Spanish America, upon an equal footing with other Powers, whose opinions were less formed upon that question, and whose interests were less implicated in the decision of it:

That She thought it fair, therefore, to explain beforehand, to what degree Her mind was made up, and Her determination taken.

The Prince de Polignac declared,

That his Government believed it to be utterly hopeless to reduce Spanish America to the state of its former relation to Spain;

That France disclaimed, on Her part, any intention or desire to avail Herself of the present State of the Colonies, or of the present situation of France towards Spain, to appropriate to Herself any part of the Spanish Possessions in America, or to obtain for Herself any exclusive advantages;

And that, like England, She would willingly see the Mother Country in possession of superior commercial advantages, by amicable arrangements; and would be contented, like Her, to rank, after the Mother Country, among the most favoured Nations:

Lastly, that She abjured, in any case, any design of acting against the Colonies by force of arms.

The Prince de Polignac proceeded to say,

That, as to what might be the best arrangement between Spain and her Colonies, the French Government could not give, nor venture to form, an opinion, until The King of Spain should be at liberty;

That they would then be ready to enter upon it, in concert with their Allies, and with Great Britain among the number.

In observing upon what Mr. Canning had said, with respect to the peculiar situation of Great Britain, in reference to such a Conference, The Prince de Polignac declared,

That he saw no difficulty which should prevent England

from taking part in the Conference, however she might now announce the difference, in the view which she took of the question, from that taken by the Allies. The refusal of England to co-operate in the work of reconciliation might afford reason to think, either that She did not really wish for that reconciliation, or that She had some ulterior object in contemplation; two suppositions equally injurious to the honour and good faith of the British Cabinet.

The Prince de Polignac further declared,

That he could not conceive what could be meant, under the present circumstances, by a pure and simple acknowledgment of the Independence of the Spanish Colonies; since, those Countries being actually distracted by civil wars, there existed no Government in them which could offer any appearance of solidity;—and that the acknowledgment of American Independence, so long as such a state of things continued, appeared to him to be nothing less than a real sanction of anarchy.

The Prince de Polignac added,

That, in the interest of humanity, and especially in that of the Spanish Colonies, it would be worthy of the European Governments to concert together the means of calming, in those distant and scarcely civilized Regions, passions blinded by party spirit; and to endeavour to bring back to a principle of Union in Government, whether Monarchical or Aristocratical, People among whom absurd and dangerous theories were now keeping up agitation and disunion.

Mr. Canning, without entering into discussion upon these abstract principles, contented himself with saying,

That,—however desirable the establishment of a Monarchical form of Government, in any of those Provinces, might be, on the one hand, or whatever might be the difficulties in the way of it, on the other hand—his Government could not take upon Itself to put it forward as a condition of their Recognition.

P. ——— G. C.

No. 2.

Sir William à Court to Mr. Secretary Canning.—(Received January 14.)

(Extract.) *Madrid, December* 30, 1823.

The inclosed Note, though dated the 26th, did not reach me till yesterday. By my answer, a copy of which I have

the honour to inclose, you will see that I merely acknowledge its receipt, promising to transmit it to my Government.

WILLIAM à COURT.

The Right Hon. George Canning,
&c. &c. &c.

(First Inclosure in No. 2.)

Count Ofalia to Sir William à Court.

Palacio, 26 e Deciembre de 1823.

Muy Señor Mio,

Tengo la honra de participar á V. S. que Su Magestad el Rey, mi augusto Amo, ha resuelto dedicar Su particular atencion á el arreglo de los negocios de los Paises disidentes de la America Española; deseoso de lograr la dicha de ver pacificos Sus Estados, en los que prendió la semilla de la Anarquia, con perjuicio de la seguridad de los otros Gobiernos: razon porque S. M. ha creido oportuno contar con el auxílio de Sus caros Aliados, para obtener resultados que deben ser ventajosos para la tranquilidad y prosperidad de toda la Europa.

La Copia adjunta instruirá á V. S. de las Ordenes dadas á los Representantes de Su Magestad Catolica en las Cortes de Austria, Francia, y Rusia, y como aun no residan los Ministros de España en Londres ni Berlin, el Rey me ha prevenido que dirija á V. S. y al Señor Ministro de Prusia en esta Corte, el traslado de dicha comunicacion, que Su

Palace, December 26, 1823.

(Translation.)

Honoured Sir,

I have the honour to inform you that The King, my august Master, has determined to devote His particular attention to the regulation of the affairs concerning the disturbed Countries of Spanish America, being solicitous to succeed in pacifying His Dominions, in which the seeds of Anarchy have taken root to the prejudice of the safety of other Governments. His Majesty has therefore thought that He might justly calculate on the assistance of His dear Allies, towards obtaining results which cannot but prove beneficial to the tranquillity and happiness of all Europe.

The inclosed Copy will put you, Sir, in possession of the Orders issued to His Catholick Majesty's Representatives at the Courts of Austria, France, and Russia:—and as the Ministers of Spain have not yet proceeded to London and Berlin, The King has directed me to address to you, Sir, and to the Minister of Prussia at this Court, a tran-

Magestad espera se servirá V. S. transmitir á su Gobierno, en cuya amistad y fina politica confia el Rey mi Amo, que sabrá apreciar la franqueza de esta comunicacion, y la equidad que ha dictado las bases en que se funda.

script of the said Communication; which His Majesty hopes you will have the goodness to transmit to your Government, whose friendship and upright policy, The King, my Master, trusts, will know how to appreciate the frankness of this Communication, and the equity which has dictated the bases on which it is founded.

Aprovecho esta ocasion, &c.

I avail myself of this opportunity, &c.

El Conde de OFALIA.

The Conde de OFALIA.

Al Sr. Ministro de Inglaterra.

To The Minister of England.

(Second Inclosure in No. 2.)

Count Ofalia to His Catholick Majesty's Ambassador at Paris, and Ministers Plenipotentiary at St. Petersburgh and Vienna.

(Translation.)

Restituido El Rey, Nuestro Señor, al Trono de Sus Mayores en el goce de Sus Heredados Derechos, ha tenido muy presente la suerte de Sus Dominios de America, despedazados por la guerra civil, y puestos al borde del mas ruinoso precipicio. Inutilizados en los tres años ultimos por la rebelion sostenida en España los constantes esfuerzos hechos para mantener la Costa Firme en tranquilidad, para libertar las Riberas de la Plata, y para conservar el Perú y la Nueva España; ha visto Su Magestad con dolor los progresos del fuego de la insurreccion: pero tambien sirve

The King, our Sovereign, being restored to the Throne of His Ancestors in the enjoyment of His hereditary rights, has seriously turned His thoughts to the fate of His American dominions, distracted by civil war and brought to the brink of the most dangerous precipice. As during the last three years the rebellion which prevailed in Spain defeated the constant efforts which were made for maintaining tranquillity in the Costa Firma, for rescuing the banks of the River Plata, and for preserving Peru and New Spain; His Majesty beheld with grief the progress of the

Al Rey de consuelo la repeticion de pruebas irrefragables de que una inmensidad de Españoles son fieles á sus juramentos de lealtad al trono; y la sana mayoriá Americana reconoce que no puede ser feliz aquel Hemisferio, sin vivir hermanado con los que civilizaron aquellos Paises.

flame of insurrection: but it affords, at the same time, consolation to the King that repeated and irrefragable proofs exist of an immense number of Spaniards remaining true to their oaths of allegiance to the Throne; and that the sound majority of Americans acknowledge that that Hemisphere cannot be happy unless it live in brotherly connection with those who civilized those Countries.

Estas reflexiones animan poderosamente á Su Magestad á esperar que la justicia de Su Causa hallará firme apoyo en la influencia de las Potencias de Europa. Por lo que ha resuelto El Rey que se invite á los Gabinetes de sus caros é intimos Aliados, á establecer una Conferencia en Paris, donde reunidos sus Plenipotenciarios con los de Su Magestad Catolica, auxîlien á la España al arreglo de los negocios de America en los Paises disidentes. En el exâmen de esta importante question, Su Magestad tendrá en consideracion, de acuerdo con Sus poderosos Aliados, las alteraciones que los acontecimientos han ocasionado en Sus Provincias Americanas; y las relaciones que durante las turbulencias se han formado con las Naciones comerciantes; á fin de combinar por este medio de buena fé, las medidas

These reflections powerfully animate His Majesty to hope that the justice of His Cause will meet with a firm support in the influence of the Powers of Europe. Accordingly, the King has resolved upon inviting the Cabinets of his dear and intimate Allies, to establish a Conference at Paris, to the end that their Plenipotentiaries, assembled there along with those of His Catholick Majesty, may aid Spain in adjusting the affairs of the revolted Countries of America. In examining this important question, His Majesty will, in conjunction with His powerful Allies, consider of the alterations which events have produced in His American Provinces, and of the relations which, during the disorders, have been formed with commercial Nations: in order thereby to adopt, with good faith, the measures most pro-

mas adecuadas para conciliar los derechos y justos intereses de la Corona de España, y su soberanía, con los que las circunstancias puedan haber ocasionado con respecto á las otras Naciones. Su Magestad confiando en los sentimientos de Sus Aliados, espera que le ayudarán al digno objeto de sostener los principios del orden y de la legitimidad, cuya subversion atacada en America, pronto se comunicaría á la Europa, y le auxîliarán al mismo tiempo á restablecer la paz entre ella y sus Colonias.

per for conciliating the rights and just interests of the Crown of Spain and of it's Sovereignty, with those which circumstances may have occasioned with respect to other Nations. His Majesty confiding in the sentiments of His Allies, hopes that they will assist Him in accomplishing the worthy object of upholding the principles of order and legitimacy, the subversion of which, once commenced in America, would presently communicate to Europe; and that they will aid Him, at the same time, in re-establishing peace between this division of the globe and its Colonies.

En consecuencia, Su Magestad quiere que penetrado V. de estas razones, y empleando los recursos de su conocido talento, trate de conseguir que ese Gobierno se decida á la deseada cooperacion que los acontecimientos de la Peninsula han preparado; autorizando á V. para dejar copia de este oficio á ese Ministro de Negocios Estrangeros.

It is, therefore, His Majesty's pleasure that, penetrated with these reasons, and availing yourself of the resources of your well known talents, you should endeavour to dispose the Government with which you reside, to agree to the desired co-operation, for which the events of the Peninsula have paved the way; authorising you to communicate a copy of this Note to the Minister for Foreign Affairs.

Dios guarde á V. muchos años.

El Conde de OFALIA.

Al Sr. Embajador de S. M. C. en Paris, y á Sus Ministros Plenrs. en San Petersburgo y Viena.

God preserve you many years.

The Conde de OFALIA.

To the Ambassador of His Catholick Majesty at Paris, and to His Ministers Plenipotentiary at St. Petersburgh and Vienna.

(Third Inclosure in No. 2.)

Sir William à Court to The Count de Ofalia.

Madrid, December 30, 1823.

The Undersigned, &c. &c. has the honour to acknowledge the receipt of the Count Ofalia's note, dated the 26th of this month. He will hasten to submit it to his Government.

He begs His Excellency to accept, &c.

WILLIAM à COURT.

His Excellency The Count de Ofalia,
&c. &c. &c.

No. 3.

Mr. Secretary Canning to Sir W. à Court.

Sir, *Foreign-Office, January* 30, 1824.

The Messenger Latchford delivered to me, on the 14th instant, your Despatch, inclosing a Copy of The Count de Ofalia's Official Note to you of the 26th of December last; with the accompanying Copy of an Instruction, which has been addressed, by order of His Catholick Majesty, to His Ambassador at Paris, and to His Ministers Plenipotentiary at the Courts of Vienna and St. Petersburgh.

Having laid these Papers before The King, I have received His Majesty's commands to direct you to return to them the following answer:—

The purpose of the Spanish Instruction is to invite the several Powers, the Allies of His Catholick Majesty, to "esta-"blish a Conference at Paris, in order that their Plenipoten-"tiaries, together with those of His Catholick Majesty, may "aid Spain in adjusting the affairs of the revolted Countries "of America."

The maintenance of the "Sovereignty" of Spain over her late Colonies is pointed out in this Instruction as one specifick object of the proposed Conference; and though an expectation of the employment of force for this object, by the Powers invited to the Conference, is not plainly indicated, it is not distinctly disclaimed.

The invitation contained in this Instruction not being addressed directly to the Government of Great Britain, it may not be necessary to observe upon that part of it, which refers

to the late "events in the Peninsula," as having "paved the "way" for the "desired co-operation."

The British Government could not acknowledge an appeal founded upon transactions to which It was no Party. But no such appeal was necessary. No variation in the internal Affairs of Spain has, at any time, varied The King's desire to see a termination to the evils arising from the protracted struggle between Spain and Spanish America; or His Majesty's disposition to concur in bringing about that termination.

From the year 1810, when His Majesty's single Mediation was asked and granted to Spain, to effect a Reconciliation with Her Colonies,—the disturbances in which Colonies had then but newly broken out,—to the year 1818, when the same task, encreased in difficulty by the course and complication of events in America, was proposed to be undertaken by the Allied Powers assembled in Conference at Aix-la-Chapelle; —and from the year 1818 to the present time,—the good offices of His Majesty for this purpose have always been at the service of Spain, within limitations and upon conditions, which have been in each instance explicitly described.

Those limitations have uniformly excluded the employment of force or of menace against the Colonies, on the part of any Mediating Power; and those conditions have uniformly required the previous statement by Spain, of some definite and intelligible proposition,—and the discontinuance on Her part of a System utterly inapplicable to the new relations which had grown up between the American Provinces and other Countries.

The fruitless issue of the Conferences at Aix-la-Chapelle would have deterred the British Government from acceding to a proposal for again entertaining, in Conference, the question of a Mediation between Spain and the American Provinces; even if other circumstances had remained nearly the same. But the events which have followed each other with such rapidity during the last five years, have created so essential a difference, as well in the relative situation in which Spain and the American Provinces stood, and now stand to each other, as in the external relations and the internal circumstances of the Provinces themselves, that it would be vain to hope that any Mediation, not founded on the basis of Independence, could now be successful.

The best proof which the British Government can give of

the interest which It continues to feel for Spain, is, to state frankly their opinion as to the course most advisable to be pursued by His Catholick Majesty; and to answer, with the like frankness, the question implied in M. Ofalia's Instruction, as to the nature and extent of their own relations with Spanish America.

There is no hesitation in answering this question. The Subjects of His Majesty have for many years carried on Trade and formed Commercial Connections in all the American Provinces, which have declared their Separation from Spain.

This Trade was originally opened with the consent of the Spanish Government. It has grown gradually to such an extent as to require some direct protection, by the establishment at several Ports and Places in those Provinces, of Consuls on the part of this Country:—a measure long deferred out of delicacy to Spain, and not resorted to at last without distinct and timely notification to the Spanish Government.

As to any further step to be taken by His Majesty towards the acknowledgment of the *de facto* Governments of America, —the decision must (as has already been stated more than once to Spain and to other Powers) depend upon various circumstances; and, among others, upon the reports which the British Government may receive of the actual state of affairs in the several American Provinces.

But it appears manifest to the British Government, that if so large a portion of the Globe should remain much longer without any recognized political existence, or any definite political connexion with the established Governments of Europe, the consequences of such a state of things must be, at once most embarrassing to those Governments, and most injurious to the interests of all European Nations.

For these reasons, and not from mere views of selfish Policy, the British Government is decidedly of opinion, that the Recognition of such of the new States as have established *de facto* their separate political existence, cannot be much longer delayed.

The British Government have no desire to anticipate Spain in that Recognition. On the contrary, it is on every account their wish, that His Catholick Majesty should have the grace and the advantage of leading the way, in that Recognition, among the Powers of Europe. But the Court of Madrid must be aware, that the discretion of His Majesty in this re-

spect cannot be indefinitely bound up by that of His Catholick Majesty; and that even before many months elapse, the desire, now sincerely felt by the British Government, to leave this precedency to Spain, may be overborne by considerations of a more comprehensive nature;—considerations regarding not only the essential Interests of His Majesty's Subjects, but the relations of the Old World with the New.

Should Spain resolve to avail herself of the opportunity yet within Her power, the British Government would, if the Court of Madrid desired it, willingly afford its countenance and aid to a Negociation, commenced on that only basis which appears to them to be now practicable; and would see, without reluctance, the conclusion, through a negociation on that basis, of an Arrangement, by which the Mother Country should be secured in the enjoyment of Commercial advantages superior to those conceded to other Nations.

For Herself, Great Britain asks no exclusive privileges of trade; no invidious preference, but equal freedom of commerce for all.

If Spain shall determine to persevere in other counsels, it cannot but be expected that Great Britain must take her own course upon this matter, when the time for taking it shall arrive; of which Spain shall have full and early intimation.

Nothing that is here stated can occasion to the Spanish Government any surprize.

In my Despatch to Sir Charles Stuart of the 31st of March, 1823, which was communicated to the Spanish Government, the opinion was distinctly expressed, that, "time "and the course of events had substantially decided the sepa- "ration of the Colonies from the Mother Country; although "the formal Recognition of those Provinces, as Independent "States, by His Majesty, might 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."

At a subsequent period, in a Communication* made, in the first instance to France, and afterwards to other Powers,†

* The Memorandum of Conference.—No. 1.

† Austria, Russia, Prussia, Portugal, The Netherlands, and The United States of America.

as well as to Spain, the same opinions were repeated; with this specifick addition,—that in either of two Cases (now happily not likely to occur),—in that of any attempt on the part of Spain, to revive the obsolete interdiction of intercourse with Countries over which She has no longer any actual dominion; —or in that of the employment of Foreign assistance to re-establish her dominion in those Countries, by force of Arms; —the Recognition of such New States by His Majesty would be decided and immediate.

After thus declaring to you, for the information of the Court of Madrid, the deliberate opinion of the British Government on the points on which Spain requires the advice of Her Allies, it does not appear to the British Cabinet at all necessary to go into a Conference, to declare that opinion anew; even if it were perfectly clear, from the tenour of M. Ofalia's Instruction, that Great Britain is in fact included in the invitation to the Conference at Paris.

Every one of the Powers so invited has been constantly and unreservedly apprized, not only of each step which the British Government has taken, but of every opinion which It has formed on this subject:—and this Despatch will be communicated to them All.

If those Powers should severally come to the *same* conclusion with Great Britain, the concurrent expression of their several opinions, cannot have less weight in the judgment of Spain,—and must naturally be more acceptable to Her feelings,—than, if such concurrence, being the result of a Conference of Five Powers, should carry the appearance of a concerted dictation.

If (unhappily, as we think) the Allies, or any of them, should come to a *different* conclusion, we shall at least have avoided the inconvenience of a discussion, by which our own opinion could not have been changed;—we shall have avoided an appearance of mystery, by which the jealousy of other Parties might have been excited;—we shall have avoided a delay, which the state of the question may hardly allow.

Meanwhile, this explicit recapitulation of the whole course of our sentiments and of our proceedings on this momentous subject, must at once acquit Us of any indisposition to answer the call of Spain for friendly counsel, and protect Us against

the suspicion of having any purpose to conceal from Spain or from the World.

I am, &c.

GEORGE CANNING.

The Right Hon. Sir W. à Court, G. C. B.

&c. &c. &c.

REPORT from The Secretary of the Treasury, on the state of the Finances of The United States.

TREASURY DEPARTMENT, *December* 31, 1823.

SIR,—I have the honor to transmit a Report, prepared in obedience to the "Act supplementary to the Act to establish the Treasury Department."

I have the honour to be, &c.

WM. H. CRAWFORD.

The Hon. 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 Public Revenue and Expenditure of the Years* 1822 *and* 1823.

The Nett Revenue which accrued from Duties on Imports and Tonnage, during the Year 1822, amounted (see Statement A) to . . . . . *Dollars* 20,500,775. 91

The actual receipts into the Treasury during the Year 1822, amounted to . . . . . *Dollars* 20,232,427. 94

Viz.—	*Dollars.*	
Customs (statement A).....	17,589,761. 94	
Public Lands, exclusive of Mississippi Stock (statement D).....	1,803,581. 54	
Dividends on Stock in the Bank of The United States.....	297,500. 00	
Arrears of Internal Duties and Direct Tax, and Incidental Receipts, and Repayments under Act of 1st May, 1820, (Statement E).....	541,584. 46	
		Dollars. 20,232,427. 94
Making, with the Balance in the Treasury, on the 1st of January, 1822, of.....		1,681,592. 24
An aggregate of..... *Dollars*		21,914,020. 18
The Expenditures during the Year 1822, amounted (statement F) to.....		17,676,592. 63
Viz.—		
Civil, Diplomatic, and Miscellaneous	1,967,996. 24	
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, Arming the Militia, and Arrearages prior to the 1st January, 1817.....	5,635,188. 29	
Naval Service, including the gradual increase of the Navy.....	2,224,458. 98	
Public Debt.....	7,848,949. 12	
Leaving a Balance in the Treasury, on the 1st January, 1823, of..... *Dollars*		4,237,427. 55
The actual Receipts into the Treasury during the three first quarters of the Year 1823, are estimated to have amounted to.....	16,174,035. 26	
Viz.—		
Customs	15,019,392. 74	
Public Lands, exclusive of Mississippi Stock, (Statement G.)	657,505. 73	
Dividends on Stock in the Bank of The United States	350,000. 00	
Arrears of Internal Duties and Direct Tax, and Incidental Receipts (Statement H.)	102,726. 15	

Repayment of Advances made in the War Department, for Services, or Supplies, prior to the 1st July, 1816 (statement H.).....	44,410. 64	
The actual Receipts into the Treasury, during the Fourth Quarter, are estimated at.....*Dollars*	4,270,000. 00	
Making the total estimated Receipts into the Treasury, during the Year 1823,.....*Dollars*		20,444,035. 26
And, with the Balance in the Treasury, on the 1st January, 1823, forming an aggregate of.....*Dollars*		24,681,462. 81
The Expenditures during the three first quarters of the Year 1823, are estimated to have amounted to (Statement I)*Dol.*	11,422,847.30	
Viz.		
Civil, Diplomatic, and Miscellaneous.....	1,510,735. 14	
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to 1st January, 1817,.....	4,383,715. 62	
Naval Service, including the gradual increase of the Navy,.....	1,776,989. 37	
Public Debt,.....	3,751,407. 17	
The Expenditures during the fourth quarter, are estimated at.....*Dollars*	3,894,559. 74	
Viz.		
Civil, Diplomatic, and Miscellaneous.....	489,704. 11	
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, Arming the Militia, and Arrearages		

prior to 1st January, 1817..... 899,449. 93
Naval Service, including the gradual increase of the Navy,..... 726,776. 46
Public Debt,..... 1,778,629. 24

Making the total Estimated Expenditure of the Year 1823,.....*Dollars* 15,317,407. 04

And, leaving in the Treasury, on the 1st January, 1824, an estimated Balance of.....*Dollars* 9,364,055. 77

After deducting from this Sum certain Balances of Appropriations, amounting to 2,897,086 dollars, 47 cents, 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 6,466,969 dollars, 30 cents, remains; which, with the Receipts into the Treasury, during the Year 1824, constitutes the means for defraying the current service of that Year.

2. *Of the Public Debt.*

The Funded Debt, which was contracted before the Year 1812, and which was unredeemed on the 1st day of October, 1822, amounted (see Statement No. 1.) to..... *Dollars* 17,189,852. 60

And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1822, amounted (Statement 1) to.....75,852,848. 58

Making the total Amount of Funded Debt, unredeemed on the 1st of October, 1822,.....*Dollars* 93,042,701. 18

In the fourth quarter of that Year, there was paid the Sum of..... 2,265,673. 32

Viz.—

Reimbursement of six per cent. Deferred Stock,..... 265,673. 32
Redemption of six per cent. Stock of 1820,..... 2,000,000. 00

Reducing the Funded Debt on the 1st of January, 1823 (Statement 2), to.....90,777,027. 86

From that day to the 1st of October last, there was added to the Debt—

In three per cent Stock,..... 132. 39

Treasury Note six per cent. Stock,	1,561.87	
Treasury Note seven per ct. Stock,	135.00	
		1,829.26
Making an aggregate of.....*Dollars*		90,778,857.12
During the same period, there was paid, in Reimbursement of the Deferred six per cent. Stock,.....		327,022.88
Reducing the Funded Debt, on the 1st of October, 1823 (Statement 3) to.....*Dollars*		90,451,834.24
Since that day, there has been added, in Treasury Note six per cent. Stock,.....		716.75
Making an aggregate of.....*Dollars*		90,452,550.99
It is estimated that the Reimbursement of Deferred Stock, in the fourth quarter of the present Year, will amount to.....		274,588.85
Which will reduce the Funded Debt, unredeemed on the 1st of January, 1824, to .....*Dollars*		90,177,962.14
The amount of Treasury Notes, outstanding on the 1st of October, 1823, is estimated (No. 4) at....*Dollars*		26,122.00
And the amount of Mississippi Stock Unredeemed on that day (Statement 5), at.....*Dollars*		21,258.87

3. *Of the Estimate of the Public Revenue and Expenditure for the Year* 1824.

It will be perceived, that the actual Receipts of the Year 1823, agree, substantially, with the estimate presented in the last Annual Report. The only deficiency is in the proceeds of the Public Lands; and that is understood to have been the consequence of an expectation, generally entertained, that the lands which were relinquished under the Act of the 2d of March, 1821, and which are supposed to present the strongest inducements to purchasers, would be brought into market early in the ensuing Year: with respect to the Customs, however, the anticipations that had been formed, both as to the circumstances which were calculated to have an influence upon their productiveness, and as to the results, have been completely realized. It is believed, therefore, that data founded upon the

same principles as those which governed in forming the estimate for the Year 1823, may be satisfactorily presented as the basis of an estimate for the Year 1824. With this view, the Secretary has the honour to state:

1st, That the gross amount of Duties on Imports and Tonnage, which accrued from the 1st of January to the 30th September last, inclusive, is estimated at 17,800,000 dollars; and that of the whole Year at 21,000,000 dollars. Of this sum, that portion which accrued in the first half of the Year, is about 1,000,000 dollars less than that of the same period in the preceding Year; and that which accrued in the three first quarters of the Year, is estimated at 1,700,000 dollars less than that of the corresponding quarters of the preceding Year.

2d, That the Debentures issued during the three first quarters of the Year 1823, amounted to 3,412,000 dollars; which exceeds the amount issued during the corresponding period of the Year 1822, by 1,500,000 dollars; and the amount of Debentures outstanding on the 30th of September last, and chargeable upon the Revenue of 1824, was 1,405,000 dollars; which is 500,000 dollars more than was, on the same day, in 1822, chargeable upon the Revenue of 1823.

3d, That the value of Domestic Articles exported from The United States, in the Year ending on the 30th of September last, amounted to 47,155,711 dollars; being 2,718,368 dollars less than those exported in the Year preceding; and the value of Foreign Articles exported in the Year ending on the 30th September last, was 27,530,469 dollars; being 5,244,267 dollars more than those exported in the preceding Year.

4th, That the aggregate value of the Imports into The United States, during the Year ending on the 30th September last, is estimated at 77,486,432 dollars; which is less, by 5,755,109 dollars, than those imported in the preceding Year.

5th, That the amount of Custom House Bonds, in suit, which, on the 30th of September, 1820, was 3,130,000 dollars, was, on the same day, in the Year 1822, 2,795,000 dollars, and in the Year 1823, 2,817,000 dollars; whence it appears, that, although a reduction of 313,000 dollars had taken place during the whole period, yet the amount in suit on the 30th of September last, was greater, by 22,000 dollars, than on the same day of the Year preceding.

Upon a consideration of all these facts, and the conclusions

deducible from them, the Receipts from the Customs, in the year 1824, may be estimated at 16,500,000 dollars.

A considerable portion of the lands relinquished under the Act of the 2d of March, 1821, will be brought into market in the ensuing Year: but, as it is yet uncertain to what extent this may be deemed advisable, and as the sale of these lands will probably absorb a great portion of the means of those who are prepared to make investments in the Public Lands, it is considered prudent not to estimate the Receipts from this source of Revenue at more than 1,600,000 dollars; although it is believed, that they will exceed that sum.

Under these circumstances, the Receipts of the Year 1824 may be estimated as follows:

Customs.....	*Dollars* 16,500,000	
Public Lands	1,600,000	
Bank Dividends	350,000	
Incidental Receipts, including Arrears of Internal Duties and Direct Tax	50,000	
Repayments of Advances made in the War Department for Services or Supplies prior to July 1, 1816.....	50,000	
Making together.....		*Dollars* 18,550,000. 00
To which is to be added the sum of .... remaining in the Treasury, after satisfying all the Appropriations chargeable upon the means of 1823;—which makes the entire means of the Year 1824 amount to.....		6,466,969. 30
		Dollars 25,016,969. 30

The Expenditures of the Year 1824, are estimated as follows:

Civil, Diplomatic, and Miscellaneous....	*Dollars* 1,814,057. 23	
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to 1st January, 1817,.....	5,122,268. 15	
Naval Service, including the gradual increase of the Navy.....	2,973,927. 51	
Public Debt.....	5,314,000. 00	
Making an aggregate of.....		*Dollars* 15,224,252. 89

which, being deducted from the estimated means of 1824, will leave in the Treasury, on the 1st January, 1825, after satisfying the current demands of the Year 1824, a Balance, estimated at	*Dollars* 9,792,716. 41

Under the existing Laws, there is no probability that any portion of the Balance remaining in the Treasury on the 1st of January, 1824, or of the surplus which may accrue during that Year, can be applied to the discharge of the Public Debt, until the 1st of January, 1825. Yet, it is not deemed conducive to the general prosperity of the Nation, that so large an amount should be drawn from the hands of individuals, and suffered to lie inactive in the vaults of the Banks. On the other hand, the high rate of interest of the great amount of Debt which becomes redeemable on the 1st of January, 1825, renders it inexpedient for the Government to apply to other objects any portion of the means which it may possess of making so advantageous a reimbursement. It is believed, however, that every inconvenience may be obviated, if authority be given for the purchase of the seven per cent. Stock, amounting to 8,610,000 dollars, during the Year 1824, at such rates as may be consistent with the public interest. As it is now certain that the Government will possess ample means to redeem that Stock on the 1st of January, 1825, it is presumed that the holders will be willing to dispose of it, during the interval, at a fair price; and, as a gradual conversion of it into money, at such times and in such portions as would be most favourable to its reinvestment, would be most advantageous to the moneyed transactions of the community, it is presumed that it would be most acceptable to the holders.

It is, therefore, respectfully proposed, that the Commissioners of the Sinking Fund be authorized to purchase the seven per cent. Stock, during the ensuing Year, at the following rates above the principal sum purchased:

1. For all Stock purchased before the 1st of April next, at a rate not exceeding 1 dollar, 25 cents, on every 100 dollars, in addition to the interest due on such Stock on that day

2. For all Stock purchased between the 1st of April and the 1st of July next, at a rate not exceeding 75 cents on every 100 dollars, in addition to the interest due on the last mentioned day.

3. For all Stock purchased between the 1st of July and

the 1st of October next, at a rate not exceeding, on every 100 dollars, the amount of the interest which would have accrued on the last mentioned day.

4. For all Stock purchased between the 1st of October, 1824, and the 1st January, 1825, the principal and interest due on the day of purchase.

In proposing to the consideration of Congress this application of the surplus means of the Years 1823 and 1824, the probable demands upon the Government, in providing for the Awards of the Commissioners under the Treaty with Spain, of the 22d February, 1819, have not been overlooked. It is believed, however, that funds may be advantageously supplied for the discharge of those Claims, by the issue and sale, at not less than par, of five per cent. Stock, redeemable in 1832; and it is respectfully proposed that authority be given for that purpose.

Of the 10,331,000 dollars of six per cent. Stock, redeemable in 1825, about 5,000,000 dollars will probably be redeemed in that Year; and there will remain unredeemed, after the application of all the means at the disposal of the Commissioners of the Sinking Fund, about 5,331,000 dollars. This sum, it is believed, may be readily exchanged for five per cent. Stock, redeemable in 1833; and it is respectfully suggested that provision be made by law, for such an exchange of so much of the six per cent. Stock as shall not be redeemed during the Year 1825.

The views which are herein presented, are founded upon the idea, that no extraordinary Expenditure is to be incurred. If, however, it be deemed advisable to give increased extension or activity to the Navy, or to aid in objects of internal improvement, it is believed that such additional means as may be required, may be obtained by a judicious revision of the Tariff. Such a measure was recommended in the last Annual Report, with a view both to the increase of the Revenue, and the simplification of its collection; and further reflection and experience have tended to strengthen the opinion then entertained, that its operation, without being onerous to the Community, would be advantageous to the Revenue, salutary to Commerce, and beneficial to the Manufactures of the Country.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT,
December 31st, 1823.

A.

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 Drawback on Domestic Refined Sugars and Domestic Distilled Spirits, exported; of Bounties and Allowances on Salted Fish, and to Vessels employed in the Fisheries; of Expenses of Collection, and of Payments made into the Treasury, during the Year ending on the 31st Day of December, 1822.

YEAR.	DUTIES ON			Debentures issued.	Drawback on domestic refined Sugar, and domestic Spirits.	Bounties and Allowances.	Gross Revenue	Expenses of Collection.	Nett Revenue.	Payments made into the Treasury.
	Merchandize.	Tonnage and light money.	Passports and Clearances.							
1822.	24,078,919. 02	127,892. 68	10,144. 00	2,851,196. 06	5,170. 93	153,540. 21	21,207,048. 50	706,272. 59	20,500,775. 91	17,589,761. 94

C.

A STATEMENT, exhibiting the Amount of American and Foreign Tonnage employed in the Foreign Trade of The United States, during the Year ending on the 31st Day of December, 1822.

American Tonnage in Foreign Trade, - - - - - - - - - -	Tons	747,887
Foreign do. do. - - - - - - - - - - -		113,278
Total Tonnage employed in the Foreign Trade of The United States, - - - -		861,165

Proportion of Foreign Tonnage to the whole amount of Tonnage employed in the Foreign Trade of The United States, 13.1 to 100.

No. 3.

ESTIMATE of the Debt of The United States, 1st October, 1823, and 1st January, 1824.

On the 1st October, 1823.

	Dollars.	
Deferred 6 per cent. Stock (unredeemed amount)	632,082. 35	
Three per cent. Stock	13,296,231. 45	
Exchanged six per cent Stock	2,668,974. 99	
		16,597,288. 79
Six per cent. Stock of 1812	6,187,006. 84	
Do. of 1813, (16 millions)	15,497,818. 63	
Do. of do. 7½ do.	6,812,845. 44	
Do. of 1814	13,001,437. 63	
Do. of 1815	9,490,099. 10	
Treasury Note six per cent. Stock	1,466,847. 34	
Do. seven per cent. ditto	8,606,490. 27	
Five per cent. Stock (Subscription to Bank United States)	7,000,000. 00	
Do. of 1820	999,999. 13	
Do. of 1821	4,735,296. 30	
Exchanged five per cent. of 1822	56,704. 77	
		73,854,545. 45
Amount 1st October, 1823, *Dollars*		90,451,834. 24
Amount per Statement (2) 1st January, 1823		90,777,027. 86
Add three per cent. Stock issued since	132. 39	
Treasury Note six per cent. Stock do.	1,561. 87	
Do. seven do. do.	135. 00	
		1,829. 26
		90,778,857. 12
Deduct reimbursement of the Deferred Stock in the 1st, 2d, and 3d quarters of 1823		327,022. 88
Amount of the Debt on the 1st October, 1823, as above		90,451,834. 24
Add Treasury Note Stock issued since		716. 75
		90,452,550. 99
Deduct estimated amount of reimbursement on Deferred Stock in the 4th quarter, 1823,		274,588. 85

Estimated amount of the Debt, 1st January, 1824. *Dol.*90,177,962. 14

TREASURY DEPARTMENT,

Register's Office, December, 1823.

JOSEPH NOURSE, *Register.*

No. 4.

***Estimated Amount of Treasury Notes outstanding, on the 1st October*, 1823.**

Total amount issued (as per No. 4, of last Report), *Dollars*		36,680,794
Cancelled and Reported on by the First Auditor	36,653,357	
Funded at the Treasury, from the 1st January to the 30th September, 1823,	1,315	
		36,654,672
Outstanding..... *Dollars*		26,122

Consisting of small Treasury Notes....	2,782
Notes bearing Interest.....	23,340
Dollars	26,122

TREASURY DEPARTMENT,

Register's Office, December, 1823.

JOSEPH NOURSE, *Register.*

*SPEECH of The King of France on the Opening of the Two Chambers, 23d of March, 1824.**

MESSIEURS,

Je suis heureux de pouvoir Me féliciter avec vous des bienfaits que La Divine Providence a répandus sur Mes Peuples, sur Mon Armée et sur Ma Famille, depuis la dernière Session des Chambres.

La plus généreuse comme la plus juste des Enterprises a été couronnée d'un succès complet.

La France, tranquille chez Elle, n'a plus rien à redouter de l'état de la Peninsule; l'Espagne, rendue à son Roi, est réconciliée avec le reste de l'Europe.

Ce triomphe, qui offre à l'ordre social de si sûres garanties, est dû à la discipline et à la bravoure d'une Armée Francaise, conduite par Mon Fils avec autant de sagesse que de vaillance.

Une partie de cette Armée est déjà rentrée en France; l'autre ne restera en Espagne que le tems nécessaire pour assurer la paix intérieure de ce pays.

C'est à vous, Messieurs, c'est à votre patriotisme, que je veux devoir l'affermissement d'un état si satisfaisant. Dix années d'expérience ont appris à tous les Français à n'attendre la véritable liberté que des Institutions que j'ai fondées dans la Charte. Cette experience m'a conduit en même tems à reconnaître les inconvéniens d'une disposition réglementaire qui doit être modifiée pour consolider mon Ouvrage.

Le repos et la fixité sont, après de longues secousses, le premier besoin de la France. Le mode actuel de renouvellement de la Chambre n'atteint pas ce but: un Projet de Loi vous sera présenté pour y substituer le renouvellement Septennal.

La courte durée de la Guerre, l'état prospère du Revenu Public, les progrés du Crédit, me donnent la satisfaction de pouvoir vous annoncer qu'aucun Impôt, aucun Emprunt nouveau, ne seront nécessaires pour couvrir les Dépenses de l'Année qui vient de finir.

Les ressources assignées à l'exercise courant suffiront: ainsi vous ne trouverez point d'obstacle dans les Depenses antérieures, pour assurer le service de l'Année dont le Budget vous sera soumis.

* Moniteur, 24th March, 1824.

L'union qui existe entre Mes Alliées et Moi, Mes Relations amicales avec tous les autres Etats, garantissent une longue jouissance de la Paix générale. L'intérêt et les vœux des Puissances s'accordent pour écarter tout ce qui pourrait la troubler.

J'ai l'espoir que les Affaires de l'Orient, et celles des Amériques Espagnole et Portugaise, seront réglées pour le plus grand avantage des Etats et des Populations qu'elles intéressent, et pour le plus grand développement des relations Commerciales du Monde.

Déjà de nombreux débouchés sont régulièrement ouverts aux produits de notre agriculture et de notre industrie. Des forces maritimes suffisantes occupent les Stations les plus propres à protéger efficacement ce Commerce.

Des mesures sont prises pour assurer le remboursement du Capital des Rentes créées par l'Etat dans des tems moins favorables, ou pour obtenir leur conversion en des titres dont l'intérêt soit plus d'accord avec celui des autres transactions.

Cette opération, qui doit avoir une heureuse influence sur l'Agriculture et le Commerce, permettra, quand elle sera consommée, de réduire les Impôts et de fermer les dernières plaies de la Revolution.

Je vous ai fait connaître Mes intentions et Mes espérances : c'est dans l'amélioration de notre Situation Intérieure que je chercherai toujours la force de l'Etat et la gloire de Mon Régne.

Votre concours m'est nécessaire, Messieurs, et j'y compte. Dieu a visiblement secondé nos efforts: vous pouvez attacher vos noms à une Epoque heureuse et memorable pour la France : vous ne refuserez pas cet honneur.

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*DECREE of the Colombian Government, regulating the Appointments of Diplomatick Characters, and Consuls, in Foreign Countries.**

FRANCISCO DE PAULA SANTANDER, General of Division of the Armies of Colombia, Vice-President of the Republic in Charge of the Executive Power, &c.

In virtue of the power which the Law of 31st of July of the present Year grants me, to fix the Salaries of the Diploma-

* El Colombiano 26th November, 1823.

tic Servants of the Republic, I have thought fit to decree and do decree as follows:—

Art. 1. Ministers Plenipotentiary from the Republic of Colombia to the Courts of Europe, shall receive, indiscriminately, 10,000 dollars annually.

Art. 2. Ministers Plenipotentiary to the American States, shall receive, indiscriminately, 8,000 dollars annually.

Art. 3. Chargés d'Affaires to the Governments of Europe and America, shall receive one half of the Salary allotted to Ministers Plenipotentiary by the two foregoing Articles.

Art. 4. Secretaries of Legation shall receive Yearly one quarter of the Sum received by the Ministers Plenipotentiary under whom they serve.

Art. 5. Each Secretaryship of Legation established in Europe or America shall have two Officers attached to it. The Chief Officer shall receive, in Europe 1,800 dollars annually, and in America 1,500. The Junior Officer shall receive, in Europe 1,400 dollars annually, and in America 1,200.

Art. 6. There shall be likewise Six Supernumerary Officers attached to each Secretaryship of Legation in Europe and America. These Situations shall be filled by Youths of good property, of upwards of 17 years of age, whose Parents may design them for a Diplomatic Line. In order to advance their education under the Ministers Plenipotentiary with whom they may serve, 400 dollars shall be granted out of the National Treasury to those in Europe, and 300 to those in America.

Art. 7. Consuls General of the Republic, shall receive in Europe 3,000 dollars annually, and in America 2,500.

Art. 8. Special Consuls or Commercial Agents in any Foreign Port, shall receive for their Services merely the amount of Emoluments derived from their Fees, agreeably to established usage and custom, until a new Scale of Fees be introduced.

Art. 9. The Salaries of Diplomatists shall commence from the day on which they leave the Ports of the Republic for their destination.

Art. 10. The expenses incurred by Diplomatists in their Voyages or Journies, to and from the Countries to which they are appointed, shall be defrayed separately, out of the National Treasury, for which purpose an account and examination of the said expenses must be made.

Art. 11. The Salaries and Incomes of the Diplomatists of the Republic shall be paid entire, and without deduction.

Art. 12. The Decree of the 31st of January, 1822, is hereby revoked in all its parts.

The Secretary of State and of Foreign Affairs, is charged with the execution of this Decree.

Given and signed with my hand, sealed with the Great Seal of the Republic, and Counter-signed by the Secretary of State for Foreign Affairs, in Bogota, on the 7th of August, 1823.—13 of Independence.

FRANCISCO DE PAULA SANTANDER.

By His Excellency, the Vice-President of the Republic in Charge of the Executive Power—

PEDRO GUAL.

---

*PROCLAMATION of the Government of Colombia to the People, on the entire expulsion of the Spanish Troops from the Colombian Territory.**

The Vice-President of the Republic of Colombia, in charge of the Executive Power.

To the People of the Republic.

Colombians!

I announce to you your Country entirely free from the Enemies who have so obstinately presumed to oppose the immutable decrees of Providence. The Spanish Flag which lately floated on the walls of Puerto Cavello has been rent in pieces by the valiant Troops of the Republic, and the tri-coloured Flag planted thereon in its stead.

No longer does an Enemy remain for us to contend with. The Colombian Territory is entire, and the code of happiness and equality protect all who inhabit the Country of Bolivar.

People of Colombia:—Receive the Congratulations of the Government on the occupation of this important Fortress; thus terminating a War undertaken to rescue Colombia from the power of Spain.

The object of your sacrifices was the Liberty and Independence of your Country; and you now behold your Country

* El Colombiano, 4th February, 1824.

Free and Independent. The Army, and its illustrious Chiefs, have realized your hopes, and fulfilled the desire of their own hearts—their swords are ever ready to enforce respect to the dignity of the Republic, to your Rights, and to the inviolability of the Constitution. This they have sworn to do, and a Colombian soldier will not depart from his word. But it is incumbent on you also to maintain, undiminished, the ardour of your Patriotism, your submission to the Laws, and, above all, your adherence to the Constitution, under whose auspices Colombia has perfected her Independence, and raised herself to the pinnacle of Glory, acquiring with it the respect and applause of other Nations.

Colombians:—May you enjoy the reward of your constancy, and of your undivided triumphs: they secure the reign of Liberty in America, and enable you to offer a sacred Asylum to Freemen throughout the World. To be a Citizen of Colombia, is to belong to a Nation possessing liberty, constancy and valor.

Fellow-Citizens:—Nothing remains for me to desire, after having had the good fortune to witness, during my Administration, the ancient Oppressors of Colombia driven into the sea, and your felicity established; but to behold you possessed of uninterrupted peace, blessed with abundance, protected by true wisdom, unalterably devoted to the Constitution, divested of fanaticism, and governed by Laws and Magistrates of your own choosing.

To behold you in possession of these advantages, and to return to the state of a private Citizen, like yourselves, is the height of my desires.

Palace of Government, Bogota,
December the 9th, 1823.

FRANCISCO DE PAULA SANTANDER.

INCOME AND EXPENDITURE, AND BALANCE, OF THE

AN ACCOUNT of the Nett PUBLIC INCOME of the United Kingdom of Great Britain and Ireland, and of the EXPENDITURE thereout defrayed by the several Revenue Departments, and of the Application of the Balance to the Redemption of Funded Debt, or for paying off Unfunded Debt.

INCOME.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			INCOME PAID into the EXCHEQUER.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	8,797,067	13	3½	2,701,694	19	7	11,498,762	12	10½
EXCISE	24,533,021	1	10½	809,807	0	0	25,342,828	1	10½
STAMPS	6,801,950	0	4¾	—	—		6,801,950	0	4¾
TAXES under the management of the Commissioners of Taxes, including Arrears of Property Tax	6,202,990	18	6¾	3,936	10	2½	6,206,927	8	9½
POST OFFICE	1,462,692	6	1¾	—	—		1,462,692	6	1¾
One Shilling and Sixpence Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions	61,358	7	3¾	—	—		61,358	7	3¾
Hackney Coaches, and Hawkers and Pedlars	53,880	0	0	—	—		53,880	0	0
CROWN LANDS	966	13	4	—	—		966	13	4
Small branches of the King's Hereditary Revenues	4,274	4	11	—	—		4,274	4	11
Surplus Produce of Lottery after payment of Lottery Prizes	—	—		24,809	3	0	24,809	3	0
Surplus Fees, Regulated Public Offices	39,718	17	4	—	—		39,718	17	4
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	10,208	13	0¾	—	—		10,208	13	0¾
TOTAL Ordinary Revenue	—	—		—	—		51,508,376	8	11¾
The amount of Savings on Third Class of the Civil List	11,018	19	2½	—	—		11,018	19	2½
Money brought from the Civil List on account of the Clerk of the Hanaper	7,218	2	7¾	—	—		7,218	2	7¾
Money received in repayment of the Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. 3.	766,666	13	4	—	—		766,666	13	4
By the East India Company, on account of Retired Pay, Pensions, &c. of His Maj. Forces serving in the East Indies, per Act 4 Geo. IV. c. 71.	—	—		90,000	0	0	90,000	0	0
By the Trustees of Military and Naval Pensions, &c. after deducting 175,000*l.*, included in the remains in the Exchequer, at the 5th January, 1823	—	—		4,675,000	0	0	4,675,000	0	0
By the Bank of England, to pay interest on 1,050,000*l.* advanced in Exchequer Bills to the Trustees of Military and Naval Pensions, &c.	—	—		10,719	0	0	10,719	0	0
By the Commissioners for issuing Exchequer Bills for Public Works	—	—		116,733	15	5	116,733	15	5
Money repaid in Ireland on account of advances from the Consolidated Fund, under various Acts for Public Improvement.	108,219	1	11¼	—	—		108,219	1	11¼
Imprest and other Monies paid into the Exchequer	319,084	18	10½	59,962	8	0	379,047	6	10½
£.	49,180,386	12	2	8,492,662	16	2½	57,672,999	8	4½

UNITED KINGDOM, FOR THE YEAR 1823.*

tain and Ireland, in the Year ended the 5th January, 1824; after abating the Ex-
actual Issues or Payments within the same period, exclusive of the Sums applied to

EXPENDITURE.	NET EXPENDITURE.					
	£	s.	d.	£	s.	d.
Dividends, Interest, and Management of the Public Funded Debt, four quarters, to 10th October, 1823, exclusive of £7,407,325 0 10, issued to the Commissioners for the Reduction of the National Debt..	28,082,584	12	10			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of 75,000*l.* Sinking Fund....	1,131,121	19	7			
				29,213,706	12	5
Issued to the Trustees of Military and Naval Pensions, &c. p' Act 3 Geo. IV. c. 51.	2,507,130	—	—			
Do.. .. Bank of England, 4 Geo. IV. c. 19	292,870	—	—			
				2,800,000	—	—
Civil List, four quarters, to 5th January, 1824,	1,057,000	—	—			
Pensions charged by Act of Parliament upon Consolidated Fund, four quarters, to 10th October, 1823,.....	377,776	2	4			
Salaries and Allowances.....	70,873	18	6			
Officers of Courts of Justice.....	97,459	6	6			
Expenses of National Debt Office..... ..	2,200	—	—			
Expenses of the Mint.....	14,746	10	8			
Bounties.....	2,956	13	8			
Miscellaneous.....	214,735	11	9			
Do. Ireland,.....	305,257	17	8			
				2,143,006	1	1
ARMY	7,351,991	16	1¾			
NAVY..... ..	5,458,151	2	2			
Do. Treasurer of Greenwich Hospital to pay Out-Pensioners.....	155,000	—	—			
ORDNANCE.....	1,364,328	5	7½			
MISCELLANEOUS.....	1,953,366	2	10			
				16,282,837	6	9¼
TOTAL.....	.....		£	50,439,550	—	3¼
Money paid to the Bank of England more than received from them on account of Unclaimed Dividends	52,720	6	11			
By the Commissioners for issuing Exchequer Bills, p' Act 57 Geo. 3, c. 34 and 124, for employment of the Poor.....	165,200	—	—			
Advances out of the Consolidated Fund in Ireland for Public Works.....	304,544	10	9			
				522,464	17	8
TOTAL.....				50,962,014	17	11¼
Surplus of Income paid into the Exchequer over Expenditure thereout.....				6,710,984	10	5¼
			£	57,672,999	8	4½

* Presented to the House of Commons 12th February, 1824.

INCOME AND EXPENDITURE, AND BALANCE, OF THE

AN ACCOUNT of the BALANCE of Public Money remaining in the Exchequer on Unfunded Debt in the Year ended 5th January, 1824; the Money applied to the same period; and the Money remaining in the Exchequer on the 5th

	£ s. d.	£ s. d.	£ s. d.
BALANCES at 5th January, 1823.....		7,797,020 4 9	
Do. to the account of the Trustees of Military and Naval Pensions, towards Payments becoming due from them on 15th January, 1823		175,000 — —	7,972,020 4 9
Money raised in the Year ended 5th January, 1824, by the creation of Funded or Unfunded Debt:			
FUNDED DEBT.			
Contributions to Loan, p' Act 3 Geo. IV. c. 73.....	2,250,000 — —		
Do. Ireland do.	150,000 — —		
		2,400,000 — —	
UNFUNDED DEBT.			
Exchequer Bills issued p' Act 3 Geo. IV. c. 122.....	6,492,900 — —		
„ 4 Geo. 4 .... Cap. 4 ..	20,000,000 — —		
„ ..... „ ..Cap. 100 ..	7,633,600 — —		
„ Public Works 57 Geo. 3, c. 94 and 124.....	63,550 — —		
„ .... 3 Geo. IV. c. 86	101,650 — —		
„ .. 58 Geo. 3, c. 45	202,900 — —		
		34,494,600 — —	
			36,894,600 — —
TOTAL..... £			44,866,620 4 9
Surplus of Income paid into the Exchequer over Expenditure thereout			6,710,984 10 5½
		£	51,577,604 15 2½

UNITED KINGDOM, FOR THE YEAR 1823.

the 5th January, 1823; the Amount of Money raised by Additions to the Funded or wards the Redemption of the Funded, or for paying off the Unfunded Debt, within January, 1824.

Applied by the Commissioners for the Reduction of the National Debt in the Redemption of Funded Debt:					
	£.	s.	d.	£.	s. d.
Sinking Fund Interest on redeemed Funded Debt	7,407,325	0	10		
Unfunded Debt..	75,000	0	0		
Applied towards Redemption of Funded Debt				7,482,325	0 10
UNFUNDED DEBT:					
Issued to the Paymaster of Exchequer Bills to pay off Unfunded Debt.				34,674,000	0 0
			£.	42,156,325	0 10
Balances in the Exchequer at 5th January, 1824				9,421,279	14 4¼
			£.	51,577,604	15 2¼

Whitehall Treasury Chambers, 12th February, 1824.

J. C. Herries.

INSTRUCTIONS

ADDRESSED BY EARL BATHURST,

TO THE

OFFICERS ADMINISTERING THE GOVERNMENT IN HIS MAJESTY'S POSSESSIONS IN THE WEST INDIES,

AND

ON THE CONTINENT OF SOUTH AMERICA.*

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A.

Earl Bathurst to The Governors of Colonies having Local Legislatures.

Colonial Office, Downing Street, 28th May, 1823.

SIR,

I enclose you a copy of a letter which I have this day addressed to The Governor of Demerara, inclosing a copy of Resolutions lately passed by an unanimous vote of the House of Commons, and my object in this transmission is, to take the earliest opportunity of apprising you of the Measures which His Majesty's Government have thought proper to direct, with respect to Demerara, and of the spirit in which they have enforced such direction. You will be prepared to recommend similar Measures to the consideration of the Colonial Legislature, whenever that Body may assemble, and, in the mean time, you will take every opportunity of explaining the nature of these Measures to Individuals of influence within the Colony, and of pressing on their attention, in the strongest manner, how desirable it is that the conduct of the Planters, and the proceedings of the Assemblies, should even anticipate the suggestions of His Majesty's Government, and that such Regulations should be spontaneously adopted as will fairly execute the principle of these Resolutions.

There are other Measures which His Majesty's Government will direct to be enforced, in those Colonies which are more immediately under the controul of the Executive Government, of which I shall not fail to give you the earliest notice.

I have, &c.

BATHURST

B.

Earl Bathurst to The Governors of Demerara and Berbice.

Colonial Office, Downing Street, 28th May, 1823.

SIR,

I take the earliest opportunity of communicating to you the Resolutions which were unanimously agreed to by the House of Commons on the 15th instant, and in order that you may better understand not only the general impression of the

House in coming to these Resolutions, but more particularly the Principles which have guided His Majesty's Government in proposing them, and which will continue to guide them in the Measures to be adopted for the furtherance of the important objects to which they relate, I have inclosed the best Report that I can procure, although it may not be altogether a correct one, of the Speech of Mr. Secretary Canning.

I do not propose in this Despatch to call your immediate attention to all the subjects to which that Speech refers, but to confine myself to one of those points on which I have not found that any difference of opinion exists, and which, being simple in its nature, may be at once adopted, viz. an absolute prohibition to inflict the punishment of flogging, under any circumstances, on Female Slaves.

The system of meliorating the condition of Slaves, to which His Majesty's Government stands pledged by these Resolutions, cannot better commence than by the adoption of a principle, which, by making a distinction of treatment between the Male and Female Slaves, cannot fail to raise this unfortunate Class, generally, above their present degraded level, and to restore to the Female Slaves that sense of shame which is at once the ornament and the protection of their Sex, and which the present mode of punishment has tended so unfortunately to weaken if not to obliterate.

I should, therefore, have communicated to you His Majesty's Commands that the punishment of flogging should, for the future, cease with respect to Females, had I not been desirous that the prohibition should proceed from the Court of Policy, as I am unwilling to deprive them of the satisfaction which I am sure they will feel, in originating and supporting a Measure which has been approved by all Classes.

With respect to the practice of driving Slaves to their work by the sound of the whip, and to the arbitrary infliction of it by the driver, as a stimulus to labour, I am equally disposed to trust to the Court of Policy to originate Measures for the cessation of this practice, which, I need not state, must be repugnant to the feelings of every individual in this Country. I am aware that a necessity may exist for retaining the punishment of flogging, with respect to Males, though at the same time it should be subjected to defined regulations and restrictions; but as an immediate Measure, I cannot too strongly recommend that the whip should no longer be carried into the

field, and there displayed by the Driver as the emblem of his authority, or employed as the ready instrument of his displeasure.

I have the honour to be, &c.

BATHURST.

HOUSE OF COMMONS.

Jovis 15° *die Maii*, 1823.

RESOLVED,

That it is expedient to adopt effectual and decisive Measures for meliorating the condition of the Slave Population in His Majesty's Colonies.

That through a determined and persevering, but, at the same time, judicious and temperate enforcement of such Measures, this House looks forward to a progressive improvement in the character of the Slave Population, such as may prepare them for a participation in those civil rights and privileges, which are enjoyed by other Classes of His Majesty's Subjects.

That this House is anxious for the accomplishment of this purpose, at the earliest Period that shall be compatible with the well-being of the Slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of Private Property.

Ordered, That the said Resolution be laid before His Majesty, by such Members of this House as are of His Majesty's Most Honourable Privy Council.

C.

Earl Bathurst to The Governors of Trinidad and St. Lucie.

Colonial Office, Downing Street, 28*th May*, 1823.

SIR,

I enclose you a copy of a Letter which I have this day addressed to the Governor of Demerara, and you will not fail to follow the directions therein contained, as far as may be applicable to the Colony under your Government, where no public Body exists with similar functions to those of the Court of Policy. You will, therefore, prepare the Slave Proprietors in the Colony under your Government to expect, that an Order in Council will be passed, for the same object that the Court

of Policy are invited in the first instance, spontaneously, to enforce, and I trust that they will be equally disposed, individually and in concert, to anticipate the designs of His Majesty's Government.

I have, &c.

BATHURST.

D.

Earl Bathurst to all The Governors of Colonies.

Colonial Office, Downing Street, 28th May, 1823.

SIR,

With reference to my Public Letter of this day, I have to instruct you that, in the event of any misunderstanding taking place on the part of the Slave Population, as to the intentions of His Majesty's Government, founded upon the Resolutions lately passed in Parliament, which shall be brought to your notice in the form of a Requisition, signed by Persons of sufficient influence and property within the Colony under your Government, who shall therein state their knowledge that these intentions of His Majesty's Government have been so misunderstood by the Slave Population, and that a considerable fermentation has resulted, so as to endanger the peace of the Colony; you are hereby authorized, in that case, and in that case only, to issue a Proclamation in the spirit of the One which I enclose.

You will not suppose that such a contingency is expected, but it has been thought expedient to frame this Proclamation as a measure of precaution, under the possibility of its occurrence.

I have, &c.

BATHURST.

PROCLAMATION.

Various measures being in contemplation by His Majesty's Government, for the purpose of meliorating the condition of the Slave Population in the Colonies, and of progressively qualifying them for an extension of privileges, I hereby notify that I am authorized by the Secretary of State, under the Special Command of His Majesty, to explain, that such Measures will be rendered utterly abortive, in the event of any general misconduct, or acts of insubordination, on the part of that Po-

pulation; as it is upon their peaceable, temperate, and industrious behaviour, and upon their anxiety to avail themselves of all means to improve their moral and religious condition, that the success of these Measures necessarily depends. An opposite line of conduct will forfeit all their claims upon the liberality of the British Parliament, and deprive His Majesty's Government of the means of carrying into effect the Resolutions which have been unanimously adopted by the House of Commons.

E.

R. Wilmot Horton, Esq. to The Governors of Demerara, Berbice, Trinidad, and St. Lucie.

Colonial Office, Downing Street, 12th June, 1823.

SIR,

I am directed by Lord Bathurst to transmit to you the accompanying copy of a Letter which his Lordship has addressed, by the present Mail, to the several Islands in the West Indies having local Legislatures, in order that you may be fully apprized of the views and proceedings of His Majesty's Government, in every stage of the important Measure to which it refers.

I am, &c.

R. WILMOT HORTON.

F.

Earl Bathurst to The Governors of Colonies having Local Legislatures.

Colonial Office, Downing Street, 12th June, 1823.

SIR,

I am not as yet prepared to communicate to you the definite Instructions which His Majesty's Government will issue, with respect to the immediate Measures for the improvement of the condition of the Slave Population, necessary to be enforced by the Colonial Legislature at their next Meeting, and the adoption of which you will be directed in my Despatch, by the early July packet, to recommend in the most earnest manner.

His Majesty's Government feel, in the strongest degree, the necessity of the most careful consideration of all the practical Measures which they will feel it their duty to recommend; they

are sensible that all changes must not only be progressive, but adapted to that peculiar state of Society upon which they are to operate, and that they must be calculated to secure that gradual improvement of the moral condition of the Negroes, which is contemplated in the Resolutions of the House of Commons, and which, if undertaken with prudence, it will not only be the duty, but the interest of the Proprietor to promote.

I have the honour to be, &c.

BATHURST.

G.

Earl Bathurst to The Governors of Demerara and Berbice.

Colonial Office, Downing Street, 9th July, 1823.

SIR,

I enclose, for your information and guidance, the copy of a Despatch that I have addressed to the Governors of the other West India Colonies, and in order that you may communicate it to the Court of Policy, upon whom you will press the necessity of adopting the regulations and suggestions therein contained, and of applying them to the Colony of Demerara, in such manner as is most suited to the existing Laws and Usages of that Colony, preserving at the same time their entire spirit.

You will remark that I have instructed them to press upon the consideration of their respective Assemblies, the expediency of the abolition of Markets on the Sundays, and the substitution of some other time for that purpose.

It has, however, been represented to me that the situation of Demerara is different from that of the other Colonies in two respects;—First, that the Slaves are not left to their own Labour for their subsistence, a given proportion of land being in each Plantation set apart for Provision Ground, in the cultivation of which they are employed during the other six days of the week; and Secondly, there being but two Markets established throughout the whole Settlements of Demerara, Berbice, and Essequibo, the whole line of Coast being of not less than about 250 Miles in extent, that portion only of the Slave Population which is in more immediate contiguity with the two Market Towns, is in the habit of frequenting them, and that the

rest are supplied by Hucksters who travel about for that purpose.—If this be the case there may not be the same immediate necessity for applying the same Measures to those Settlements, which I have recommended to the Governors of the other Colonies, more particularly as it is stated that the Slaves who attend the Markets have no other Places of Worship except what are to be found in Market Towns.

But there can be no difficulty in the Court of Policy at once prohibiting the Markets to continue beyond the hour of half past nine in the morning, at the very latest, and adopting some efficient Measures to provide for the due attendance of the Slaves who shall frequent the Markets, at some Place of Religious Worship, after the time the Market shall have been closed.

This may be done by requiring that every Master or Overseer shall deliver Tickets of leave, to his Slaves who are to frequent the Market, and that their Names shall be inscribed on the list of some Place of Religious Worship, and that these Tickets of leave shall not be renewed on the following Sunday, except on their respectively producing Certificates that, on the preceding Sunday, on which they had attended the Markets, they had afterwards attended at the Chapel on the list of which their Names had been inscribed.

Unless some Measures of this description shall be adopted, by which the great object of Religious Instruction shall be duly secured, you will give it to be understood that the abolition of the Sunday Markets, and the substitution of some other time for that purpose, must be immediately enforced. And you will distinctly understand that this qualified permission to hold Markets on the Sunday is only conceded with reference to the special circumstances of the Colony, as now existing, and will be subject to revision at some future period.

I have, &c.

BATHURST.

H.

Earl Bathurst to The Governors of Colonies having Local Legislatures.

(Circular.) *Colonial-Office, Downing-Street, 9th July*, 1823.

In my Despatch of the 12th ultimo, I apprized you that it was my intention to communicate to you, by the first Packet

in the present Month, further Instructions respecting those improvements in the Slave Code of the Colony under your government, which, in conformity with the recent Resolutions of the House of Commons, it is the earnest desire of His Majesty's Government to carry into effect.

The suggestions which I am about to make, are not to be understood as affording a full developement of what His Majesty's Government have in contemplation on this important Subject; it is my purpose rather to point out such Changes in the Law as may be conveniently adopted at present, and which will (it is hoped), lay the foundation for a further and more effectual reformation. I am therefore to direct you to lay before the Colonial Legislature of . . . . . the following Remarks and Propositions, and you will not fail to press upon that Body the importance of directing their immediate and most serious attention to them.

It would be superfluous to insist upon the indispensable necessity of Religious Instruction, as the foundation of every beneficial change in the character and future condition of the Slaves; so deeply, indeed, is His Majesty's Government impressed with this truth, and with the necessity of maintaining an adequate number of Clergymen and Teachers throughout the West Indies, under Episcopal Controul, that, if it shall appear that the Revenues of the Colonies are insufficient for this purpose, they will not hesitate to apply to Parliament for such pecuniary Grants as may be necessary for supplying the deficiency; nor can they doubt that the anxiety which has been manifested by the Legislature, and by the Public at large, for the welfare of the Slave Population, will induce Parliament, cheerfully to contribute such Funds as may be required for effecting this important Object; but this disposition must be met on the part of the Assembly by a Legislative provision for the abolition of Markets on the Sunday, and the substitution of some other time for that purpose, so that the Sabbath may be appropriated to the purposes of rest from labour, and of moral and religious Instruction. Unless the time withdrawn from the Market were employed in the more becoming occupations of the day, it would too probably be passed by the Slaves without benefit to themselves, and perhaps with material detriment, if not danger, to the Community. The immediate abolition of Sunday Markets, is not insisted upon, until the means of religious instruction shall

have been provided. But His Majesty's Government will not recommend to Parliament the Grant of any pecuniary assistance towards the expence of a Religious Establishment, in any case in which the abolition of Sunday Markets, and the substitution of some other day for that purpose, shall not have been prospectively secured.

Religious Instruction is also a necessary preliminary to another important improvement in the condition of the Slaves, —the admission of their Evidence in Courts of Justice. The permanent exclusion of the testimony of Slaves must essentially interfere with the Provisions adopted for their protection. On the other hand, to declare that all Slaves shall be qualified to give evidence, would be a change in the System of administering Justice in the Colonies, too momentous to be introduced suddenly; it can only be consequent upon the moral and religious improvement of the Slave Population. It is highly expedient, therefore, that, in furtherance of the Resolutions unanimously adopted by the House of Commons, a Law should be passed, declaring that the Evidence of a Slave shall be received in all, except perhaps certain Cases, if, upon his appearing in Court to give testimony, he shall produce, under the hand of some of the parochial Clergymen, or of the religious Teacher authorized by the Master or Overseer to instruct him, a Certificate, stating that the proposed Witness has been so far instructed in the Principles of Religion as, in the judgment of the Party certifying, adequately to understand the obligation of an Oath. The Cases to be considered must be those in which the Master of the Slaves is directly concerned, and such as would affect the life of a White Person. For the better preventing the fabrication of Certificates, it may be necessary to keep Parochial Registers of the Persons whose competency to give evidence shall, from time to time, have been certified, by the proper Authority; and the being enrolled in such a List may be made an object of laudable ambition, and a stimulus to attention and good conduct. Perhaps such Certificate should not, of itself, be an absolute qualification to be received as a Witness, but it might be regarded as raising such a presumption of competency, that the Party producing it should be taken and adjudged to be competent, unless he should be proved to labour under some such disability, as would, according to the Law and Usage of English Courts of Justice, disqualify a Free Person.

Religious Instruction is not less necessarily the foundation of that relation, the want of which in the system of Colonial Slavery excites a deep and general commisseration in this Country, that of Marriage. Where the conjugal and parental Rights of the Father of a Family cannot be maintained, it would be vain to expect from this institution, that infinite variety of salutary consequences which naturally belong to it in Civilized Society. The present want of Religious Teachers in the Colonies presents another difficulty, for, without their instrumentality, it will scarcely be possible to impress the mind of a Slave with a due sense of the sacred obligations of Matrimony, or even to celebrate the mere ceremonial of Marriage with any proper and impressive solemnity.

Advantage cannot be too soon, or too anxiously taken, of the opportunity of establishing this salutary institution; in doing so, care must be taken to encourage, as far as possible, Marriages between Slaves attached to the same Estates, since the insecurity of conjugal and parental rights is manifestly increased by distant connections, which moreover tend to withdraw the interest and attachment of the Slave from the Plantation to which he belongs. As part of this System, provision ought to be made by Law for exempting from future labour in the field, the Mother of a given number of Children, born in lawful wedlock. Until the Religious Establishment shall be completed, the solemnization of Marriages by Persons who are not in Holy Orders might be permitted, and any Minister of Religion, not engaged in any Secular Calling, might be employed, in Cases where the attendance of a Clergyman of the Church of England cannot be procured. Care however should be taken that all Marriages should ultimately be registered at the Parish Church, and none celebrated without the consent of the Master, given in writing; but in the event of the Master feeling it necessary to object to the Marriage, he should be called upon to communicate the cause of his resistance, to the Clergyman of the Parish to which the Parties belong.

The next Subject to which I must draw your attention is the Manumission of Slaves, every unnecessary obstacle to which must be removed. Although it appears from the recent Returns, that Taxes, have in almost every Colony, been imposed on Manumissions, I am gratified to learn that they have, in practice, been generally discontinued. No difficulty can, there-

fore, be anticipated in obtaining the concurrence of the Colonial Legislature in the final repeal of all such Charges, and in this I include all Official Fees which may have been collected either by usage or under positive enactment. The first obstacle to Manumission arises from the apprehension of this being resorted to by the Owner for the purpose of relieving himself from the burden of maintaining Infirm or Aged Slaves. I conceive it would be necessary to require the appearance of the Person to be manumitted at the Office, either of the Colonial Secretary or Treasurer, whose duty it should be, before registering the Deed of Manumission, to satisfy himself that the Slave was not less than six, nor more than fifty, years of age, and that he did not labour under any permanent sickness or infirmity. In Cases of Slaves below six, or above fifty years of age, or labouring under sickness or infirmity (but in those Cases only) the Secretary or Treasurer should be required, before recording the Manumission, to take from the Owner, a Bond to the King, with a condition that the Penalty should not be enforced, unless the Manumitted Slave should, within ten years in the case of the Child, and fourteen in the case of the Adult, become incapable of earning his own subsistence. A second obstacle to Manumission seems to arise from a presumed legal difficulty. It has been urged that a Slave, not being capable of making Contracts, cannot legally contract for, or become the purchaser of his own Freedom: Now as this is plainly a difficulty of form only, and not of substance, a remedy may of course be readily devised. Either the competency of the Slave to make Contracts, respecting his freedom, might be acknowledged by a declaratory Act, or it might be provided that all such Contracts should be made in the name of the King, in whose name also all Actions might be brought to enforce the performance of it. A third and much more serious obstacle to Manumission arises out of the legal limitations under which Slaves are legally held. Thus, for example, a Slave and his Issue may have been made the subject of Entails or of Family Settlement, or may be held under two or more successive Mortgages, &c. and his Manumission cannot be effected without the concurrence of a series of Reversioners, Remainder-men, Mortgagees or Mortgagers, some of whom may be Infants, and others who may not even be in existence during the life of the Slave. A difficulty, analogous to this, arises from the Case of doubtful or disputable

titles, and from the circumstance of a Slave being regarded as assets for the payment of the debts of a deceased Owner, since, in either of these Cases, it is impossible for the Individual prepared to emancipate such Slave, to know in whom the legal right to the Slave is vested. The pendency of a Suit or Action, involving the question of the title of the two litigant Parties, to a Slave, imposes on the latter the necessity of waiting the determination of the controversy before he can safely pay to either the price of his freedom.

To remove all the preceding Obstacles to Manumission you will therefore propose to the Legislature of . . . . . to pass a Law to the following effect: Permanent Commissioners should be appointed, who (on application being made by or on behalf of any Slave with his Master's consent), should ascertain the Names and Places of abode of every Person having any interest or probable interest in him, either as Tenant for years or for life, as Reversioner, Remainder-man, Mortgagee, Mortgager, Trustee, Executor, Receiver or Creditor of any deceased Owners or their Agents; all these Persons should be summoned, by personal notice if possible, and if not, then by Public Advertisement, to attend at the Time and Place of the appraisement of the Slave. The appraisement should take place, at the time and place to be thus appointed, in the presence of at least one Commissioner, and by at least one Sworn Appraiser, and the Commissioners should have authority, on application made within one month by any of the Parties interested, to direct a new appointment, in case there should seem reason to dispute the justice of the original valuation. The second appraisement should be final. The appraised value should then be paid into the Colonial Treasury. The Treasurer should invest the amount on good security, and every Right which formerly existed in the Slave should thenceforward exist, not in him, but in the Fund to be thus purchased by the appraised price of his freedom.

The last topic relating to Manumission, to which I think it necessary at present to advert, is the loss of the Deed of Manumission. It will be expedient that provision should be made for the Registration of all Manumissions, and that, to secure punctuality in this respect, a simple Form of Manumission should be prescribed by Legislative Authority, and that the appearance of the Party before the Registrar, or one of his Deputies, should be an essential part of every act of Manumission.

I have next to advert to the subject of the Sale of Slaves in satisfaction of the Debts of their Owners. Among the whole range of projected improvements in the Colonial System, there is, perhaps, none which, on an attentive consideration, will be found to present more difficulties than this.

As far as the rules of Colonial Law, respecting the Sale of Slaves, are to be collected from the Documents in this Office, they may, I conceive, be stated, without any material inaccuracy, as follows:—

First, it appears to be a general maxim in our Colonial Jurisprudence, that the whole Property of the Debtor, whether real or personal, and all his interest in real estates, whether legal or equitable, may be taken in execution, and sold in satisfaction of any Judgment against him. I further collect that, in the order of sale, the Executive Officer of the Courts (the Sheriff or Provost Marshal) is bound to seize and sell such Property in the following order;—that is,—he is first to take the severed crops; then the moveable goods; then the debts due to the Defendant; then his plantation utensils; then his Slaves; and lastly his Land; resorting to the two latter descriptions of property, only in case of a deficiency in the former. It also seems that in every One of the Colonies, a Judgment has the effect of a Mortgage upon all the immoveable property, and upon all the interests in such property which were vested in the Debtor when the Judgment was entered against him; lastly,—it seems that an earlier Judgment will, in the order of payment, take precedence of a later Mortgage.

A Judgment having so much greater effect in the Colonies than in England, the number entered in the West Indies bears a most unusual proportion to the number of the free inhabitants, and to the extent of their pecuniary transactions. Another result has been, that Mortgagees have usually taken Judgments as a collateral security for the Advances they have made. There is, therefore, a large body of Persons holding charges on the Slaves, throughout the Colonies, which they have acquired on the faith of Laws passed by the Assemblies, and subsequently approved by the Crown. Now, if a Law were introduced by which the Sale of Slaves, under legal Process, in satisfaction of the Debts of the Proprietor, were prohibited, absolutely and without qualification, the Rights thus acquired under Acts of Assembly would be subverted; and I am not prepared to recommend a Measure trenching so

largely on the Rights of Private Property. Supposing that the prohibition were prospective only, and that it therefore should affect merely those Debts which might subsequently be contracted, still the Provost Marshal might put up the utensils and the land itself to sale; and it is obviously immaterial to the present question, whether the Slaves are sold without the Land, or the Land without the Slaves; supposing further, that both the Land, the Slaves, and the Utensils, were withdrawn from legal Process, if the Proprietor still retained the power of voluntary sale, the practical result would be this:—that Men would then relieve their necessities by selling their Slaves as they could find Purchasers, instead of borrowing money on the credit of them as at present. It seems then to follow, that the absolute prohibition of the Sale of Slaves, in satisfaction of the Debts of the Proprietor, would not have the effect of preventing the forced separation of the Slave from his Home, unless the right of voluntary sale were also taken away. But a prohibition thus extensive is a more considerable innovation on the Law than I am prepared to recommend.

It is satisfactory, however, to remark, that although the theory of the Law allows the Sale of Slaves to pay the Debts of the Owner, yet, in practice, such Sales can only take place where the Owner has the fee-simple of the Land and Slaves, (which, from the practice of strict Entails in the West Indies, is, in many of the Colonies, unusual) and has also not contracted any Mortgage Debt, which (I am afraid) is, in most of them still more uncommon. The Land and the Slaves being almost universally settled, or mortgaged as one Consolidated Property, the rights of the Reversioner, or Remainder-man in the one case, and of the Mortgagee in the other, necessarily prevent the Creditor from selling the Slaves apart from the Land. I am, therefore, disposed to infer that the great majority of Slaves who are brought to sale for payment of their Masters' Debts, whether under the Old English Writ of "*Venditioni exponas*" in Jamaica, or under the general Executions directed by the Court Acts of the smaller Islands, are sold with the Land, and suffer no other alteration from the transaction than that of a change of Masters. The Slaves who are sold separately, are therefore, in all probability (for the Returns give no accurate information on this point) for the greater part, those who are not habitually worked upon the Plantations, and are in general the Domestic Servants of their Owners, or are

employed by the Lower Classes of Freemen in various menial occupations, for the profit of their Masters.—Slaves thus circumstanced are not perhaps materially injured by a compulsory sale, since their employments are not such as to create strong local attachments.

Still, to whatever degree the removal of Slaves from their Homes, to satisfy the debts of their Owners, may occur, it is obviously fit that it should if possible be prevented, and that precaution should be taken against the more frequent occurrence of such removals hereafter. I am, therefore, with reference to the preceding remarks, to direct you to call the attention of the Legislature of the Colony of . . . . . to the following Amendments of the Law upon this subject:—without infringing on the Rights of any Judgment Creditors, who may at present hold unsatisfied Judgments, provision might be made for preventing the keeping of such Judgments alive, after the Debts for which they may have been obtained shall have been really satisfied. A time should also be fixed, beyond which no existing Judgment should be capable of being enforced. With reference to Judgments which may be hereafter obtained, the Executions to issue on them, might perhaps be, both in form and effect, a Sequestration rather than a Sale, that is to say, the Creditor might be permitted to take possession of the Estate, Slaves, and Utensils, and to hold them together, until his Claims were satisfied by the Proceeds; or the rents and profits of the Land, Slaves, and Utensils, might be put up to sale as one entire lot, without removing them one from the other. If, however, the substitution of a Sequestration for a Sale should not be practicable, the only other Plan which I can suggest, is, that of directing that the Land, Slaves, and Plantation Utensils, shall always be sold together in one entire Lot. It may also be expedient to provide, that Slaves shall not, in future, be considered as separate Assets for the payment of Debts of the deceased Owner; but that the Land, and Slaves, and Plantation Stock, shall always be sold together.

With regard to all Slaves, whether attached to Estates or not, you will propose an Enactment, prohibiting their being sold apart from their husbands, or wives, or apart from any child, who may be under the age of 14. As, unhappily, the disuse of Marriage has prevented the growth of any Legal relationship between the Slaves, the prohibition must extend to

the case of *reputed* husbands, wives or children. I have also to suggest, that if the Debtor should not be the Proprietor both of the husband and wife, or of the parents and children, an Appraisement should be made of the value of such Members of a Family as are the Property of the Debtor, and they should be offered at something below such appraised value to the Proprietor of the other Members of the Family.

On the subject of the Punishment of Slaves, I have already in some degree anticipated the object of the present Despatch, by directing that Legislative Measures should be proposed for preventing the punishment of Flogging in every case where the offender is a Woman. I also pointed out the necessity of prohibiting the use of the Whip in the field. I have now, in addition to those Instructions, to direct that you will cause some effectual Law to be submitted to the Legislature, for preventing any domestic punishment whatever, until the day following that on which the Offence may have been committed, and even then, except in the presence of one Free Person, besides the Person under whose authority the punishment may be inflicted. If the punishment should exceed three lashes, it should be provided that a regular entry should be made in a Plantation-Book, to be kept for that purpose;—first, of the nature of the Offence; secondly, of the Time when, and of the Place where, it was committed; thirdly, of the Names of the free Persons present at the punishment; and fourthly, of the number of lashes received. The accuracy of the entries in this Book should be certified Quarterly, by an Oath to be taken by the Owner, Manager, or Overseer, before a Magistrate. As the offence of punishing a Slave in the absence of any Free Person, would not be susceptible of direct proof, if it should happen that the Slaves themselves were not among that Class whose evidence it is proposed to admit; to ensure as far as possible the detection of any such counteraction of the Law, it should be enacted, that, if the person of a Slave should exhibit marks of recent flogging or mutilation, which he or any other Slave should state to be the traces of punishment not duly registered, such appearances should be considered sufficient to raise a presumption of the Law having been broken, and the Manager or Overseer should be condemned to suffer a given Penalty to be enacted, unless he could repel that presumption by sufficient Evidence.

The last subject to which I propose at present to advert, is

the necessity of insuring to the Slave the enjoyment of whatever Property he may be able to acquire. For this purpose, *Savings Banks* should be established under Legislative Authority, upon the model of those in England; but, with this alteration, viz. that the Depositor should, at the time of first becoming a Subscriber, state to whom, in the event of his own death, the fund is to devolve. An entry of this declaration being duly registered at the Bank, should be declared equivalent to a Will, in the absence of any other.

In conclusion, I have most earnestly to impress upon you the necessity of proceeding to carry these Improvements into effect, not only with all possible dispatch, but in the spirit of perfect and cordial co-operation with the efforts of His Majesty's Government. More particularly, you will be attentive to have the necessary Laws framed with such precaution and foresight, as, if possible, to provide an effectual security for the faithful observance of them. To this end, you will consult with the Legal Advisers of the Crown on the frame of the necessary Bills, and you will from time to time communicate with me upon the progress you make in this Work, or upon the difficulties which may obstruct its completion, and if, (what I am unwilling to imagine) you should meet with any serious opposition, you will lose no time in transmitting to me the necessary Communication, in order that I may take the earliest opportunity of laying the matter before Parliament, and submitting for their consideration such Measures as it may be fit to adopt in consequence.

I have the honour to be,

BATHURST.

I.

Earl Bathurst to The Governors of Trinidad and St. Lucie.

Colonial-Office, Downing Street, 9th July, 1823.

SIR,

I have to enclose a copy of my Despatch of this date to the Governors of His Majesty's Colonies in the West Indies having Legislatures, in order that you may take the necessary Measures for preparing the Slave Proprietors in the Colony under your government to expect, that Regulations to the same effect, in addition to those specified in my former Des-

patch upon this subject, will be provided for by an Order of His Majesty in Council.

I have, &c.

BATHURST.

PROCLAMATION respecting acts of insubordination, produced by false Reports of the Emancipation of the Slaves, in the West Indies.

BY THE KING.

A PROCLAMATION.

GEORGE R.

Whereas it has been represented to Us, that the Slaves in some of Our *West India* Colonies, and of Our Possessions on the Continent of *South America*, have been erroneously led to believe, that Orders had been sent out by Us for their Emancipation: And whereas such Belief has produced Acts of Insubordination, which have excited Our highest Displeasure: We have thought fit, by and with the Advice of Our Privy Council, to issue this Our Royal Proclamation: And We do hereby declare and make known, That the Slave Population in Our said Colonies and Possessions will be undeserving of Our Protection if they shall fail to render entire Submission to the Laws, as well as dutiful Obedience to their Masters: And We hereby charge and command all Our Governors of Our said *West India* Colonies and Possessions, to give the fullest Publicity to this Our Proclamation, and to enforce, by all the legal Means in their Power, the Punishment of those who may disturb the Tranquillity and Peace of Our said Colonies and Possessions.

Given at Our Court at *Carlton House*, this 10th Day of *March*, 1824, and in the 5th Year of Our Reign.

GOD SAVE THE KING.

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*ACT to carry into effect a Convention relating to Austrian Loans.** [16th March, 1824.]

Whereas an Act was passed in the 35th Year of the Reign of His late Majesty King George the Third, intituled "An

* 5 Geo. 4. cap. 9.

Act for guaranteeing the Payment of the Dividends on a Loan of £4,600,000 to the Emperor of Germany:" and whereas another Act was passed in the 37th Year of the Reign of His said late Majesty, intituled An "Act for guaranteeing the Payment of the Dividends on a Loan of £1,620,000 to the Emperor of Germany, and the regular Redemption of the Capital to be created thereby; for enabling the Governor and Company of the Bank of England to retain the Sums granted for paying Advances made by them for the Public Service; and for repaying to the Contributors to the Loans of £14,500,000 and £1,620,000, the Excess of their Deposits beyond the proportional Deposits to the said Loans:" and whereas a Convention was entered into at Vienna, on the 17th Day of November, in the Year of our Lord 1823, between His Majesty and His Majesty the Emperor of Austria, whereby His Majesty the Emperor of Austria engaged to pay the Sum of £2,500,000 Sterling, in Satisfaction of the whole of the British Claims upon His Imperial Majesty under the Head of the Austrian Loan; and it was also agreed, that the said Sum of £2,500,000 Sterling should be paid into the British Treasury, in the Name and on the Behalf of the Austrian Government, by the Houses of Baring, Reid, and Irving, and Rothschild, in London; the said Houses having been appointed and fully empowered by the Austrian Government to make the above Payment, according to such Terms as had been agreed to and were judged satisfactory by the British Government; and that, immediately after the Ratification of the said Convention by His Majesty and the Emperor of Austria, His Majesty's Plenipotentiary should deliver up to such Persons as should be appointed by His Imperial Majesty to receive them, the original Letters of Octroi, and the whole of the Imperial Bonds which had been held in the Possession of His Majesty's Government as Securities from the Time of raising the Austrian Loan, and His Majesty would thenceforth be responsible for the complete Release of the Austrian Government from all British Claims that could be founded upon the said Loans; and it was stipulated and agreed in and by the said Convention, that all pecuniary Claims upon Austria connected with the said Austrian Loans, as well as all pecuniary Claims upon Great Britain, of whatever Description they might be, which had existed, or might be considered to exist, on the part of the Imperial Government of Austria, should be

deemed to be extinct, and should be totally abolished: and whereas the Loans guaranteed by the said recited Acts were duly raised, and the Money arising thereby paid to the Use of the Government of Austria: and whereas a separate Account has hitherto been kept at the Bank of England of the Annuities payable by virtue of the said recited Acts, under the Title "Imperial Annuities:" and whereas it is no longer necessary that the said Account should be kept separate, and it is expedient that the same should be consolidated with and made a part of the Three Pounds per Centum Consolidated Annuities: 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 the separate Accounts of the Annuities called "Imperial Annuities," payable under the said recited Acts, which have heretofore been kept at the Bank of England, shall cease and determine, and the said Annuities, and the Annual Charge thereof, shall be deemed, from and after the passing of this Act, to be part of the Funded Debt of the United Kingdom of Great Britain and Ireland, and the said Annuities shall be and the same are hereby consolidated with the Three Pounds per Centum Consolidated Annuities payable at the Bank of England; any thing in the said recited Acts of the 35th and 37th Years respectively of the Reign of His late Majesty King George the Third, to the contrary thereof in anywise notwithstanding.

II. And whereas it was agreed between the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and the said Houses of Baring, Brothers, Reid, Irving, and Company, and Nathaniel Mayer Rothschild, that the said total Sum of £2,500,000 to be advanced by them on behalf of the Emperor of Austria should be paid in the several Proportions and at the Periods hereinafter mentioned; *videlicet*, £100,000 on the 1st day of December, 1823; £200,000 on the 1st day of August, 1824; £300,000 on the 1st day of April, 1825; £300,000 on the 1st day of December, 1825; £300,000 on the 1st day of August, 1826; and £1,300,000 on the 1st day of June, 1827; and it was provided that the said Parties should be entitled to a Discount at the Rate of £5 *per Centum per Annum* on any Pay-

ments which they might make into His Majesty's Exchequer in anticipation of any of the said Instalments; Be it therefore further enacted, That upon the Payment of the whole of the said Sum of £2,500,000, or any part thereof, into the Exchequer, to be there carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, before the same would be due and payable according to the said Agreement, it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, by any Warrant under their Hands, to direct the Issue out of the growing Produce of the Consolidated Fund of such a Sum by way of Discount, in conformity with the aforesaid Agreement, as shall be equivalent to the Interest, at the Rate of £5 *per Centum per Annum*, on any Sum or Sums which may have been paid by the said Parties before the same were due and payable according to the Terms of the said Agreement.

TREATY of perpetual Union, League, and Confederation, between Colombia and Peru.—Signed at Lima, 6th July, 1822.*

(Translation.)

FRANCISCO DE PAULA SANTANDER, de los Libertadores de Venezuela y Cundinamarca, condecorado con la Cruz de Boyacá, General de Division de los Egércitos de Colombia, Vice Presidente de la Repùblica encargado del Poder Egecutivo, &c. &c. &c.

FRANCISCO DE PAULA SANTANDER, of the Order of Liberators of Venezuela and Cundinamarca, decorated with the Cross of Boyaca, General of Division of the Armies of Colombia, Vice President of the Republic, in charge of the Executive Power, &c. &c. &c.

A TODOS LOS QUE LA PRESENTE VIEREN, SALUD:

Por cuanto entre la República de Colombia y el Estado del Perù, se concluyo y firmõ en la Ciudad de los

TO ALL WHO MAY PERUSE THE PRESENT, GREETING:

Whereas a Treaty of perpetual Union, League, and Confederation, was concluded and signed in the City of the

* El Colombiano, 8th October, 1823.

Libres de Lima, el dia seis de Julio del año 1822, por medio de Plenipotenciarios, suficientemente autorizados por ambas Partes, un Tratado de Union, Liga y Confederacion perpetua; cuyo tenor palabra por palabra es como sigue :—

EN EL NOMBRE DE DIOS, SOBERANO GOBERNADOR DEL UNIVERSO.

El Gobierno de la República de Colombia por una parte, y por otra el del Estado del Perù, animados del mas sincéro deseo de poner prontamente un tèrmino à las calamidadades de la presente guerra, á que se han visto provocados por el Gobierno de S. M. C. el Rey de España; cooperando eficazmente à tan importante objeto con todo su influjo, recursos, y Fuerzas Marítimas y Terrestres, hasta asegurar para siempre ā sus Pueblos, Subditos, y Ciudadanos respectivos, los preciosos goces de su tranquilidad interior, de su Libertad é Independencia Nacional: y habiendo S. E. el LIBERTADOR, Presidente de Colombia, conferido al efecto Plenos-poderes al Honorable Sr. Joaquin Mosquera, Miembro del Senado de la Repùblica del mismo nombre; y el del Estado del Perù, al Ilustrisimo Honorable Señor Coronel D. Bernardo Monteagudo, Consejero y Ministro de Estado y Relaciones Exteriores, Fundador

Freemen of Lima, between the Republic of Colombia and the State of Peru, on the 6th of July, 1822, by means of Plenipotentiaries fully authorized on both sides: the tenor of which Treaty is word for word as follows :—

IN THE NAME OF GOD, THE SUPREME GOVERNOR OF THE UNIVERSE.

The Government of the Republic of Colombia on the one hand, and that of the State of Peru on the other, animated with the most sincere desire of speedily terminating the calamities of the present war, into which they have been provoked by the Government of His Most Catholic Majesty The King of Spain; and desiring to co-operate effectually in this important object, with all their influence, resources, and Forces by Sea and Land, until the precious enjoyment of their internal tranquillity, their Liberty and National Independence, be secured for ever to their respective People, Subjects, and Citizens: and His Excellency the Liberator and President of Colombia, having, with this view, conferred Full Powers on the Honorable Sr. Joaquin Mosquera, Member of the Senate of the above-named Republic: and the State of Peru having conferred like Powers on the Honorable Colonel D. Bernardo Monteagudo, Counsellor and

y Miembro del Gran Consejo de la Orden del Sol, y Secretario de él, condecorado con la Medalla del Egército Libertador, Superintendente de la Renta General de Correos, y Presidente de la Sociedad Patriótica; despuesde haber cangeado en buena y debida forma los expresados Poderes, han convenido en los Artículos siguientes:

1. La Repùblica de Colombia y el Estado del Perù, se unen, ligan y confederan, desde ahora para siempre, en Paz y Guerra, para sostener con su influjo y Fuerzas Marìtimas y Terrestres, en cuanto lo permitan las circunstancias, su Independencia de la Nacion Española, y de cualquiera otra Dominacion Estrangera, y asegurar despues de reconocida aquella, su mutua prosperidad, la mejor armonìa y buena inteligencia, así entre sus Pueblos, Súbditos y Ciudadanos, como con las demas Potencias con quienes deben entrar en relaciones.

2. La Repùblica de Colombia y el Estado del Perú, se promèten por tanto, y contrahen espontaneamente, un Pacto perpetuo de alianza íntima y amistad firme y constante, para

Minister of State for Foreign Affairs, Founder and Member of the Grand Council of the Order of the Sun, and Secretary of the same, decorated with the Medal of the Liberating Army, Superintendent of the Post Office Revenues, and President of the Patriotic Society; the said Plenipotentiaries having exchanged their respective Powers, found in good and due form, have agreed on the following Articles:

1. The Republic of Colombia and the State of Peru do unite, league and confederate, from this time forward for ever more, in Peace and War, to sustain with their influence, and Forces by Sea and Land, as far as circumstances may permit, their Independence of the Spanish Nation, and of every other Foreign Dominion: and to secure, after the recognition of their said Independence, mutual prosperity, perfect harmony, and good understanding between their People, Subjects, and Citizens, as well as with such other Powers as may enter into relations with them.

2. With this view, the Republic of Colombia and the State of Peru, do voluntarily engage in, and contract with each Other, a perpetual Treaty of intimate Alliance and firm

su defensa comun, para la seguridad de su Independencia y Libertad, para su bien reciproco y general, y para su tranquilidad interior; obligandose a socorrerse mutuamente, y á rechazar en comun todo ataque ó invasion que pueda de alguna manera amenazar su Existencia Politica.

3. En casos de invasion repentina, ambas Partes podran obrar hostilmente en los Territorios de la Dependencia de una ú otra, siempre que las circunstancias del momento no den lugar á ponerse de acuerdo con el Gobierno à quien corresponda la Soberania del Territorio invadido. Pero la parte que asi obrase, deberà cumplir y hacer cumplir los Estatutos, Ordenanzas y Leyes del Estado respectivo, en cuanto lo permitan las circunstancias, y hacer respetar y obedecer Su Gobierno. Los gastos que se hubiesen impendido en estas operaciones, se liquidaràn por Convenios separados, y se abonaràn un Año despues de la presente guerra.

4. Para asegurar y perpetuar del mejor modo posible la buena amistad y correspondencia entre ambos Estados, los Ciudadanos del Perù y de Colombia gozaràn de los derechos y prerogativas que corresponden á los Ciudadanos nacidos en ambos Territorios:

and lasting friendship, for their common defence, the security of their Independence and Liberty, their mutual and general good, and for their internal tranquillity; binding themselves to succour each other, and to repel, in common, any attack or invasion, that may in any way threaten their Political Existence.

3. In cases of sudden invasion, both Parties may engage in War in the Territories of either Party, should the exigency of the moment not afford time to communicate with the Government to which the invaded Territory may belong. But the Party thus acting shall observe and cause to be observed, the Statutes, Ordinances and Laws of the invaded State, as far as circumstances may permit, and shall cause its Government to be respected and obeyed. The expenses that may be incurred in these Operations shall be arranged by separate Conventions, and shall be settled within one Year after the present war.

4. In order to perpetuate and secure, in the best possible manner, a lasting friendship and good understanding between both States, the Citizens of Colombia and Peru shall enjoy the Rights and Prerogatives which belong to native born Citizens of ei-

es decir, que los Colombianos serán tenidos en el Perù por Peruanos, y estos en la Repùblica por Colombianos; sin perjuicio de las ampliaciones ó restricciones que el Poder legislativo de ambos Estados haya hecho, ó tuviese à bien hacer, con respecto á las calidades que se requieren para egercer las primeras Magistraturas. Mas, para entrar en el goce de los demas derechos, activos y pasivos, de Ciudadanos, bastará que hayan establecido su domicilio en el Estado à que quieran pertenecer.

5. Los Sùbditos y Ciudadanos de ambos Estados tendràn libre entrada y salida en sus Puertos y Territorios respectivos, y gozaràn en ellos de todos los Derechos civiles, y Privilegios de Tràfico y Comercio; sujetandose unicamente á los derechos, impuestos y restricciones á que lo estuvieran los Súbditos y Ciudadanos de cada una de las Partes Contratantes.

6. En esta virtud, los buques y producciones territoriales de cada una de las Partes Contratantes no pagarán mas derechos de importacion, esportacion, anclaje y tonelada, que los establecidos, ó que se establecieren, para los Nacionales en los puertos de cada Estado, segun sus Leyes vijentes:

ther Territory: that is to say, Colombians shall be considered in Peru as Peruvians, and the latter in the Republic as Colombians; without prejudice however to the amplifications or restrictions which the Legislative Power of both States may have made, or may think fit to make, regarding the qualifications necessary in order to exercise the chief Magistracies: but in order to enjoy the other active and passive rights of Citizens, it is sufficient that they establish their residence in the State to which they may prefer to belong.

5. The Subjects and Citizens of both States shall have free egress and ingress in their respective Ports and Territories; and shall enjoy in them all the civil Rights and Privileges of Trade and Commerce: being liable only to such duties, imposts, and restrictions as the Subjects and Citizens of each of the Contracting Parties are liable.

6. In virtue of the foregoing Article, the vessels, and territorial productions, of each of the Contracting Parties, shall not pay more duties on importation, exportation, anchorage, and tonnage, than such as are established, or may be established, for the Natives,

es decir, que los buques y producciones de Colombia abonarán los derechos de entrada y salida en los Puertos del Estado del Perú como Peruanos, y los del Estado del Perú en los de Colombia como Colombianos.

in the Ports of each State, according to its existing Laws; that is to say, the vessels and productions of Colombia shall pay such export and import duties in the Ports of the State of Peru, as the Peruvians themselves pay, and those of Peru in the Ports of Colombia, the same as Colombians.

7. Ambas Partes Contratantes se obligan á prestar cuantos auxilios esten á su alcance á los bajeles de guerra y mercantes que llegaren á los Puertos de su pertenencia por causa de averia ó cualesquiera otro motivo, y podràn carenarse, repararse, hacer víveres, armarse, aumentar su armamento y tripulaciones, hasta el estado de poder continuar sus viages ó cruceros, á espensas del Estado ó particulares à quienes correspondan.

7. Both the Contracting Parties bind themselves to furnish such succour as may be in their power to ships of war and merchantmen, arriving at Ports belonging to either of them, on account of damage sustained or from any other cause; and they may careen, repair, victual, arm, or encrease their armament or crew, so as to enable them to continue their voyage or cruise, at the expense of the State or of the individuals to whom they may belong.

8. A fin de evitar los abusos escandalosos que puedan causar en alta mar los corsarios armados, por cuenta de los particulares, en perjuicio del Comercio Nacional y el de los Neutrales; convienen ambas Partes en hacer estensiva la jurisdiccion de sus Cortes Marìtimas á los corsarios que navegan bajo el pabellon de una y otra, y sus presas indistintamente, siempre que no puedan navegar facilmente hasta los puertos de su procedencia; ó que

8. In order to avoid the scandalous abuses which may be caused on the high seas by privateers, armed on account of individuals, to the prejudice of the National Commerce as well as that of Neutrals; both Parties agree to extend the jurisdiction of their Maritime Courts of Justice, to all privateers sailing under the flag of either State, and to their prizes indiscriminately, provided they cannot conveniently

haya indicios de haber cometido excesos contra el Comercio de las Naciones Neutrales, con quienes ambos Estados desean cultivar la mejor armonia y buena inteligencia.

9. La demarcacion de limites precisos que hayan de dividir los Territorios de la República de Colombia y el Estado del Perú, se arreglarán por un Convenio particular, despues que el proximo Congreso constituyente del Perú haya facultado al Poder Egecutivo del mismo Estado para arreglar este punto; y las diferencias que puedan ocurrir en esta materia, se terminarán por los medios conciliatorios y de paz, propios de dos Naciones hermanas y confederadas.

10. Si por desgracia se interrumpiese la tranquilidad interior en alguna parte de los Estados mencionados, por hombres turbulentos, sediciosos y enemigos de los Gobiernos, legítimamente constituidos por el voto de los Pueblos, libre, quieta y pacificamente espresado en virtud de sus Leyes; ambas Partes se comprometen solemne y formalmente à hacer causa comun contra ellos, auxiliandose mutuamente con cuantos medios esten en su poder, hasta lograr el restablecireach the Port to which they may be bound; or when excesses may appear to have been committed against the Commerce of Neutral Nations, with which both States desire to cultivate the best harmony and good understanding.

9. The demarcation of the precise boundaries which are to divide the Territories of the Republic of Colombia and the State of Peru, shall be arranged by a particular Convention, as soon as the approaching Congress of Peru shall have authorized the Executive of that State to settle this point; and any differences which may occur on this subject, shall be settled by conciliatory and peaceful measures, becoming brotherly and confederated Nations.

10. If unfortunately the internal tranquillity of any part of the before-mentioned States, should be interrupted by turbulent and seditious Persons, enemies to the Governments, lawfully established by the voice of the People, freely, calmly, and peacefully expressed agreeably to their Laws; both Parties solemnly and formally bind themselves to make common cause against all such, aiding Each Other with all the means in their power, until the re-esta-

miento del órden y el imperio de sus Leyes.

11. Si alguna persona culpable, ó acusada de Traicion, Sedicion, ú otro grave Delito, huyese de la justicia y se encontrase en el Territorio de alguno de los Estados mencionados, será entregada y remitida á disposicion del Gobierno que tiene conocimiento del delito, y en cuya jurisdiccion debe ser juzgada, luego que la Parte ofendida haya hecho su reclamacion en forma. Los desertores de los Egércitos y Marina Nacional de una y otra Parte quedan igualmente comprendidos en este Articulo.

12. Este Tratado ó Convencion de Union, y Amistad firme y perpetua, serà ratificado por el Gobierno del Estado del Perú en el tèrmino de diez dias, sin perjuicio de la aprobacion que deberá obtener del prōximo Congreso constituyente: y por el de la República de Colombia, tan prontamente como pueda obtener la aprobacion del Senado, en virtud de lo dispuesto por la Ley del Congreso de 13 de Octubre de 1821; y en caso que por algun accidente no pueda reunirse, serà ratificado en el prōximo Congreso, conforme á lo prevenido por la Constitucion de la República en el Articulo 55 § 18.

blishment of order, and the authority of the laws.

11. If any offender, or one accused of Treason, Sedition, or other heinous Offence, should escape from justice, and be discovered within the Territories of either of the before-mentioned States, he shall be delivered over to, and placed at the disposal of, the Government which is acquainted with his offence, and within the jurisdiction of which he ought to be tried, as soon as the outraged Party shall have made a formal claim to this effect.—Deserters from the Army and Navy of both Parties are equally comprehended in this Article.

12. This Treaty or Convention of Union, and of firm and perpetual Friendship, shall be ratified by the Peruvian Government in the space of ten days, without prejudice to the sanction which it should receive from the approaching Congress; and from that of the Republic of Colombia, as soon as it can obtain the approbation of the Senate, in conformity with the Law of Congress of the 13th October, 1821: and in case any accident should prevent its meeting, it shall be ratified by the next Congress, in conformity with the provision of the Constitution of the Republic in

Las Ratificaciones seràn canjeadas sin demorar, en el término que permiten las distancias que separan á ambos Gobiernos.

En fé de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con los Sellos de los Estados que representan.

Hecho en la Ciudad de los Libres de Lima, à seis Julio del Año de Gracia mil ochocientos veinte y dos, duodecimo de la Independencia de Colombia, y tercero de la del Perú.

BERNARDO MONTEAGUDO.
JOAQUIN MOSQUERA.

Article 55, Section 18. The ratifications shall be exchanged without delay, and within such time as the distance which separates the two Governments shall permit.

In testimony of which the respective Plenipotentiaries have signed the same, and sealed it with the Seals of the States which they represent.

Done in the City of the Freemen of Lima, on the 6th July, in the Year of Grace 1822.—Twelfth Year of the Independence of Colombia, and third Year of the Independence of Peru.

BERNARDO MONTEAGUDO.
JOAQUIN MOSQUERA.

Por tanto: habiendo visto y examinado el dicho Tratado de Union, Liga y Confederacion Perpetua, previo el consentimiento y aprobacion del Congreso de la Repùblica, conforme al Articulo 55, § 18 de la Constitucion, he venido, en uso de la facultad que me confiere el Artículo 120 de la misma Constitucion, en ratificarlo, y por las presentes lo ratifico y tengo por rato, grato y firme en todos sus Artículos y Clausulas, à excepcion de las palabras,--"*y para su tranquilidad interior*," del Artículo segundo; todas las que expresa el Artìculo dècimo; y las que siguen del Artículo undècimo, á saber: "*si alguna persona*

Wherefore: having seen and examined the said Treaty of Perpetual Union, League and Confederation; with the consent and approbation of the Congress of the Republic, and agreeably to the 55th Article, § 18, of the Constitution, I have thought fit, in virtue of the powers vested in me by the 120th Article of the said Constitution, to ratify the same—and by these presents do ratify and consider it valid, approved, and binding in all its parts, with the exception of the words "*and for their internal tranquillity*," in the second Article; of all that is expressed in the 10th Article; and of the fol-

culpable ò acusada de Traicion, Sedicion ù otro grave Delito, huyese de la Justicia y se encontrase en el Territorio de alguno de los Estados mencionados, será entregada y remitida à disposicion del Gobierno que tiene conocimiento del delito y en cuya jurisdiccion debe ser juzgada, luego que la Parte ofendida haya hecho su reclamacion en forma." Y para su complimiento exacto y observancia por nuestra parte, empeño y com prometo solemnemente el Honor Nacional. En fè de lo cual, he hecho expedir la presente, firmada de mi mano, sellada con el Gran Sello de la Repùblica, y refrendada por el Secretario de Estado y del Despacho de Relaciones Exteriores, en la Capital de Bogotà, à doce de Julio de mil ochocientos veintitres, decimo tercio de nuestra Independencia.

FRANCISCO DE P. SANTANDER.

Por S. E. el Vice-presidente de la Repùblica, encargado del Poder Egecutivo.

PEDRO GUAL.

lowing part of the 11th Article, namely, "*if any Offender, or one accused of Treason, Sedition, or other heinous Offence, should escape from justice, and be discovered within the Territories of either of the beforementioned States, he shall be delivered over to, and placed at the disposal of, the Government which is acquainted with his offence, and within the jurisdiction of which he ought to be tried, as soon as the outraged Party shall have made a formal claim to this effect.*" And that it may be strictly complied with and observed on our part, I solemnly pledge and engage the National Honour. In faith of which I have caused the present to be issued, signed with my hand, sealed with the Great Seal of the Republic, and countersigned by the Secretary of State for Foreign Affairs, in the Capital of Bogota, on this 12th day of July, 1823, and 13th of our Independence.

FRANCISCO DE P. SANTANDER.

By His Excellency the Vice-President of the Republic, in charge of the Executive Power.

PEDRO GUAL.

*ADDITIONAL TREATY of Perpetual Union, League, and Confederation, between Colombia and Peru.—Signed at Lima 6th July, 1822.**

FRANCISCO de P. SANTANDER de los Libertadores de Venezuela y Cundinamarca, condecorado con la Cruz de Boyacá, General de Division de los Egércitos de Colombia, Vice-Presidente de la República, encargado del Poder Egecutivo, &c.

A TODOS LOS QUE LA PRESENTE VIEREN, SALUD:

Por cuanto entre la República de Colombia y el Estado del Perú, se concluyó y firmó un Tratado adicional al de Union, Liga, y Confederacion Perpetua, el dia seis de Julio del Año de gracia mil ochocientos, veintidos por medio de Plenipotenciarios suficientemente autorizados por ambas Partes, cuyo tenor, palabra por palabra es como sigue:

EN EL NOMBRE DE DIOS, SOBERANO GOBERNADOR DEL UNIVERSO.

El Gobierno de la Repùblica de Colombia por una parte, y por otra el del Estado del Perù, animados de los mas sinceros deseos de terminar las calamidades de la presente guerra, á que se han visto provocados por el Gobierno de S. M. C. el Rey de España, decididos à

FRANCISCO de PAULA SANTANDER, of the Order of Liberators of Venezuela and Cundinamarca, decorated with the Cross of Boyaca, General of Division of the Armies of Colombia, Vice-President of the Republic, in charge of the Executive Power, &c. &c. &c.

TO ALL WHO MAY PERUSE THE PRESENT, GREETING:

Whereas an Additional Treaty of perpetual Union, Coalition, and Confederation, was concluded and signed in the City of the Freemen of Lima, between the Republic of Colombia and the State of Peru, on the 6th of July, 1822, by means of Plenipotentiaries fully authorized on both sides; the tenor of which Treaty is word for word as follows:

IN THE NAME OF GOD, THE SUPREME GOVERNOR OF THE UNIVERSE.

The Government of the Republic of Colombia on one part, and the State of Peru on the other, animated with the most sincere desire of terminating the calamities of the present war, into which they have been provoked by the Government of His Most Catho-

* El Colombiano, 8th October, 1823.

emplear todos sus recursos, y Fuerzas maritimas y terrestres, para sostener eficazmente su Libertad é Independencia; y deseosos de que esta Liga sea general entre todos los Estados de la América antes Española, para que, unidos fuertes y poderosos, sostengan en comun la causa de su Independencia, que es el objeto primario de la actual Contienda; han nombrado Plenipotenciarios para discutir, arreglar y concluir un Tratado de Union, Liga y Confederacion, à saber:

S. E. el Libertador Presidente de Colombia, al H. Sr. Joaquin Mosquera, Miembro del Senado de la Repùblica del mismo nombre;

Y S. E. el Supremo Delegado del Estado del Perù al I. H. Sr. Coronel D. Bernardo Monteagudo, Consejero y Ministro de Estado y Relaciones Esteriores, Fundador y Miembro del Gran Consejo de la Ôrden del Sol, y Secretario de él, condecorado con la Medalla del Egército Libertador, Superintendente de la Renta General de Correos, y Presidente de la Sociedad Patriotica:

Los cuales, despues de haber cangeado sus Plenos Poderes, hallados en buena y debida forma, han convenido en los Artículos siguientes:

lic Majesty the King of Spain, and resolved to employ all their resources, and Forces by sea and land, effectually to sustain their Liberty and Independence: and desirous that this League be general throughout all the States of America formerly belonging to Spain; in order that they may, thus strongly and firmly united, sustain in common, the cause of Independence, which is the primary object of the present Contest: have named Plenipotentiaries in order to discuss, arrange, and conclude a Treaty of Union, League, and Confederation: that is to say — His Excellency the Liberator and President of Colombia, Sr. Joaquin Mosquera, Member of the Senate of that Republic: and His Excellency the Supreme Delegate of the Peruvian State, Colonel D. Bernardo Monteagudo, Counsellor and Minister of State for Foreign Affairs, Founder and Member of the Grand Counsel of the Order of the Sun, and Secretary of the same, decorated with the medal of the Liberating Army, Superintendent of the Post Office Revenues, and President of the Patriotic Society: and the said Plenipotentiaries having exchanged their respective Full Powers, and found them to be in good and due form, have agreed on the following Articles:

1. Para estrechar mas los vinculos que deben unir en lo venidero ambos Estados, y allanar cualquiera dificultad que pueda presentarse, é interrumpir de algun modo su buena correspondencia y armonía, se formará una Asamblea compuesta de dos Plenipotenciarios por cada parte, en los términos y con las mismas formalidades, que en conformidad de los usos establecidos deben observarse, para el nombramiento de los Ministros de igual clase cerca de los Gobiernos de las Naciones Estranjeras.

1. In order to draw closer the bonds which should in future unite both States, and to remove any difficulties which may arise, and in any way interrupt their harmony and good understanding, a Meeting shall be held, composed of two Plenipotentiaries on each side, in like manner, and with the same formalities as are observed according to established usage, in the nomination of Ministers of similar rank to the Governments of Foreign Powers.

2. Ambas Partes se obligan á interponer sus buenos oficios con los Gobiernos de los demas Estados de la América, antes Española, para entrar en este Pacto de Union, Liga y Confederacion Perpetua.

2. Both Parties oblige themselves to interpose their good offices with the other States of America, formerly belonging to Spain, to induce them to enter into this Treaty of Perpetual Union, League, and Confederation.

3. Luego que se haya sonseguido este grande é importante objeto, se reunirà una Asamblea Jeneral de los Estados Americanos compuesta de sus Plenipotenciarios, con el encargo de cimentar de un modo el mas solido y establecer las relaciones ìntimas que deben existir entre todos y cada uno de ellos, y que les sirva de consejo en los grandes conflictos, de punto de contacto en los peligros comunes, de fiel intérprete de sus Tratados pùblicos cuando ocurran

3. As soon as this grand and important object shall be attained, there shall be assembled a general Meeting of the American States, composed of their respective Plenipotentiaries, instructed to lay the most solid foundation for, and to establish the intimate Relations which ought to subsist between all and each of them; and that may serve them as counsel in great emergencies, as a point of union in cases of common danger, as a faithful interpreter of their public

dificultades, y de juez àrbitrio y conciliador en sus disputas y diferencias.

4. Siendo el Istmo de Panamà una parte integrante de Colombia, y el mas adecuado para aquella augusta Reunion, èsta República se compromete gustosamente à prestar à los Plenipotenciarios que compongan la Asamblea de los Estados Americanos, todos los auxilios que demanda la hospitalidad entre pueblos hermanos, y el caràcter sagrado é inviolable de sus Personas.

5. El Estado del Perú contrahe desde ahora igual obligacion, siempre que por los acontecimientos de la guerra, ó por el consentimiento de la mayoria de los Estados Americanos se reuna la espresada Asamblea en el Territorio de su dependencia, en los mismos términos en que se ha comprometido la Repùblica de Colombia en el Articulo anterior; asi con respecto al Istmo de Panamà como cualquiera otro punto de su jurisdiccion, que se crea á proposito para este interesantisimo fin, por su posicion central entre los Estados del Norte y del Mediodia de esta América antes Española.

6. Este Pacto de Union, Liga y Confederacion Perpetua no

Treaties should difficulties arise, and as a judicial reference and mediator in their disputes and differences.

4. The Isthmus of Panama being an integral part of the Republic of Colombia, and the best adapted for this august Meeting, this Republic pledges itself cheerfully to furnish all the aid which hospitality demands among friendly Nations, and to observe a sacred and inviolable regard towards the Persons of the Plenipotentiaries who may there form the Assembly of the American States.

5. The State of Peru binds itself to the like obligation, should the events of the war, or the will of the majority of the American States, cause the before-named Meeting to be held in its Territories, in the same manner that the Republic of Colombia has engaged to do by the preceding Article; as well with regard to the Isthmus of Panama, as to any other part of its jurisdiction, which, on account of its central position between the Northern and Southern States of America formerly belonging to Spain, may be deemed convenient for this most important purpose.

6. This Treaty of perpetual Union, League, and Con-

interrumpirá en manera alguna el ejercicio de la Soberania Nacional de cada una de las Partes Contratantes, asi por lo que mira à sus Leyes y el establecimiento y forma de sus Gobiernos respectivos, como con respecto à sus relaciones con las demas Naciones Estrangeras.—Pero se obligan, espresa è irrevocablemente, á no acceder à las demandas de tributos ó exacciones que el Gobierno Español pueda entablar por la pérdida de su antigua supremacía sobre estos Paises; o cualesquiera otra Nacion en nombre y representacion suya; ni entrar en Tratado alguno, con España ni otra Nacion, en perjuicio y menoscabo de esta Independencia, sosteniendo en todas ocasiones y lugares sus intereses recíprocos, con la dignidad y enerjía de Naciones libres, independientes, amigas, hermanas y confederadas.

federation, shall not in anywise interrupt the exercise of the National Sovereignty of each of the Contracting Parties, as far as relates to their Laws, and the form and establishment of their respective Governments, as well as to their relations with Foreign Powers. But they bind themselves, expressly and irrevocably, not to accede to any demands in the nature of tributes or exactions which either the Spanish Government may propose on account of the loss of its dominion over these Countries, or which any other Nation may prefer in the name, or as a Representative of that Government; nor to negociate any Treaty, either with Spain, or any other Nation, in prejudice or depreciation of this Independence; sustaining every where and on all occasions their reciprocal interests, with the energy and dignity of free, independent, friendly, brotherly, and confederated Nations.

7. La Repùblica de Colombia se compromete especialmente á sostener y mantener en pie una Fuerza de cuatro mil hombres, armados y equipados, á fin de concurrir á los objetos indicados en los Artículos anteriores. Su Marina Nacional, cualquiera que sea, estarà tambien dispuesta al cumplimiento de aquellas estipulaciones.

7. The Republic of Colombia especially binds itself to keep on foot a Force of four thousand men, armed and equipped, for the ends stated in the foregoing Articles. Its National Navy, whatever it may be, shall likewise be employed in such manner as to give effect to the above stipulations.

8. El Estado del Perú con-

8. The State of Peru

tribuirá por su parte con sus Fuerzas marítimas, cualesquiera que sean, y con igual nùmero de tropas que la Repùblica de Colombia.

9. Este Tratado serà ratificado por el Gobierno del Estado del Perú en el tèrmino de diez dias; y aprobado por el proxímo Congreso constituyente, si en el tiempo de sus Sesiones se tuviese à bien publicarlo: y por el de la Repùblica de Colombia tan prontamente como pueda obtenerse la aprobacion del Senado, segun lo prevenido por la ley del Congreso de 13 de Octubre de 1821: y si por algun incidente no se reuniese estraordinariamente, será ratificado en el proxímo Congreso, conforme á lo dispuesto por la Constitucion de la Repùblica en el Articulo 55 § 18. Las ratificaciones seràn canjeadas sin demorar, en el término que permite la distancia que separa á ambos Gobiernos.

En fé de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con los Sellos de los Estados que representan.

Hecho en la Ciudad de los Libres de Lima, á seis de Julio del Año de Gracia mil ochocientos veintidos, duodecimo de la Independencia de Colombia, y tercero de la del Perú.

BERNARDO MONTEAGUDO.
JOAQUIN MOSQUERA.

shall likewise assist with its Maritime Forces, whatever they may be, and with a like number of troops as the Republic of Colombia.

9. This Treaty shall be ratified by the Government of the Peruvian State within ten days: and approved by the approaching Congress, if during the Session it is thought fit to publish it: and by the Republic of Colombia as soon as the approbation of the Senate can be obtained, in conformity with the Law of Congress of the 13th of October, 1821: and, if by accident no extraordinary Meeting should be held, it shall be ratified by the next Congress, agreeably to the provision of the Constitution of the Republic in Article 55, section 18. The Ratifications shall be exchanged without delay, and within such time as the distance which separates the two Governments may permit.

In testimony of which the respective Plenipotentiaries have signed the same, and sealed it with the Seals of the States which they represent.

Done in the city of the Freemen of Lima, on the 6th July, in the Year of Grace 1822.—12th Year of the Independence of Colombia, and 3d year of the Independence of Peru.

BERNARDO MONTEAGUDO.
JOAQUIN MOSQUERA.

Por tanto, habiendo visto y exáminado el referido Tratado adicional al de Union Liga y ConfederacionPerpetua;previo el consentimiento y aprobacion del Congreso de la Repùblica, conforme al § 18 del Articulo 55 de la Constitucion, he venido, en uso de la facultad que me concede el Articulo 120 de la misma Constitucion, en ratificarlo, como por las presentes lo ratificó, y lo tengo por rato, grato y firme, y á su complimiento y exacta observancia empeño y comprometo solennemente el Honor de la Repùblica. En fé de lo cual, he hecho espedir la presente, firmada de mi mano, sellada con el Gran Sello de la Repùblica, y refrendada por el Secretario de Estado y del Despacho de Relaciones Esteriores en la Ciudad de Bogotá, à doce de Julio del Año de Gracia mil ochocientos veintitres, decimo tercero de la Independencia.

FRANCISCO DE P. SANTANDER.

Por S. E. el Vice-presidente de la Repùblica encargado del Poder Ejecutivo.

PEDRO GUAL.

Wherefore, having seen and examined the said Additional Treaty of Perpetual Union, League, and Confederation; with the consent and approbation of the Congress of the Republic,agreeably to the 55th Article, Section 18, of the Constitution, I have thought fit, in virtue of the powers which the 120th Article of the said Constitution grants me, to ratify the same—and by these presents do ratify it, and consider it valid, approved, and binding in all its parts. And in testimony of compliance and strict observance on our part, I solemnly pledge and engage the National Honour. — In faith of which I have caused the present to be issued, signed by my hand, sealed with the Great Seal of the Republic, and countersigned by the Secretary of State for Foreign Affairs, in the capital of Bogota, on this 12th day of July, 1823, and 13th of our Independence.

FRANCISCO DE P. SANTANDER.

By His Excellency the Vice-President of the Republic, in charge of the Executive Power.

PEDRO GUAL.

*ACT for the more effectual Suppression of the African Slave Trade.** [31st March, 1824.]

Whereas it is expedient to make further Provision for the Suppression of the African Slave Trade, by enacting that Persons committing the Offences herein-after specified shall be deemed and adjudged to be guilty of *Piracy*; 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 if any Subject or Subjects of His Majesty, or any Person or Persons residing or being within any of the Dominions, Forts, Settlements, Factories or Territories, now or hereafter belonging to His Majesty, or being in His Majesty's Occupation or Possession, or under the Government of the United Company of Merchants of England trading to the East Indies, shall, except in such cases as are in and by the Laws now in force permitted, after the 1st day of January, 1825, upon the High Seas, or in any Haven, River, Creek, or Place, where the Admiral has Jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any Person or Persons as a Slave or Slaves, or for the purpose of his, her, or their being imported or brought as a Slave or Slaves into any Island, Colony, Country, Territory, or Place whatsoever, or for the purpose of his, her, or their being sold, transferred, used or dealt with as a Slave or Slaves; or shall, after the said 1st Day of January, 1825, except in such cases as are in and by the Laws now in force permitted, upon the High Seas, or within the Jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining, on board any Ship, Vessel, or Boat, any Person or Persons, for the purpose of his, her, or their being carried away, conveyed, or removed as a Slave or Slaves, or for the purpose of his, her, or their being imported or brought as a Slave or Slaves into any Island, Colony, Country, Territory, or Place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves, then and

* 5th Geo. 4. cap. 17.

in every such case the Person or Persons so offending shall be deemed and adjudged guilty of Piracy, Felony, and Robbery, and being convicted thereof, shall suffer Death without Benefit of Clergy, and Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to suffer.

II. Provided always, and it is hereby further enacted and declared, That nothing in this Act contained, making and declaring the aforesaid Offences to be Piracies, Felonies, and Robberies, shall be construed to repeal, annul, or alter the provisions and enactments in any other Act or Acts contained, imposing Forfeitures and Penalties, or either of them, upon the same Offences, or to repeal, annul, or alter the remedies given for the recovery thereof; but that the said provisions and remedies shall in all respects be deemed and taken to be and remain in full force, as they existed immediately before the passing of this Act: Provided also, that nothing herein contained shall be construed to repeal, annul, or alter any of the enactments or provisions contained in an Act passed in the 51st Year of His late Majesty, intituled 'An Act for rendering more effectual an Act made in the 47th Year of His Majesty's Reign,' intituled 'An Act for the Abolition of the Slave Trade;' except so far as such enactments or provisions are altered or varied by this Act; but that the said Act shall in all other respects remain in full force and effect.

III. And be it further enacted and declared, That all and every the Offences herein-before specified shall and may be enquired of, either according to the ordinary course of Law, and the provisions of an Act passed in the 28th Year of the Reign of King Henry the Eighth, intituled 'An Act for Pirates,' or according to the Provisions of an Act passed in the 46th Year of the Reign of His late Majesty King George the Third, intituled 'An Act for the more speedy Trial of Offences committed in distant Parts upon the High Seas.'

IV. 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.

ORDER in COUNCIL respecting the Religious Instruction, and improvement of the Condition, of Slaves in the Island of Trinidad.

AT THE COURT AT CARLTON HOUSE, THE 10TH OF MARCH, 1824.

Present

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

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1. Whereas it is necessary that provision should be made for the Religious Instruction of the Slaves in His Majesty's Island of Trinidad, and for the improvement of their condition. And whereas the Procurador Syndic of the Cabildo, of the Town of Port of Spain in the said Island, hath hitherto performed the duties of the Office of *Protector and Guardian of Slaves* in the said Island, and it is expedient that the said Office should be more fully established, and that the duties thereof should be more clearly ascertained, and that provision should be made for the support thereof: His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Procurador Syndic of the Cabildo, of the Town of Port of Spain aforesaid, shall be, and he is hereby confirmed in his said Office of Protector and Guardian of Slaves: And that as such Protector of and Guardian of Slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such Salary as His Majesty shall be pleased to appoint; and that such Salary shall commence from and after the 24th day of June, in the present Year 1824, and that on or before that day, if possible, or if not then, so soon afterwards as conveniently may be, the said Protector and Guardian of Slaves shall appear before the Governor, or Acting Governor for the time being of the said Island, and in his presence shall take and subscribe an Oath in the following words, that is to say:—

"I, A. B. do swear, that I will, to the best of my knowledge "and ability, faithfully execute and perform the duties of the "Office of Protector and Guardian of Slaves in the Island of "Trinidad, without fear, favour or partiality.—So help me "God."

Provided nevertheless, and it is hereby ordered, That nothing herein contained shall extend to prevent His Majesty from disuniting the Office of Protector and Guardian of Slaves from the Office of Procurador Syndic aforesaid, and from appointing a distinct and separate Officer to act as, and be the Protector and Guardian of Slaves in case His Majesty shall see fit so to do.

2. And it is hereby further ordered, That the said *Protector and Guardian* of Slaves shall establish and keep an Office in the Town of Port of Spain in the said Island, and shall regularly attend at such Office on such days, and during such hours of the day, as the Governor or Acting Governor of the said Colony, by any general or special Orders to be by him, from time to time, issued, may appoint; and shall at such Office, and not elsewhere, keep, deposit, and preserve, the several Records, Books, Papers, and Writings, hereinafter directed to be kept by him.

3. And it is further ordered, That the said *Protector and Guardian* of Slaves shall not be the Owner or Proprietor of any Plantation situate within the said Island, or of any Slaves or Slave employed or worked upon any Plantation, or in any kind of Agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such Plantation, Slaves, or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any Plantation or Estate within the said Island, or to act as the Guardian, Trustee, or Executor of any person or persons, having, or being entitled to, any such Plantation, or any Slaves, or Slave; and in case any such Protector and Guardian of Slaves within the said Island shall have, acquire, hold, or possess, either in his own right, or in right of his wife, or in trust for any other persons or person, any Plantation situate within the said Island, or any Slaves or Slave employed or worked upon any Plantation, or in any kind of Agriculture, or any share or interest in, or any mortgage or security upon any such Plantation, or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor, as aforesaid, he shall thenceforth, *de facto*, cease to be such Protector and Guardian of Slaves as aforesaid, and forfeit such his Salary; and some other fit and proper person shall forthwith be appointed to succeed to the said Office. Provided, nevertheless, that all

acts which may be done by, or by the order of, any such Protector and Guardian of Slaves, after any such avoidance as aforesaid of such his Office, and before the same shall, by public notice in the Gazette of the said Island, be declared void, shall be as valid and effectual in the Law as if no such avoidance of Office had occurred.

4. And it is further ordered, That the said *Protector and Guardian* of Slaves shall be resident within the said Island, and shall not quit the same without a Special License to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Governor or Acting Governor for the time being of the said Island; and no such License shall, in any case, be granted for any time exceeding three Months, nor shall any such License be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the Oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Protector and Guardian of Slaves.

5. And it is further ordered, That upon the death or resignation of the said *Protector and Guardian* of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said Island, it shall be lawful for the Governor or Acting Governor to nominate and appoint some other fit and proper Person to act as the Deputy for the said Protector and Guardian of Slaves, until His Majesty's Pleasure shall be known; and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector and Guardian of Slaves, as the Governor, or Acting Governor for the time being, of the said Island shall be pleased to appoint. Provided always, That no Person shall be appointed, or be competent to act as such Deputy as aforesaid, who, according to the provisions of this Order, would be incompetent to act as the Protector and Guardian of Slaves. Provided also, that the Protector and Guardian of Slaves in the said Island shall at all times perform his duty in Person, and not by Deputy, except only in cases in which the Governor or Acting Governor of the said Island is hereinbefore authorized to appoint a Deputy for that purpose.

6. And it is hereby further ordered, That the said *Protector and Guardian* of Slaves shall be, and he is hereby declared to be, a Magistrate in and for the said Island of Trinidad; and

all such Powers and Authorities, of what nature or kind soever, as are now by Law vested in the Commandants of the several quarters of the said Island, for the maintenance of the public peace and good order, shall be, and the same are hereby vested in the said Protector and Guardian of Slaves, to be by him exercised throughout each and every quarter of the said Island.

7. And it is hereby further ordered, That the *Commandants* of the several quarters within the said Island shall be, and they are hereby declared to be, *Assistant-Protectors and Guardians* of Slaves, in their several and respective Quarters; and the said Commandants shall, and are hereby required, in their several and respective quarters, to be aiding and assisting the Protector and Guardian of Slaves in the execution of the powers hereby committed to him; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him, about, or in relation to, the matters herein mentioned, or any of them.

8. And it is hereby further ordered, That in all *Actions Suits and Prosecutions*, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within the said Island, wherein any Slave may be charged with any offence punishable by Death or Transportation, or where any question may arise as to the right of any alleged Slave to Freedom, or wherein any Person may be charged with the murder of any Slave, or with any offence against the Person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Protector and Guardian of Slaves of every such Action, Suit or Prosecution, as, according to the Law of the said Island would be given to the said Slave, if he or she were of free condition. And the Protector and Guardian of Slaves shall, and is hereby required to attend the Trial or Hearing; and all other the proceedings in every such Action, Suit, or Prosecution, as the Protector of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave.

9. And whereas, His Majesty hath been graciously pleased to intimate his intention to make effectual provision for the *Religious Instruction* of the Slaves in the said Island of Tri-

nidad; and it will be proper and necessary, so soon as such His Majesty's intentions can be carried into effect, that Sunday Markets should be utterly abolished throughout the said Island: and it is therefore hereby further ordered, That it shall and may be lawful for the Governor, or Acting Governor for the time being, of the said Island, and he is hereby required, in obedience to any instruction which may for that purpose be issued by His Majesty, through one of His Principal Secretaries of State, to issue a Proclamation, in His Majesty's Name, for the discontinuance of all Markets throughout the said Island on the Sunday; and so soon as such Proclamation shall have been issued, all *Sunday Markets* shall forthwith cease, and be absolutely unlawful. And in any such Proclamation the said Governor or Acting Governor shall and may, and is hereby authorized to make, all such Rules and Regulations as may be necessary for the effectual Suppression of such Markets, and to impose such Penalties as may be requisite for giving effect to any such Rules and Regulations. And whereas, a certain Proclamation or Ordinance was, on the 16th day of November, 1823, issued by the Governor of the said Island of Trinidad, whereby it was, and is ordered and declared, "That from and after the 1st day of December "then next, the Market holden in the Town of the Port of "Spain, for the Sale of Meat, Vegetables, and other Provi-"sions, on Sundays, and all other Markets to be holden on "the Sabbath Day throughout the Island, should be limited "to the hour of 10 o'Clock in the Forenoon, and that due "warning should be given by the ringing of a bell at half-"past 9 o'Clock to all Persons to prepare to depart; and "that from and after the hour of 10 in the Forenoon, no Per-"son or Persons whatsoever shall remain therein, or publicly "shew forth, or expose for Sale, any Meat, Poultry, Vegeta-"bles, Provisions, Fruits, Herbs, Wares, Merchandise, Goods, "or Effects, on the Lord's Day, after the Hour of 10 o'Clock "aforesaid; upon pain that every Person guilty of a diso-"bedience, or non-conformance of this Order, shall forfeit "the Goods or Effects so exposed for Sale, or, on refusing to "quit the place, forfeit the Sum of 10 shillings." And it is by the said Ordinance further ordered, "That if any Person or "Persons shaall offend in these premises, it shall be lawful "for the Chief of the Police, or his Assistants, or the Clerk "of the Market, or any Alquaçil or Constable; and they are

"respectively thereby required to seize the Goods exposed "for Sale, and cause them to be taken before any Judge or "Magistrate, or any Regidor of the Cabildo, who, upon view "of such Goods so exposed, shall order the same to be sold "forthwith, and the proceeds thereof to be applied and dispo- "sed of as follows: that is to say, one-third to the Informer, "and the remainder to such pious or charitable purposes, "and in such manner as the Magistrate or Justice ordering "the Sale, shall determine." And it is by such Ordinance further ordered, "That in like manner, any Person refusing "to quit the *Market-Place* may be apprehended by the Au- "thorities aforesaid, who are authorized and required to de- "mand the Penalty thereinbefore provided; and, in default "of payment, to commit the Offender for 20 Hours impri- "sonment." And it is by the said Ordinance provided, "That "nothing therein contained shall extend to the prohibition "of dressing or selling Meats in Inns or Victualling-houses, "nor to the sale of Fish at the Fish-house, provided the "same do not take place during the Hours appointed and set "apart for Divine Service." And it is by the said Ordinance noticed and set forth, "That the limitation therein before "declared, respecting the Markets to be holden on Sundays, "may not afford sufficient time for the Sale of the articles "and provisions necessary for the consumption of the Inha- "bitants; and it is therefore thereby ordered, That Thurs- "day be also a Market Day, on which Free Persons are invi- "ted to attend, so as to lessen the number of Persons resort- "ing to the Market on Sundays, which is especially retained "for the due and reasonable encouragement of the Slave "Population in habits of industry; and as it may not occa- "sionally be inconvenient for Proprietors to permit their "Slaves to bring the produce of their labour to Market on "another day than Sunday, the day of *Thursday* in each "week is thereby declared to be a *Market Day* in future. And "it is by the said Ordinance further ordered, That when, and "as soon as the same may be found practicable, the Market "on Sundays will be further limited to the Hour of 9 in the "Forenoon of the said day." And whereas, it is expedient that the said Order or Proclamation, of the 16th November, 1823, should continue and be in force throughout the said Island, in the mean time, and until such Proclamation as a- foresaid should be issued for the absolute and total abolition

of *Sunday Markets*; it is therefore hereby ordered, That the said Ordinance or Proclamation, of the 16th of November, 1823, shall be, and the same is hereby confirmed. And that the said Ordinance shall be, and continue in force within the said Island, until a Proclamation shall be issued in manner aforesaid, for the total abolition of Sunday Markets therein.

10. And it is hereby further ordered, That if any Person or Persons within the said Island shall *work* or *employ* any Slave, at any time between the time of *sunset* on any *Saturday*, and *sunrise* on any *Monday*, or shall during that period, procure, induce, or compel any Slave to perform or engage in any labour, for the profit or advantage of his or her Owner, manager, or employer, the Person or Persons so offending shall incur and become liable to a fine not exceeding 50, nor less than 5 dollars; Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may perform on Sunday in the necessary attendance upon the Person, or in the family of his or her Owner or employer, or in the necessary and unavoidable preservation of the cattle or live stock upon any Plantation.

11. And it is further ordered and declared, That it is, and shall henceforth be, illegal for any Person or Persons within the said Island of Trinidad, to carry any *whip, cat, or other instrument* of the like nature, while *superintending the labour* of any Slaves or Slave in or upon the fields or Cane Pieces upon any Plantation within the said Island, or to use any such whip, cat, or other instrument for the purpose of impelling or coercing any Slaves or Slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any Plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the Person or Persons so carrying or exhibiting the same over any Slaves or Slave; and in case any Person or Persons shall carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves or Slave in or upon any Plantation or Cane Piece within the said Island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slaves or Slave to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any Plantation or

elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of their, his, or her authority over any Slave or Slaves, the Person or Persons so offending, and each and every Person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, or use, or exhibition of any such whip, cat, or other instrument as aforesaid, shall be, and be deemed adjudged and taken to be, guilty of a Misdemeanor, and, being thereof convicted, shall suffer such punishment as is hereinafter provided.

12. And it is further ordered and declared, That it is, and shall henceforth be, illegal for any Persons or Person to inflict in any one day, upon any *Male Slave*, for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such Male Slave any punishment or correction by the *whipping*, *scourging*, or *beating* of his person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any former whipping, scourging, or beating, or to inflict upon any such Male Slave any punishment or correction by the whipping, scourging, or beating of his person until 24 hours, at the least, shall have elapsed from the time of the commission of the offence for, or in respect of, which any such punishment or correction may be so inflicted; or to inflict upon any such Male Slave any such punishment or correction as aforesaid, unless one Person of free condition shall be present at, and witness the infliction of, such punishment, other than and besides the Person by, or by the authority of whom the same may be so inflicted; and in case any Person or Persons shall inflict, in any one day, upon any Male Slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such Male Slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging, or beating, or shall inflict upon any such Male Slave any such punishment or correction as aforesaid, within 24 hours next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some Person of free condition other than and besides the Person by, or by the authority of whom the same

may be so inflicted, the Person or Persons so offending, and each and every Person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting, in any such illegal punishment of any Male Slave, shall be, and be deemed to be, guilty of a Misdemeanor, and, being thereof convicted, shall suffer such punishment as is hereinafter provided: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishments which may be inflicted upon any Male Slave, under, or by virtue of, any sentence or judgment of any Court of competent Jurisdiction within the said Island.

13. And it is hereby further ordered, That henceforth it shall not be lawful to correct or punish by *flogging*, or *whipping*, any *Female Slave* within the Island of Trinidad, for any offence committed, or alleged to be committed, by any such Slave; and if any Person or Persons, within the said Island, shall flog, whip, or correct any Female Slave, with any whip, cat, stick, or other such like instrument, the Person or Persons so offending, and each and every Person who shall or may direct, authorize, instigate, procure or be aiding, assisting, or abetting in any such correction or punishment as aforesaid, of any such *Female Slaves*, shall be, and be deemed adjudged, and taken to be, guilty of a Misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided. And whereas, it is necessary that effectual means should be adopted for punishing such offences, as may hereafter be committed by Female Slaves, within the said Island: it is therefore hereby ordered, that any Female Slave who shall or may commit any offence within the said Island, which, by the Laws in force there, was heretofore punishable by flogging, shall, for such her offence, be subject and liable to *imprisonment*, or to be *confined in the stocks*, or to such other punishment or correction as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned in, and by any Proclamation to be hereafter issued by the authority, and in the name of His Majesty, in the said Island. And the Governor or Acting Governor of the said Island, shall, and is hereby authorized to make and ordain such Rules and Regulations as may be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same. Provided that such Rules and Regulations be not in any wise repugnant to this present Or-

der: and provided also, that the same be forthwith transmitted by such Governor or Acting Governor as aforesaid, for His Majesty's approbation; and that all such Rules or Regulations shall cease to be binding or in force within the said Island, unless His Majesty's allowance thereof shall be signified to such Governor or Acting Governor within two Years next, after the date of such Rules and Regulations.

14. And it is hereby further ordered, That there shall be kept upon every Plantation and Estate throughout the said Island, a book, to be called *The Plantation Record Book*, and that it shall be the duty of the Owner, Proprietor, Manager, or other Person, having the direction of, and the chief authority in, the said Plantation, to enter and record in the said book, at or immediately after the time of the infliction of any punishment whatsoever, on any Female Slave, or on any Male Slave, who may be punished with any number of stripes exceeding three, a statement of the nature and particulars of the offence for, or in respect of which such punishment may be inflicted; and at the time at which, and the place where such offence was committed; and at the time at which, and the place where such *punishment* was inflicted; and of the nature, extent, and particulars of the punishment; and in the cases of Male Slaves, of the number of stripes actually inflicted upon the offender, together with the names of the Persons by whom, and by the authority of whom, the punishment was inflicted; and of the Persons or Person of free condition present, and attending at the infliction of every such punishment.

15. And it is hereby further ordered, That if any Person, being the Owner, Proprietor, or Manager, of any Plantation or Estate, within the said Island, or having the management thereof, or the chief authority therein, shall neglect or omit to make in the said *Plantation Record Book*, any entry which according to the provisions of this present Order ought to be made therein, or shall not make such entry within two days next, after the infliction of each and every punishment, to which the same may refer, the Person so offending, shall incur and become subject and liable to a penalty not exceeding £100, nor less than £5, sterling British Money; to be recovered and applied in a manner hereinafter mentioned. And if any Person or Persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent

erasure in any such Plantation Record Book, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the name, or any parts or part thereof, the Person or Persons so offending, shall be, and be deemed and taken to be, guilty of a Misdemeanor, and, being thereof convicted, shall suffer such punishment as is hereinafter provided.

16. And it is hereby further ordered, That every Owner, Proprietor, or Manager, or other Person, having the chief authority within each and every Plantation or Estate within the said Island, shall, on the first Monday which shall happen next after the 5th day of April, the 24th day of June, the 29th day of September, and the 25th day of December in each Year, repair to the Commandant for the time being, of the quarter in which such Plantation or Estate may be situated, and then and there produce before him, a precise and exact transcript of every entry, which during the Quarter of a Year next preceding, may have been made in the *Plantation Record Book*, of his or her Plantation or Estate; and shall also take and subscribe an Oath, to be annexed to the said transcript, in the following Words (that is to say),

"I, A. B. the Owner or Manager (as the case may be) of "the Plantation called in the quarter of " in the Island of Trinidad, do make "Oath and say, that the Paper Writing hereunto annexed, "contains a true and exact copy of every entry, which since "the day of last, hath been made "in the *Plantation Record Book* of the before-mentioned "Plantation. And I do further swear, that the said Planta-"tion Record Book hath been punctually and accurately kept "since the said day of in the "manner by Law required, and that no fraudulent erasure "or false entry hath been made therein by me, or by any "Person by my procurement, or with my knowledge or con-"sent. So help me God."

And in case any such Owner or Manager, as aforesaid, shall not, since the time of making his last preceding *Return* to the Commandant of the quarter, have inflicted, or caused to be inflicted, any *punishment* upon any Female Slave, on his Plantation or Estate, or any punishment on any Male Slave, exceeding three lashes, then, and in every such case, in lieu of the Oath aforesaid, such Owner or Manager shall, at the several times aforesaid, take and subscribe before the

Commandant of the Quarter in which such Plantation may be situate, on Oath, in the following words (that is to say),

"I, A. B. do swear, that since the day of
" now last past, no *punishment* hath been
"inflicted by me, or by my order, or with my knowledge,
"upon any Female Slave belonging, or attached to, the Plan-
"tation called situate in the Quarter of
" whereof I am Manager. And that no punishment
"hath since the said day of
"been inflicted upon any Male Slave, belonging or attached
"to the said Plantation, exceeding three lashes. And I
"further swear, that no entry of any such punishments hath
"since the said day of been
"made in the *Plantation Record Book* of the said Plantation.
"So help me God."

17. Provided always, and it is further ordered, That the Commandant of each, and every Quarter, within the said Island, shall, fourteen days at the least, before the time of making the *Returns*, transmit to the Owner, or Manager of every Plantation situate within his Quarter, a Printed Blank Form of the before-mentioned Affidavits, together with a notice of the time and place at which he will attend for the purpose of receiving the Returns, and administering the Oaths aforesaid, and the said Commandant shall, and is hereby required to attend, from day to day, for three successive days, and no more, for the purposes aforesaid; and in case it shall be made to appear to such Commandant, by the certificate of any Medical Practitioner, that any Person or Persons liable to make such Return, is or are, by reason of sickness, incapable of attending for that purpose, at the time and place so to be appointed, as aforesaid, then, and in every such case, the said Commandant shall, and he is hereby required to attend the Person or Persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said Returns, and taking such Affidavits as aforesaid.

18. And it is hereby ordered, That if any Person or Persons shall refuse or neglect to make any *Return*, or to take and subscribe the Oaths required by this present Order, the Person or Persons so offending, shall incur, and become liable to the Payment of a Fine, not exceeding £100, nor less than £10 sterling, British Money; to be recovered and applied in manner aftermentioned.

19. And it is hereby further ordered, That the Commandant of each and every quarter in the said Island shall, and he is hereby required to, transmit to the Protector and Guardian of the said Island, at his Office in the Town of Port of Spain, the whole of the *Returns* so to be made to him as aforesaid, together with the Original Affidavits thereunto annexed, within fourteen days next after such Quarterly Returns shall be complete. And in case any such Commandant shall himself be the Owner or Manager of any Plantation, he shall, together with the said Returns, deliver to the said Protector and Guardian of Slaves, a transcript of the entries in his own *Plantation Book*, for the last preceding Quarter of a Year, together with an Affidavit to be by him sworn, before the Chief Judge, or some one of the Alcaldes in Ordinary of the said Island, in the manner and form hereinbefore described, under such and the like penalty, as is hereinbefore mentioned in the case of other Persons refusing or neglecting to make their Returns, or to take the before-mentioned Oaths.

20. And it is hereby further ordered, That the said Protector of Slaves shall record and enrol in books to be by him kept for that purpose, the whole of the Returns so to be made to him, and shall keep and preserve in his Office the Originals of the said Returns and Affidavits; and for the better and more convenient keeping of the said Records, it is further ordered, that the said Protector and Guardian of Slaves shall keep a distinct *Book* for each Quarter of the said Island, and shall therein transcribe each of the said *Returns* in alphabetical order, according to the name by which each Plantation is described in every such Return, and shall also make and keep full and exact indexes of such books.

21. And it is hereby ordered, That upon the *prosecution* of any Person being the Owner, Proprietor, or Manager of any Plantation, for inflicting, or causing or procuring to be inflicted on any Slave or Slaves any *punishment* hereby declared illegal, if the Slave so alleged to be illegally punished shall be produced in open Court, and if the marks or traces of recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall in open Court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said Court, shall make a particular, consistent, and probable

statement of all the circumstances attendant on such unlawful Punishment, then and in every such case, although such Slave should not be a competent witness within the provisions of this present Order, the Owner, Proprietor, Manager, or other Person, having the charge of such Slave, shall be bound to prove, either that the punishment, of which the marks and traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment, within the meaning of this Order, and was inflicted in the presence of one such witness of free condition as is required by this present Order; and in default of such proof, such Owner, Proprietor, Manager, or other Person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him: and it is further ordered that every such prosecution as aforesaid, shall be conducted by the Protector and Guardian of Slaves, and that it shall not be lawful for him to discontinue any such prosecution except by virtue of an order in writing, to be for that purpose issued under his Hand and Seal by the Governor or Acting Governor for the time being of the said Island.

22. And it is further ordered, That any Persons being in a state of Slavery, who may be desirous to *intermarry*, shall at their election, apply either to the Protector and Guardian of Slaves, or to the Commandant of the Quarter in which the woman may reside, for a *Marriage License*, and as an authority to him to grant the same, shall produce the consent, in writing, of their Owner or Owners, Manager or Managers, to the celebration thereof; but in case the Owner or Manager, of both, or either of the said Slaves, shall refuse to consent to any such Marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said Protector and Guardian of Slaves or Commandant, as the case may be, shall thereupon issue a Summons, under his Hand and Seal, requiring the Owner or Manager of such Slaves, or the Persons or Person under whose direction such Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place, to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid, shall be received by such Protector and Guardian of Slaves, or Commandant as afore-

said. And if such Owner, or Manager, or other Person as aforesaid, being duly cited, shall fail to appear before the said Protector of Slaves, or Commandant, or appearing, shall fail to lay before him, good and sufficient proof that such proposed Marriage would be injurious to the well-being of the said Slaves, then and in every such case, the said Protector and Guardian of Slaves, or Commandant shall, without fee or reward, issue a *License* under his Hand and Seal, thereby authorising any Clergyman of the Established Church of England and Ireland, or any Minister of the Kirk of Scotland, or any Priest or Curate professing the Roman Catholic Religion, or any Public Teacher of Religion within the said Island, carrying on there no other profession, business, or occupation of profit, except that of a Schoolmaster, to solemnize the *Marriage* of the said Slaves. And it shall and may be lawful for any such Clergyman, Minister, Priest, Curate, or Religious Teacher, upon receiving any such License, to solemnize any such Marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes, be binding, valid, and effectual in the law; and any person by whom any such Marriage may be so solemnized, by virtue of any such license, shall, within fourteen Days next after the solemnization thereof, under a penalty of not more than twenty Pounds, and not less than five Pounds Sterling, transmit to the said Protector of Slaves, a Certificate of the solemnization of such Marriage; and the said Protector and Guardian of Slaves shall register in a book, to be by him kept for that purpose, every Marriage which may be so solemnized, with the date thereof, and the names, descriptions and places of abode of the Parties contracting, and of the Person solemnizing every such Marriage: Provided nevertheless, that nothing herein contained, shall extend, or be construed to extend, to render any Marriage between Persons in a state of Slavery, valid or effectual, which would be illegal or void, if such Persons were of free condition.

23. And it is further ordered, That it shall not be lawful in the execution of any *Judgment, Sentence, Decree, or Order* of any Tribunal, of any Court of Justice within the said Island, to seize or *sell* in satisfaction thereof, any Slave having a *Husband or Wife, or a Child* under the age of sixteen Years, or a reputed Husband, or Wife, or Child under the age aforesaid, who may be the property of the same

Persons or Person, unless such Husband, and Wife, and Child, or reputed *Husband, Wife, or Child,* shall be sold *together,* and in one and the same lot, and to the same Person or Persons: And if in the execution of any such Judgment, Sentence, Decree, or Order, any Slave or Slaves shall be sold separate or apart from any such Husband, or Wife, or Child, or reputed Husband, or Wife, or Child as aforesaid, then and in every such case, such sale and execution shall be, and the same is hereby declared to be, absolutely null in the Law, to all intents and purposes whatsoever.

24. And whereas, by the usage of the said Island of Trinidad, Persons in a state of Slavery have hitherto been reputed competent in the Law, and have in fact been permitted to acquire, hold, and enjoy *Property,* free from the control or influence of their Owners: And it is expedient that the said laudable custom should be recognised and established by Law, and that provision should be made for enabling such *Slaves* to invest such their property on good security: it is therefore hereby ordered and declared, That no person in the Island of Trinidad, being in a state of Slavery, shall be, or be deemed, or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold, or enjoy, alienate or dispose of property; but every such Slave shall, and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of Lands situate in the said Island, or Money, Cattle, Implements or Utensils of Husbandry or Household Furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute, and defend any Suit or Action in any Court of Justice, for or in respect of any such Property, as fully and amply to all intents and purposes, as if he or she were of free condition.

25. And it is hereby further ordered, that *Savings Banks* shall be established within the said Island, for the better preserving the property of any such Slaves, and that interest, at and after the Rate of five Pounds per Centum per Annum, shall be allowed upon the amount of every sum of money which may be deposited in any such Savings Banks, which Interest shall be a charge upon the general Revenues of the said Island. And any Slave making any deposit of money in any such Savings Banks, shall be at liberty to make a Declaration of the manner in which, and the names of the Per-

son or Persons to whom in the event of his or her death the amount of his contributions to the said Savings Banks shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the Savings Banks, where such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed, and taken to be the *last will and testament* of such Slave, in the absence of any other last will; and in case any such Slave shall *marry* after having made any such declaration, such Marriage shall be, and be deemed, and taken to be, a revocation in the law of such declaration; and it is further ordered, that in case any Slaves or Slave in the said Island shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go, and be disposed of, to and in favour of such Persons or Person, as by virtue of the several Acts of Parliament for the distribution of Intestates' Estates, would according to the Law of England, be entitled to any such Property.

26. And it is hereby further ordered, That the *Savings Banks* throughout the said Island shall be under and subject to the control and inspection of the Protector of Slaves; and that the Governor or Acting Governor for the time being, for the said Island, shall, and is hereby authorized to appoint such proper and necessary Officers, and to make such rules and regulations as may be best adapted for managing the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited;—provided that such rules and regulations be not repugnant to this present Order, and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

27. And it is hereby further ordered, That no deposit of money shall at any one time, or within any one week, be received at any of the said *Savings Banks*, from any Slave, exceeding the sum of twenty Dollars in the whole, unless such Slave, at the Time of tendering any such deposit, shall produce the consent in writing of his Owner or Manager to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any

such deposit of money, exceeding the sum of twenty Dollars, and the Owner or Manager of such Slave shall refuse his consent to such Deposit being made, then, and in every such case, the Protector and Guardian of Slaves, upon application to him for that purpose made, shall issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slave, or the Persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such Owner or Manager, or other Person as aforesaid, being duly cited, shall fail to appear before the said Protector of Slaves, or appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said Protector and Guardian of Slaves shall issue an Order under his Hand and Seal, requiring the Manager of the *Savings Banks* to receive the amount of such deposit, and the same shall be received by him accordingly.

28. And it is hereby further ordered, That no duty, tax, or impost of any nature or kind whatsoever, and that no *fee of Office* shall be hereafter paid or payable within the said Island, upon, for, or on account, or in respect of the *Manumission* of any Slave, or the enrolment or registration of any Deed of Manumission, saving and excepting a fee not exceeding twenty Shillings Sterling British Money, which shall by the said Protector and Guardian of Slaves be paid to the Registrar of Deeds of the said Island, for enrolling and registering every such Deed of Manumission, and which fee shall be repaid to such Protector and Guardian of Slaves out of the Public Revenue of the said Colony. And if any Person within the said Island shall hereafter take, demand, or receive any such tax, duty, impost, or fee of office, save as aforesaid, the Person so offending shall incur and become liable to the payment of a fine not exceeding fifty Pounds, and not less than ten Pounds Sterling British Money.

29. And it is hereby further ordered, That in case any Slave within the said Island shall be desirous to purchase the freedom of himself, or of his or her Wife, or Husband, or Child, or Brother, or Sister, or reputed Wife, or Husband, or Child, or Brother, or Sister, it shall and may be lawful to and for any such Slave so to *purchase the freedom* of himself, or of any such other Person as aforesaid; and if the Owner or

Proprietor of any such Slave shall be unwilling to effect his or her Manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other Person or Persons, be unable to execute a valid and effectual *Manumission* of any such Slave; or if the Owner or Proprietor, or any other Person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true Owner of any such Slave shall be absent from the said Island, or shall not be known, or if any Suit or Action shall be depending in any Court of Justice in the said Island, wherein the title to the said Slave, or the right to his services shall or may be in controversy, or if the Owner of any such Slave shall demand as the price of his or her Freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the Chief Judge of the said Island, on application to him for that purpose made by the Protector and Guardian of Slaves, shall issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slave, or the Persons or Person under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said Protector and Guardian of Slaves, in the Public Gazette of the said Island, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all Persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attornies, Trustees, or Executors of any other Person, shall be required to attend and prefer such claims.

30. And it is hereby further ordered, That at the time appointed for any such Meeting as aforesaid, the Chief Judge of the said Island, in the presence of the Protector and Guardian of Slaves, and also in the presence of the Owner or Manager of the Slaves or Slave proposed to be manumitted, or (upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary,) in the absence of such Owner or Manager, shall proceed to hear in a summary way, what may be alleged by the said Protector and Guardian of Slaves, and by the Owner or Manager, or other Persons claiming any interest in

the Slave proposed to be manumitted; and in case the Parties, or any of them, shall refuse to effect any such Manumission, or if it shall appear to the said Chief Judge, that a valid and effectual *Manumission* of any such Slave cannot legally be effected by private contract, or if it shall be made to appear to the said Chief Judge, that the Owner or Proprietor of any such Slave, or that any Person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true Owner of any such Slave, or that any Person having any charge upon, or interest in him or her, is absent from the said Island, or is unknown, or cannot be found, or that any Suit or Action is depending in any Court of Justice in the said Island, wherein the title to the said Slave or the right to his services is in controversy, or if it shall appear to the said Chief Judge, that any difference of opinion exists between the Protector and Guardian of Slaves of the said Island, and the Owner or Proprietor of any such Slave, respecting his or her price or value, then, and in every such case, the said Chief Judge shall require the Protector of Slaves, and the Owner, Manager, or Person having the direction of any such *Slave*, each to nominate an *Appraiser* of his or her value; and the said Chief Judge shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said Judge, to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the Chief Judge, under their hands and seals. And in case such joint certificate shall not be delivered to the said Chief Judge within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said Chief Judge, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry in the said Island.

31. And it is hereby further ordered, That upon payment to the Treasurer of the said Island of the *appraised value* of any such *Slave* as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the said Chief

Judge, the said Treasurer shall grant to the Protector of Slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the Office of Registry in the said Island, together with a declaration under the Hand and Seal of the said Chief Judge, that the proceedings required by Law for the Manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

32. And it is further ordered, That the *money* to arise from the *Manumission* of any Slave by virtue of the proceedings before-mentioned, shall and may be laid out and invested under the authority of the Chief Judge, on the application of any Person or Persons interested therein in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the Public Treasurer of the said Island at interest, at and after the Rate of five Pounds per centum per annum; such Interest to be borne by, and defrayed out of, the Revenues of the said Colony, and the Slave or Slaves so to be purchased with the said money as aforesaid; or, in case of no such purchase being made, then the said money in the hands of the said Public Treasurer, and the Interest from time to time accruing due thereupon, shall be the Property of the Persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their Manumission; and the said Treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the Chief Judge of the said Colony may, upon a summary application of any Person interested therein, see fit to make, and such principal money and interest shall by the said Treasurer be paid, applied, and disposed of in pursuance of and obedience to any such order.

33. And it is hereby further ordered, That before the Manumission of any Slave by virtue of any *private contract* for that purpose between such Slave and his Owner, notice of such intended *Manumission* shall by the Owner of such Slave,

be given in Writing to the Protector and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such Owner has good right and title in the law, and is competent to effect such Manumission; and the said Protector and Guardian of Slaves, shall also, without fee or reward, prepare the proper *Deed of Manumission*, and the same shall in all cases be executed in the presence of the said Protector and Guardian of Slaves, or of some proper Witness, to be by him appointed for that purpose, and being so executed, shall, by such Protector and Guardian of Slaves, be enrolled in the Office of Registry in the said Island within one Calendar Month, next after the date and execution thereof. And in case any such Deed shall not be left for enrolment at the said Office of Registry within the said period of one Calendar Month, the said Protector of Slaves shall incur and be liable to the payment of a fine not exceeding fifty Pounds, nor less than ten Pounds Sterling English Money.

34. And it is hereby ordered, That in case any such Deed of Manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the Owner or other Person effecting such Manumission, the Slave or Slaves so to be manumitted shall, before the actual execution of any such Deed, appear before the said Protector and Guardian of Slaves, or before the Commandant of the Quarter in which such Slave may happen to be resident; and if it shall appear to the said Protector and Guardian of Slaves, or to such Commandant, as the case may be, that the Slave about to be so *gratuitously manumitted*, is under the age of six Years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the Owner or other Person about to effect such Manumission, shall, at the time of the execution of the Deed of Manumission, execute and deliver under his Hand and Seal a Bond to His Majesty, in the penal Sum of two hundred Pounds, with a Condition thereunder written, for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained, until the age of fourteen Years, in the case of Infants, or during the term of his or her natural Life, in the case of Adults of the age of fifty Years, or labouring under any such Sickness, Disease, or Infirmity, as aforesaid; and no such Manumission shall be valid and effectual in the Law, or shall be re-

ceived for enrolment at the Office of Registry, until such Bond as aforesaid be duly executed and registered, and deposited in the said Office.

35. And it is hereby further ordered, That every Clergyman of the Established Church of England, and every Minister of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic Religion in the said Island, and every other Person being a Public Teacher of Religion within the said Island, shall, and is hereby authorized to transmit or deliver under his hand to the Commandant of the Quarter in which he may be resident, *Certificates* setting forth the names or name and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the Party so certifying, may be sufficiently instructed in the *principles of Religion* to understand the nature and obligation of an Oath. And the Commandants of the several Quarters in the said Island shall, and are hereby required to, transmit such Certificates as aforesaid, to the Protector and Guardian of Slaves, who shall, and is hereby required to, register the same in a Book to be kept by him for that purpose, therein stating the date of every such Certificate, and the name and place of abode of the Person by whom the same may be granted, and of every Slave mentioned and included therein: provided nevertheless, that no Priest, Minister, or Public Teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland, shall be competent to grant any such Certificate as aforesaid, unless His Majesty's Principal Secretary of State, having the Department of the Colonies, or the Governor, or Acting Governor for the time being of the said Island of Trinidad, shall have granted to such Priest, Minister, or Public Teacher, a License in writing to grant such Certificates; and, unless such License shall be in force, and have been first registered at the Office of the said Protector of Slaves.

36. And it is further ordered, That no Person shall henceforth be rejected as a *Witness*, or considered as incompetent to give evidence in any Court of civil or criminal Justice in the said Island, by reason of his or her being in a state of Slavery, if the Person or Persons producing or tendering him or her as a Witness, shall produce and exhibit to the Court a Certificate under the Hand of the said Protector and Guardian of Slaves, that such proposed Witness is regis-

tered in the before-mentioned Book; and the said Protector of Slaves shall, and he is hereby required to grant without fee or reward, to any Person making application for the same, a Certificate of the fact, whether any such proposed Witness is or is not registered in the said Book: provided nevertheless, that no Person being in a state of Slavery shall be admitted to give evidence in any civil Suit or Action in which his or her Owner is directly concerned, or in any case where any white Person may be charged with or prosecuted for any Offence punishable with Death; provided always that nothing herein contained shall extend to take away or diminish any Power and Authority which any Court of criminal Jurisdiction in the said Colony now hath, to admit in any case the evidence of Persons being in a state of Slavery; provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent Witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

37. And it is hereby further ordered, That the *Salary* of the *Protector and Guardian of Slaves* shall by him be taken and received in lieu and in full satisfaction of all Fees, Perquisites of Office, Advantages, and Emoluments whatsoever; and that if the said Protector and Guardian of Slaves shall take or receive, directly or indirectly, any Fee, Perquisite of Office, Advantage, or Emolument, other than besides his said Salary for or in respect of any act, matter, or thing, done or performed by him in the execution of such his Office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his Office.

38. And it is hereby further ordered, That the said Protector and Guardian of Slaves shall on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each Year, deliver to the Governor or Acting Governor for the time being of the said Island, a *Report* in writing, exhibiting an account of the Manner in which the Duties of such his Office have been performed during the half Year next preceding the date of such his report, and especially stating the number of the *Actions, Suits, and Prosecutions* in which he may have acted as the Protector of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of

all the returns which by virtue of this Order may have been made to him by the Commandants of the several Quarters within the said Island; and the names of the Persons, if any, against whom he may have instituted any *criminal prosecutions*, under and by virtue of this Order, together with a statement of the names of all Slaves who may have been certified to him as being competent to give *evidence* in any Court of Justice, together with the number of *Licenses* which may by him have been granted for the Marriage of any Slaves, with the Number of *Marriages* appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in any *Savings Banks* in the said Island, together with a statement of the names of all the *Slaves manumitted* under the authority of this present Order; and the Governor or Acting Governor for the time being of the said Colony, shall thereupon administer to the said Protector of Slaves an Oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Protector of Slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Governor or Acting Governor shall issue to the said Protector and Guardian of Slaves a Warrant upon the Treasurer of the said Island, for the amount of his Salary for the half-year next preceding the date of such report; and the said Governor shall, and he is hereby required, by the first convenient opportunity, to transmit such Report as aforesaid to His Majesty's Principal Secretary of State having the Department of the Colonies.

39. And it is further ordered, That if the Protector and Guardian of Slaves, or any Commandant of any Quarter in the said Island, or any other Person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the *Books, Records, or Returns* herein-before required to be made, or shall wilfully falsify any such Books, Records or Returns, or shall wilfully make, or cause or procure to be made, any false entry in any such Book, Record, or Return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or either of them, or any part thereof, the Person or Persons so offending shall be, and be deemed, adjudged, and taken to be, guilty of a Misde-

meanor, and being thereof convicted, shall suffer punishment as is herein-after directed.

40. And it is further ordered, That any of the People called *Quakers*, who may be resident in the said Island, being required to take any of the Oaths prescribed by this present Order, may, and they are hereby authorized to make their, his, or her solemn affirmation in lieu of such Oaths; and that any Person taking any oath, or being a Quaker, making his solemn affirmation, under or in pursuance of this Order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment as by the Law of the said Island may be inflicted on any Persons guilty of wilful and corrupt Perjury.

41. And it is hereby further ordered, That any Person who may be convicted of any act hereby declared to be a *Misdemeanor*, shall, if of free condition, be and become liable to a fine not exceeding five hundred Pounds, and not less than fifty Pounds Sterling English Money, or to imprisonment for any time not exceeding six Months, nor less than one Month, or both to *fine and imprisonment*, at the discretion of the Court, by which any such Person may be convicted; and in case any Person shall be so convicted of any *cruelty* to any Slave, the said Court shall, and is hereby authorized at their discretion, to declare the right and interest of the Person so convicted, in and to any such Slave, to be absolutely forfeited to His Majesty; and all such Offences as aforesaid shall be heard, tried, and inquired of, by and before the Court for Criminal Prosecutions in the said Island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this Order, shall be recovered in the said Court, and shall be paid, and payable, in equal moieties, one half to His Majesty, and the remaining half to any Person or Persons who may commence any Suit or Prosecution for the same.

42. And it is further ordered, That if any Person shall be twice convicted, before any Tribunal in the said Island, of inflicting upon any Slave any cruel or unlawful punishment, the Person so convicted shall, in addition to the penalties herein-before mentioned, be declared by the Court, before which such *second conviction* may take place, absolutely incapable in the law to be the Owner or Proprietor, or to act as the Manager, Overseer, or Superintendent of any Slaves

or Slave within the said Island; and all and every the Slaves or Slave, of which, at the time of such second conviction, any such Person may be the Owner or Proprietor, shall thenceforth become, and be absolutely forfeited to and vested in His Majesty, his Heirs and Successors.

43. And it is further ordered, That the Governor or Acting Governor of the said Island, shall, within one Month next after this present Order shall be received by him, make known the same by *Proclamation* throughout the said Island; and that the said Order shall be in force in one Calendar Month next after the Date of such Proclamation, and not before.

And the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, having the Department of the Colonies, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

ORDER in COUNCIL exempting certain Hanoverian *Vessels from taking Pilots in British Ports.**

At the Court at Windsor, the 18th of November, 1823,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His present Majesty's Reign, 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 Pi-"lotage," 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

* London Gazette, 3d January, 1824.

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 *Hanover*, and being of less burthen than 60 tons, which shall enter in 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.

JAS. BULLER.

ORDER in COUNCIL respecting Tonnage Duties on Vessels of The United States, *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 third Year of His Majesty's Reign, intituled "An Act to regulate the Trade be-"tween 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 fourth Year of His Majesty's Reign, intituled "An Act to authorise His Majesty, under certain cir-"cumstances, to regulate the duties and drawbacks on goods "imported or exported in Foreign Vessels, and to exempt

* London Gazette, 3d January, 1824.

"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 merchandise 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 merchandise when imported into or exported from such Foreign country in British Vessels, than are levied or granted upon similar goods, wares, or merchandise 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 merchandise 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 merchandise 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 ten 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 ma-

nufacture 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 ten 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 third 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.

ORDER in COUNCIL prohibiting the Exportation of Gun-powder or Salt-petre, or Arms or Ammunition, to the Coast of Africa.*

At the Court at Carlton-House, the 10th of March, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, the time limited by His Majesty's Order in Council, of the 19th of September last, for prohibiting the Exportation of 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), will expire on the 19th of this instant March; 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

* London Gazette, 13th March, 1824.

six months (to commence from the 19th of this instant), 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 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 twenty-ninth 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 thirty-third 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.

ORDER in COUNCIL exempting certain Hamburgh *Vessels from taking Pilots in British Ports.**

At the Court at Carlton-House, the 10th of March, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His pre-

* London Gazette, 20th March, 1824.

sent Majesty's Reign, 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 Pilot-"age," 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 Inhabitants of *Hamburgh*, and being of less burthen than 60 tons, which shall enter in 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 Honorable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ORDER in COUNCIL respecting Tonnage Duties on French *Vessels in British Ports.**

At the Court at Carlton-House, the 10*th of March*, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the present Session of Parliament, intituled "An Act to indemnify all persons concern-"ed in advising, issuing, or acting under a certain Order in "Council for regulating the tonnage duties on certain Fo-

* London Gazette, 20th March, 1824.

"reign Vessels, and to amend an Act of the last Session of "Parliament for authorizing His Majesty, under certain cir- "cumstances, to regulate the duties and drawbacks on goods "imported or exported in any Foreign Vessels," 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 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.

And whereas British Vessels entering the Ports of France from the Ports of the United Kingdom are charged with a tonnage duty of 3 fcs. 75 cts., and 10 per cent. thereon, making in the whole 4 fcs. 12 cts. 5. per ton, from which duty French Vessels arriving in the Ports of France from this Kingdom are exempt; His Majesty, by virtue of the powers 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, there shall be charged on all *French* Vessels which shall enter any of the Ports of the United Kingdom, a duty of 3s. 6d. per ton, such duty to be levied, collected, recovered, and applied in such and the like manner as any duties of Customs are now by Law levied, recovered, and applied:

And the Right Honorable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ORDER in COUNCIL admitting French *Vessels at* The Mauritius, *laden with Cattle, from* Madagascar.*

At the Court at Carlton-House, the 10th of March, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the first Year of the Reign of His present Majesty, intituled "An Act to continue, until "the 5th day of July, 1825, an Act of the 57th Year of His "late Majesty, for regulating the Trade and Commerce to and "from the Cape of Good Hope, and for regulating the Trade "of the Island of Mauritius," His Majesty is authorised, by and with the advice of His Privy Council, by any Order or Orders to be issued from time to time, to give such directions, and to make such regulations touching the Trade and Commerce to and from all Islands, Colonies, or Places, and the Territories and Dependencies thereof, to His Majesty belonging or in His possession, in Africa, or Asia to the eastward of the Cape of Good Hope, excepting only the possessions of the East India Company, as to His Majesty in Council shall appear most expedient and salutary, any thing contained in an Act, passed in the 12th Year of the Reign of His Majesty King Charles the Second, intituled "An Act for the encoura- "ging and increasing of Shipping and Navigation;" or in an Act, passed in the 7th and 8th Years of the Reign of His Majesty King William the Third, intituled "An Act for prevent- "ing frauds and regulating abuses in the Plantation Trade," or any other Act or Acts of Parliament now in force relating to His Majesty's Colonies and Plantations, or any other Act or Acts of Parliament, law, usage, or custom to the contrary, in anywise notwithstanding; His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the date of this present Order, all Vessels under the *French* flag arriving at any Port or Ports of *The Mauritius*, or its Dependencies, from the Island of *Madagascar*, laden with Cattle, shall be permitted to enter and land their cargoes, and dispose of the same in the said Ports, subject to such duties as may be there payable thereon:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty are to give the necessary directions herein, as to them may respectively appertain. JAS. BULLER.

* London Gazette, 20th March, 1824.

REVENUE AND EXPENDITURE;—1786—1824.

An ACCOUNT of the Total Net REVENUE of *Great Britain*, exclusive of Loans; also, An ACCOUNT of the Total EXPENDITURE for *Great Britain*, exclusive of all Sums paid to the Commissioners for the Reduction of the National Debt; in each Year from 1786 to 5th January, 1824, so as to exhibit the actual Surplus over Expenditure, or the actual Deficiency of Revenue to meet Expenditure, in each of these Years.*

		NET REVENUE.			EXPENDITURE.			SURPLUS.			DEFICIENCY.		
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Year ending 10th October.	1786	14,656,663	8	1¼	15,810,480	19	1¾	—			1,153,817	11	0½
	1787	15,894,178	1	8¾	14,714,038	9	7½	1,180,139	12	1	—		
	1788	16,201,546	13	10	15,665,568	17	9¾	535,977	16	0¼	—		
	1789	16,099,435	10	10¼	15,466,207	9	9½	633,228	1	1	—		
	1790	16,451,450	8	4¾	16,142,316	15	11¼	309,133	12	5¼	—		
	1791	17,806,097	8	7¾	17,173,062	6	7	633,035	2	0¾	—		
	1792	17,864,464	2	8½	16,770,351	11	0¾	1,099,112	11	8	—		
	1793	17,956,982	16	5¼	21,139,746	3	7¼	—			3,182,763	7	2
	1794	18,149,293	3	10	25,795,758	18	4¾	—			7,646,465	14	6¾
	1795	18,456,299	4	5¾	37,057,209	15	6¾	—			18,600,910	11	1
	1796	18,797,628	19	2½	36,970,521	1	10¾	—			18,172,892	2	8¼
	1797	20,352,645	11	11½	45,628,376	18	1	—			25,275,731	6	1½
	1798	27,120,053	5	1	46,631,092	19	0¾	—			19,511,039	13	11¾
	1799	30,640,147	13	2¾	48,290,031	8	10¾	—			17,649,883	15	8
*													
Year ending 5th January.	1800	33,427,561	14	9	52,031,852	18	5½	—			18,604,291	3	8½
	1801	31,851,465	14	8	51,140,097	9	7½	—			19,288,631	14	11½
	1802	30,488,236	10	3	57,186,804	17	7¾	—			26,698,568	7	4¾
	1803	34,404,177	19	6½	47,389,446	19	11¼	—			12,985,269	0	4¾
	1804	36,847,882	4	5	45,823,782	16	2	—			8,975,900	11	9
	1805	44,278,384	9	2½	56,159,262	19	5¼	—			11,880,878	10	2¾
	1806	49,272,059	18	5½	67,070,941	19	6¼	—			17,798,882	1	0¾
	1807	53,896,979	19	10½	65,421,802	13	8¼	—			11,524,822	13	9¾
	1808	57,403,401	18	8¼	65,016,111	17	4½	—			7,612,709	18	8¼
	1809	60,751,973	10	5¼	70,645,218	14	8¾	—			9,893,245	4	3½
	1810	61,952,294	2	7½	73,012,256	13	2¼	—			11,059,962	10	6¾
	1811	67,449,644	17	8¾	77,961,399	18	6½	—			10,511,755	0	9¾
	1812	65,462,295	8	4¼	79,346,420	8	4¼	—			13,884,125	0	0
	1813	63,203,192	1	3	88,925,507	13	0¼	—			25,722,315	11	9
	1814	71,202,676	4	9¼	109,054,125	2	4¼	—			37,851,448	17	7
	1815	72,151,281	7	0	106,901,336	3	10	—			34,750,054	16	10
	1816	76,831,358	6	6¾	95,588,927	7	9¼	—			18,757,559	1	2½
	1817	64,292,490	0	2½	63,440,597	0	10	851,892	19	4½	—		
	1818	48,122,636	4	5½	49,317,435	7	2½	—			1,194,799	2	9
	1819	49,420,509	1	9½	48,488,720	15	1½	931,788	6	8	—		
	1820	48,732,354	8	7¾	48,438,395	18	11	293,958	9	8¾	—		
	1821	50,926,468	5	0¾	50,259,032	6	0¾	667,435	19	0	—		
	1822	51,997,668	1	3½	49,254,305	16	6¾	2,743,362		8½	—		
	1823	50,723,676	6	5¾	45,935,194	19	3¼	4,788,481	7	2¾	—		
	1824	54,473,871	0	6¾	48,385,997	17	8	6,087,873	2	10¾	—		

* The Annual Accounts of Great Britain, prior to the Union, were made up to the 10th October in each Year.

J. C. Herries.

Whitehall, Treasury Chambers,
13th April 1824.

* Presented to the House of Commons, 13th April, 1824.

*ORDINANCE of The King of France, respecting Orders or Decorations worn by French Subjects.**

LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE,

Vu l'Article 259 du Code Pénal ainsi conçu : " Toute Personne qui aura publiquement porté un Costume, un Uniforme " ou une Décoration qui ne lui appartenait pas, ou qui se sera " attribué des Titres Royaux qui ne lui auraient pas été légale- " ment conférés, sera punie d'un emprisonnement de six mois " à deux ans."

Vu les Articles 67 et 69 de notre Ordonnance du 26 Mars 1816, portant : " Tous les Ordres Etrangers sont dans " les attributions du Grand Chancelier de l'Ordre Royal de la " Legion-d'Honneur.—Il prend nos ordres à l'égard des " Ordres Étrangers conférés à nos Sujets, et transmet les " autorisations de les accepter et de les porter."

Etant informé que plusieurs de nos Sujets se décorent des Insignes de divers Ordres que Nous ne leur avons pas conférés, ou pour lesquels ils n'ont pas obtenu de Nous l'autorisation qui est nécessaire afin d'accepter et de porter les Décorations accordées par les Souverains Etrangers ;

Qu'ils s'exposent, par cette conduite, aux poursuites et aux condamnations prescrites par l'Art. 259 du Code Pénal ;

Voulant faire cesser des désordres d'autant plus facheux que leur effet naturel est d'affaiblir le prix des récompenses obtenues régulièrement et données à des services certains et verifiés ;

Voulant en conséquence que la Loi Pénale reçoive à l'avenir toute son exécution, et que nos Officiers de Justice ne négligent plus d'exercer à cet égard la surveillance qui leur est prescrite.

Sur le rapport de notre Cousin le Grand Chancelier de l'Ordre Royal de la Légion-d'Honneur, et de l'avis de notre Conseil,

Nous avons ordonné et ordonnons ce qui suit :

Art. 1. Toutes Décorations ou Ordres, quelles qu'en soient la dénomination ou la forme, qui n'auraient pas été conférés par Nous, ou par les Souverains Etrangers, sont déclarés illé-

* Moniteur 18th April, 1824.

galement et abusivement obtenus, et il est enjoint à ceux qui les portent de les déposer à l'instant.

2. Tout Français qui, ayant obtenu des Ordres Etrangers, n'aura pas reçu de Nous l'autorisation de les accepter et de les porter, conformément à notre Ordonnance du 26 Mars 1816, sera pareillement tenu de les déposer, sans préjudice à lui de se pouvoir, s'il y a lieu, auprès du Grand Chancelier de notre Ordre Royal de la Légion-d'Honneur, selon la dite Ordonnance, pour solliciter notre autorisation.

3. Nos Procureurs-généraux poursuivront, selon la rigueur des Lois, tous ceux qui, au mépris de la présente Ordonnance, continueraient de porter des Ordres Etrangers sans notre autorisation, ou d'autres Ordres quelconques sans que Nous les leur ayons conférés.

4. Nos Ministres Secrétaires d'Etat et notre Grand Chancelier de l'Ordre Royal de la Légion-d'Honneur, sont chargés de l'exécution de la présente Ordonnance.

Donné à Paris, en notre Château des Tuileries, le 16 jour d'Avril de l'An de Grâce 1824, et de notre Règne le vingt-neuvième.

LOUIS.

Par le Roi,

Le Président du Conseil des Ministres.

JH. DE VILLELE.

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*REPORT of the Minister of Finance to The King of France.**

SIRE,

J'ai l'honneur de mettre sous les yeux de Votre Majesté les resultats généraux des Comptes de Finances qui doivent être présentés aux Chambres, dans leur Session actuelle. Je les accompagne de deux Projets de Lois,† l'un ayant pour objet le réglement définitif en recette et en depense du Budget de 1822; le second, l'ouverture de nouveaux Crédits sur l'Exercice 1823, pour compléter l'acquittement des Dépenses extraordinaires qui viennent s'y rattacher.

* Moniteur 17th April, 1824.

† See Moniteur 6th April, 1824.

Arrêtés au 1 Janvier 1824, et soumis pour la première fois, aux régles de comptabilité qu'a tracée l'Ordonnance du 14 Septembre 1822, les Comptes ministériels comprennent, comme les précédens, le Service arriéré et le Service courant.

Ce dernier se divise en trois Sections.

La première comprend les Exercices antérieurs à 1822, dont les Crédits doivent être aujourd'hui définitivement ramenés au montant des paiemens effectués, sauf l'imputation, sur les Budgets courans, de résidus de dépenses que quelques-uns d'eux pourraient présenter encore à acquitter.

La seconde comprend distinctement l'Exercice 1822, sur les résultats duquel les Chambres vont porter leur jugement et auront à statuer.

La troisième enfin comprend l'Exercice 1823 et sa situation provisoire, sous le double rapport des Crédits qui lui ont été ouverts et des Dépenses ordinaires et extraordinaires qui paraissent devoir s'y rattacher.

C'est dans cet ordre que j'appellerai successivement l'attention de Votre Majesté sur les résultats de chacun de ces Services. Je les reproduis d'ailleurs avec plus de développement dans huit Tableaux analytiques, annexés aux Projets de Lois.

SERVICE ARRIÉRÉ.

La Loi du 17 Août 1822, qui a statué sur la Dette arriérée, et ouvert les Crédits présumés alors nécessaires pour sa complette extinction, a fixé de nouveaux délais, passé lesquels les Créances qui n'auraient point été réclamées seraient définitivement éteintes et amorties au profit de l'Etat.

Ces délais, maintenant expirés, ont permis au Ministres de joindre au Compte spécial de leurs ordonnances délivrées payables en valeur d'arriéré, pendant le cours de l'Année 1823, celui des déchéances encourues par suite de non-déclarations de la part des Créanciers.

La Dette arriérée des deux séries présentait encore, au 1 Janvier 1823 :

En Créances susceptibles d'être ordonnancées dans les Ministères, un solde de.....20,919,631

En Créances ordonnancées, non encore payées, un solde de..... 19,524,307

Total.....*Francs* 40,443,938

Il a été réduit depuis cette époque :

1. Par les rejets qu'ont amenés les liquidations ministérielles, compensation faite de quelques nouvelles Créances précédemment écartées, mais dont l'admission, après un examen plus approfondi, n'a pu être refusée d'une somme de..... 1,301,460

2. Du montant des déchéances resultant de non-déclarations dans les délais de la Loi.

Elles se sont élevées :

Sur les Créances qui restaient à ordonnancer par les Ministres liquidateurs, à.....5,893,933

Sur celles ordonnancées, et qui attendaient au Trésor leur conversion en Rentes ou reconnaissances 5,360,397

——————11,254,330

Les Créances éteintes au profit de l'État ont été de..... 12,555,790 ci 12,555,790

et le restant à payer, à partir du 1 Janvier 1823, réduit à..... 27,888,148

Les paiemens se sont élevés à 10,239,544

Il ne restait donc à payer, au 1 Janvier 1824, pour compléter la libération d'une Dette de plus de 667 millions, qu'un solde de ..... *Francs* 17,648,604

Savoir : En Créances appartenant à :

La 1re. série.....6,397,810

La 2de. série.....11,250,794

Total égal..... 17,648,604

Cette somme était, au 1 Janvier dernier, réprésentée par 8,210,188fr. de Créances ayant subi la formalité de l'ordonnancement Ministériel, mais dont le paiement n'avait pas encore été réclamé. Le complément, qui est de 9,438,416 fr., se compose, pour 5,448,622fr. de Créances liquidées approuvées par le Comité de révision, ou déférées à son examen, et pour le surplus (3,989,794fr.) de Créances en instance de liquidation dans les Bureaux des Ministres Ordonnateurs.

La Loi du 17 Août 1822, après avoir limité à 550 millions la partie de la Dette de la 2de série qui pourrait être payée en reconnaissances de liquidation, et voulant, dans sa prévoy-

ance, assurer les moyens de pourvoir à l'acquittement du montant intégral des Créances alors constatées sur cette série, avait subsidiairement autorisé le paiement du complément en numéraire, jusqu'à concurrence de 11,197,872fr.

Les réductions survenues par l'effet des liquidations, ou de l'application de la disposition de déchéance portée dans la Loi du 17 Août, donnent aujourd'hui l'assurance qu'il ne sera fait aucun usage de ce crédit subsidiaire et éventuel, et que le restant disponible sur le Crédit de 350 millions suffira pour éteindre entièrement et complètement cette partie de nos Charges.

Je puis également, et pour les mêmes causes, donner à Votre Majesté la certitude qu'il ne sera fait emploi de la totalité du Crédit de 400,000fr. de Rentes ouvert par l'Art. 1 de la même Loi pour compléter, avec celui de 2 millions accordé par celle du 15 Mai 1818, l'inscription au Grand Livre des Créances arriérées antérieures au 1 Janvier 1810, comprises dans la 1re. série.

Il restait en effet disponible sur ce dernier Crédit ; au 1 Janvier 1824, 37,608fr. de Rentes, au capital de.....752,160

Les Créances de cette série restant à payer à la même époque ne s'élevant plus qu'à la somme de..... 6,397,810

le Crédit de 400,000fr. au Capital de 8,000,000

n'est susceptible d'être employé que jusqu'à concurrence de.....5, 645,650 ci 5,645,650

Il présente dès-lors aujourd'hui un excèdent de 2,354,350

équivalant à 117,717fr. de Rentes, qui ne seront point émises.

SERVICE COURANT.

Exercices antérieurs à 1822.

Les sept Exercices compris dans la Période de 1815 à 1821 inclusivement, ont été définitivement réglés par les précédentes Lois de Finances. Reproduits chaque Année dans les Comptes Ministériels, ils y apparaissent une dernière fois, pour restituer aux ressources générales de l'Etat, conformément aux prescriptions de l'Ordonnance Royale du 14 Septembre, les restes des Crédits non employés au 31 Décembre, 1823; sauf toutefois l'imputation de leurs dernières dépenses sur les fonds de l'Exercice courant, suivat le vœu exprimé par l'Art. 21 de la même Ordonnance. Quelques dépenses

restent encore en effet à solder, les unes parce qu'elles ont été tardivement reconnues, les autres parce qu'après avoir été ordonnancées, le paiement n'en a pas été réclamé. Le Tableau No. 4 présente par ministère, et pour chacun de ces anciens Exercices, la situation comparée des Crédits, des dépenses et des paiemens.

Elle fait ressortir :

En Crédits entièrement libres, une somme de.... 2,261,370

En Crédits non employés, mais qui avaient une affectation, celle de..... 1,954,452

Ensemble ..... *Francs* 4,215,822

Sur cette somme, la Loi réglémentaire propose d'affecter à l'Exercice 1823, pour en atténuer les charges, celle de..... 3,334,287

et de transporter à 1824 la différence, ci .... *Francs* 881,535

représentés par les dépenses variables des Départemens, non acquittés au 31 Décembre, et dont les Crédits qui leur sont applicables, conserveront ainsi leur affectation spéciale au Budget de cet Exercice.

EXERCICE 1822.—*Dépenses.*

L'Ordonnance du 14 Septembre 1822, en circonscrivant dans une période de deux Années la liquidation, l'ordonnancement et le paiement des dépenses de l'Exercice, a voulu qu'après ce délai les crédits encore libres pour l'Ordonnateur lui fussent retirés, l'Exercice définitivement clos, et son réglement arrêté sur la base des paiemens effectués.

Les Comptes de 1822 ont été établis dans le système créé par cette Ordonnance : ils présentent distinctement ;

Les dépenses faites et celles payées, et leur rapport avec les crédits ;

Les charges imposées à l'Exercice courant par le non-paiement d'une partie des dépenses de l'Exercice précédent ;

Les portions de crédits à abandonner ou à réclamer pour aligner le crédit législatif avec les paiemens.

J'aurai à appeler l'attention de Votre Majesté sur chacun de ces termes généraux, dans l'analyse succincte que je vais lui présenter des résultats des Comptes de 1822.

Le Budget des dépenses de cet Exercice a été fixé, par la Loi de Finances du 1 Mai à la somme de..... 900,848,434

Il comprenait pour *mémoire* les dépenses départementales et communales qui s'effectuent sur le produit des Centimes additionnels votés par les Conseils-généraux, ou sur les ressources locales des Départemens; elles ont été de 31,279,847

Le total de la dépense de l'Exercice a été estimé à ..... *Francs* 932,128,281

Les dépenses résultant de Services faits pendant l'Année 1822 ont été de ..... 955,424,817 ci 955,424,817

Comprenant:

1. Pour la portion non employée au 31 Décembre 1823, des crédits ouverts ou des fonds appartenant aux Départemens, et provenant, soit de leurs centimes spéciaux, ordinaires ou facultatifs, soit de diverses ressources locales extraordinaires, une somme de 3,988,371, qui sera restituée aux Départemens, par supplément au Budget de 1824, ci 3,988,371

2. Pour la portion non payée à la même époque du 31 Décembre, des dépenses concernant les Services généraux des Ministères, et susceptible d'être imputée sur les fonds de l'Exercice courant, celle de.....2,261,464

6,249,835

Les paiemens effectués au 31 Décembre, et dont le montant doit servir de base à l'alignement des crédits législatifs de 1822, se sont élevés à la difference, ci.....949,174,982

Les dépenses résultant des Services faits ont ainsi excéde les crédits de la Loi, de..... 23,296,536

Le Projet de réglement propose l'ouverture de crédits supplémentaires jusqu'à concurrence de 27,963,756
des annullations pour..... 6,928,684

et en définitive un supplément de.... 21,035,072 ci 21,035,072

La différence, montant à..... ..... 2,261,464 représente les portions de crédits dont il n'avait pas été fait emploi par les Ministres au 31 Décembre, et qui leur sont retirés, sauf à imputer sur les fonds de l'Exercice courant les dépenses auxquelles ces crédits étaient affectés dans leur Budget de 1822.

Crédits Supplémentaires demandés sur 1822.

Les Crédits supplémentaires dont l'allocation est de-

mandée par la Loi de Réglement jusqu'à concurrence de 27,963,756, ont tous été autorisés par des Ordonnances de Votre Majesté. J'expose brièvement les motifs qui les ont rendus nécessaires.

Justice.—Les Frais de Justice Criminelle, pour lesquels la Loi de Finances avait ouvert un Crédit provisoire de 2,520,000
se sont élevés à..... 3,354,713
Le Ministre de la Justice réclame sur

ce Chapitre un supplément de ..... *Francs* 834,713
qui se justifie par l'impossibilité de le prévoir et de l'éviter.

Affaires Etrangères.—Le Congrès de Vérone, et d'autres circonstances extraordinaires, ont occasionné, dans le service des Affaires Étrangères, un excèdent de dépense de 997,577

Votre Majesté ayant mis à la charge de ce Département le prix d'acquisition de l'hôtel Lareynière, et les dépenses auxquelles a donné la translation qui y a été faite de l'Ambassade de Russie, le Ministre réclame pour cet objet un second supplément de 1,015,322

Je dois faire remarquer qu'il ne sera point une charge pour l'Etat, ayant été exactement compensé par le prix de vente de l'hôtel Thélusson, qu'occupait l'Ambassade de Russie.

L'allocation définitive de ces deux supplémens, montant à 2,012,899
élèvera le Crédit de la Loi, qui était de 7,850,000

à une somme totale de ..... *Francs* 9,862,899

Intérieur.—Le Ministre de l'Intérieur, qui propose, sur les crédits législatifs affectés à ses dépenses ordinaires, des annullations pour une somme de 664,017 francs, réclame en supplémens celle de 2,439,132 francs, qui se répartit entre les Services ci-après:

1. Pour augmentation du fonds d'encouragement aux Pêches Maritimes, ci 1,369,925

2. Pour l'établissement de la nouvelle ligne télégraphique de Paris à Bayonne, par Bordeaux 300,000

3. Pour secours distribués aux Réfugiés Espagnols 197,928

4. Pour réparations extraordinaires exécutés à la Cathédrale de Rouen, par suite de l'incendie du 15 Septembre

1822 87,243

5. Pour couvrir le Trésor Royal du remboursement fait à l'administration des douanes, des produits du Port du Hâvre, employés aux travaux de ce Port, conformément à la Loi du 13 Mai 1818..... 484,036

Total égal .... *Francs* 2,439,132

Les Comptes du Département de l'Intérieur, présentés à Votre Majesté, offrent sur les causes, l'opportunité et l'utilité de ces différentes dépenses, des développemens qui me dispensent d'entrer à cet égard dans de nouvelles explications.

Guerre.—Les dépenses faites en 1822 à l'occasion du Cordon Sanitaire et de l'établissement d'un Corps d'Observation sur les frontières des Pyrénées, ont nécessité l'ouverture, au Département de la Guerre, d'un crédit spécial de 5 millions, dont ce Département a fait emploi jusqu'à concurrence de 4,915,395 francs.

Ses dépenses totales, réconnues, liquidées et ordonnancés, se sont élevées à 192,217,921 francs; et, à l'exception d'un solde de 27,274 francs, toutes avaient été intégralement payées au 31 Décembre.

La Loi réglémentaire propose l'allocation d'un supplément de 4,888,121
au crédit originaire de..... 187,302,526
et la fixation définitive du crédit, au montant des

paiemens, qui ont été de ..... *Francs* 192,190,647

Marine.—Le Département de la Marine, doté, par la Loi du 1 Mai, d'un crédit de..... 59,990,000
a dépensé..... 60,818,103

et conséquemment excédé son crédit de *Francs* 828,103

Cet excédent, expliqué et justifié dans le Rapport que le Ministre de la Marine a presenté à Votre Majesté, en mettant sousSes yeux les résultats du Compte de son Département, ne peut être l'objet d'aucune proposition dans la Loi réglémentaire de 1822, les crédits consommés avec imputation à cet Exercice n'étant en définitive que de..... 59,945,428
et laissant, au 31 Décembre, sur le crédit législatif, réglé à ..... *Francs* 59,990,000

un disponible à annuller de..... *Francs* 44,572

Cette somme et celle ci-dessus de 828,103 représentent les dépenses de la Marine, qui, n'ayant point été payés au 31 Décembre, seront susceptibles d'être imputées sur l'Exercice courant, aux termes de l'Article 21 de l'Ordonnance du 14

Septembre, ci ..... *Francs* 872,675

Finances.—Je réclame aussi des supplémens et je propose des annullations pour la réglement des crédits affectés aux dépenses du Ministère dont Votre Majesté a daigné me confier l'administration.

Les supplémens s'élèvent à 17,788,891fr. ils portent sur les Services généraux du Ministère pour une somme de 14,396,150fr. et sur celui des administrations et régies financières pour celle de 3,392,741fr.

En voici le détail :

1. Pensions Militaires..... *Francs* 201,155

L'Exercice 1821 a eu besoin d'un supplément de 400,000fr. qui lui a été alloué par la Loi réglémentaire du 8 Avril 1823. Les mêmes causes qui ont rendu ce supplément nécessaire à 1821, ramènent les mêmes effets au Budget de 1822, dont le crédit legislatif, fixé à 49,500,000fr. était excédé, par les paiemens effectués au 31 Décembre, de la somme supplémentaire demandeé.

2. Intérêts, lots et primes sur les annuités émises en remplacement du premier cinquième de l'arriéré..... 2,614,630

Cette dépense devait être couverte au moyen des arrérages affectés au remboursement du premier cinquième des reconnaissances de liquidation. La Loi du 1 Mai 1822, en classant ces arrérages au Budget des recettes, a rendu nécessaire la démande de ce supplément de crédit, et implicitement autorisé son allocation.

3. Légion d'Honneur (supplément à sa dotation).... 24,000

La nécessité de subvenir, en 1822, aux traitemens des sous-officiers et soldats nommés légionnaires pendant cette Année, motive la demande de ce supplément, dont l'allocation provisoire a permis de conserver aux 3,400,000fr. attribués à la Légion-d'Honneur, à titre de complément de dotation, l'affectation spéciale que lui a donnée la Loi du 6 Juillet 1820.

4. Cour des Comptes..... *Francs* 15,000

Cette somme a été employé à l'acquisition de quelques petits batimens jugés nécessaires à l'agrandissement et à la sûreté du lieu de dépôt servant aux archives de la Cour des Comptes.

5. Crédit spécial pour les intérêts du 5 Mai, 1816 au 22 Septembre 1822, sur les reconnaissances de liquidation émises en excédent du Capital primitif de 300 millions 11,541,365

L'émission des reconnaissances de liquidation n'avait été originairement arbitrée qu'à un Capital de 300 millions, et les Budgets de 1822 et antérieurs ne comprenaient que des crédits proportionnels pour le service des intérêts de ces valeurs. La Loi du 17 Août 1822 a reconnue que l'émission pourrait s'élever à 350 millions, et les Comptes produits à la Session actuelle donnent cette certitude. Il est dès-lors nécessaire d'assurer les moyens de paiement des intérêts d'un Capital supplétif de 50 millions, du 5 Mai 1816 au 22 Septembre 1822 (six ans, quatre mois, dix-sept jours.) Approximativement évalués à une somme de 14,950,000fr. il n'est demandé en supplément, sur 1822, que la somme représentative des intérêts de ces valeurs imputés au Budget de cet Excercice, à l'époque du 31 Décembre. Elle a été de celle ci-dessus de 11,541,365fr. Le complément de la dépense sera compris au Budget de 1823.

6. Frais de Régie de perception et d'exploitation des Impôts et Revenus..... *Francs* 1,402,166

Il est accordé des remises ou taxations proportionnelles aux Employés des Régies et Administrations de Finances qui concourent à la perception des Impôts; calculées dans les Budgets sur une quotité moyenne de produits, elles doivent s'élever, lorsque les recettes ont, comme en 1822, de beaucoup surpassé les prévisions qui leur avaient servi de base. Les supplémens demandés ne sont donc en définitive que le résultat de l'exécution des Lois et réglemens qui ont concédé la remise.

Ils s'élèvent :

Pour les Douanes, à une somme de.... 77,637
Pour les Contributions indirectes, à 430,224
Pour les Postes, à..... 104,138
Pour la Loterie, à..... 81,718
Pour les Percepteurs de l'Impôt direct, à..... 324,288

Pour les Receveurs-Généraux et particuliers, sur les produits indirects et les recettes diverses à 252,735

Les sommes payées à titre de complément de remises ont été de 1,270,810

Il doit en outre être alloué à la régie des contributions indirectes :

1. Pour les indemnités qu'elle a payées aux distillateurs, en exécution de l'Art. 10 de la Loi du 1 Mai 1822, qui a prohibé la fabrication et la distillation des Eaux-de-vie dans la Ville de Paris, sauf indemnité préalable aux propriétaires de ces établissemens, ci..... 113,205

2. Une somme de 18,151 francs qu'elle a versée à la direction générale des poudres et salpêtres, à titre de complément de prix des poudres à feu livrées et vendues en 1822, ci 18,151

Total égal..... 1,402,166

7. Remboursemens et restitutions de droits induement perçus..... ..... *Francs* 1,990,575

Les dépenses de ce Chapitre, introduit *pour ordre* dans les Budgets de l'Etat, ont excédé de cette somme l'évaluation qu'en avait faite la Loi de 1822. Ce supplément régularisera la différence existante entre l'évaluation et la réalité de la dépense, différence qui s'est élevée ;

Pour le Ministère des Finances, sur les produits divers, à..... 179,787

Pour l'enregistrement et les Domaines, à..... 159,406

Pour les Douanes (primes à l'importation et à l'exportation,) à 1,651,211

Pour les Postes, à..... 171

Total égal..... 1,990,575

Les supplémens demandés pour Le Ministère des Finances s'élèvent à..... 17,788,891

Total des supplémens *Francs* 17,788,891

Mais ces supplémens sont balancés par les annullations proposées sur différentes parties de mon Service, jusqu'à concurrence d'une somme de 6,029,059

SAVOIR :

Intérêts des 5 pour cent..... 412,789

Dépenses générales, y compris 1,718,905fr., de réductions sur les crédits des frais de service et de négociations ci..... 3,197,872

Dépenses des Régies et Administrations de Finances 2,418,398

Total égal..... 6,029,059

Il n'en résulte, en définitive, pour le Budget de 1822, qu'une charge complémentaire de..... *Francs* 11,759,832 dont les intérêts arriérés des reconnaissances de liquidation émises en excédent du Capital primitif de 300 millions composent la presque totalité.

EXERCICE 1822.—*Recettes.*

La Loi du 1 Mai 1822 n'avait évalué les recettes présumées de cet Exercice, en y comprenant l'affectation d'une somme de 37,971,620fr. restée disponible sur 1820, et qui lui a été attribuée par la Loi réglementaire du 31 Mars de la même Année, qu'à la somme de..... 913,327,651

Il convient d'y réunir le produit des Centimes Additionnels rappelés pour mémoire dans la Loi de Finances, et dont elle autorisait la perception pour les dépenses départementales et communales qui ont été introduites au Budget des dépenses ; il a été de..... 31,279,527

Les Prévisions du Budget de 1822 s'élevaient à la somme totale de ..... *Francs* 944,607,178

Toutes ont été considérablement dépassées.

Le Compte définitif des recettes imputables à cet Exercice, présenté dans le Tableau No. 6, fait ressortir, rélativement aux évaluations de la Loi, des excédens de recouvremens pour unesomme de 31,609,742fr. portant principalement sur les produits de l'enregistrement et des Domaines, des Douanes et des contributions indirectes.... 31,609,742
des diminutions et non valeurs pour.... 817,630
et en définitive, un excédent
de..... 30,792,112 ci 30,792,112

Il s'accroît de la partie du Bénéfice réalisé du 1 Janvier au 31 Décembre 1822, sur la vente de 12,514,220fr. de Rentes faite le 9 Août 1821, et qui s'est élevée à.... 16,493,592

La masse des recettes disponibles au Budget de 1822 s'élève à la somme totale de ..... *Francs* 991,892,882

Les dépenses ou les crédits définitifs à ouvrir sur cet Exercice étant de 949,174,982

1822 offre en définitive un excédent de recette de *Fr.* 42,717,900

Le Projet de Loi Réglementaire consacre ces différens résultats, et propose l'affectation et le transport de cet excédent.

Au Budget de 1824, pour restituer aux Départemens la partie non consommé au 31 Décembre, des crédits de 1822 affectés à leurs dépenses 3,988,371

Au Budget de 1823, en accroissement des ressources attribués à cet Exercice..... 38,729,529

Total égal..... *Francs* 42,717,900

EXERCICE 1823.—*Dépenses.*

L'Exercice 1823, dont il me reste à rendre compte à Votre Majesté, est à peine terminé ; ses résultats ne peuvent donc être encore positivement connus. Néanmoins, comme il est grevé de dépenses extraordinaires qui doivent être, dans la Session actuelle, l'objet d'un complément de dispositions législatives, Vos Ministres, Sire, ont accompagné la situation provisoire qu'ils en présentent, de Documens assez complets pour permettre aux Chambres de l'apprécier exactement.

Des Services ordinaires et des Services extraordinaires se partagent le Budget de 1823 ; des crédits distincts leur ayant été affectés, j'observerai la même distinction dans l'analyse de leur emploi et des dépenses complémentaires qui paraissent devoir définitivement les affecter.

Services Ordinaires.—La loi du 17 Août 1822, portant fixation du Budget de 1823, a ouvert, pour les dépenses ordinaires de cet Exercice, des crédits jusqu'à concurrence de 899,838,453

Cette somme s'accroit des dépenses qui, dans le même Budget, avaient leur affectation sur le produit des Centimes Additionnels compris pour *mémoire* dans la Loi de Finances : elles sont de..... 2,419,507

Total des crédits autorisés *Francs* 929,257,960

Il résulte des comptes de situation que rendent les Ministres des Services entre lesquels se répartit cette somme, que quelques-uns d'eux offriront en définitive, avec les crédits correspondans, des différences qui donneront lieu, à l'époque

de la clôture de l'Exercice, soit à l'allocation de quelques crédits supplémentaires, soit à des annullations qui les compenseront en très-grande partie.

Les détails sommaires dans lesquels je vais entrer sur les excédens probables de dépenses que cette situation fait ressortir, donneront à Votre Majesté la certitude, et elle sera partagée par les Chambres, qu'ils tiennent, pour la plupart, à des causes indépendantes de la volonté des Ordonnateurs, ou à des circonstances non connues de l'Administration lorsqu'elle a établi les prévisions de ses besoins.

Je range dans la première de ces catégories ;

1. Les frais de Justice Criminelle, dont la dépense, provisoirement évaluée à 2,520,000 fr. dans chacun de nos Budgets, excédera ce crédit en 1823 d'une somme de 888,129 fr.

2. Les Remises et Taxations qui s'accordent aux Employés des Régies et Préposés de Finances, en proportion des produits dont ils ont assuré le recouvrement. Cette dépense, essentiellement variable, donnera lieu, pour 1823, rélativement à son évaluation primitive, à un excédent de 487,835 fr. ; et en y joignant un complément sur la portion attribuée aux communes dans le fonds de non-valeurs des patentes, à 749,664 fr.

3. Enfin, les remboursemens et restitutions de droits, article d'ordre, dont la dépense, en 1823, paraît devoir excéder l'évaluation de la Loi, de 1,699,645 fr.

Je range dans la seconde catégorie;

Un complément de 100,000 fr. que, par son Ordonnance du 4 Février dernier, Votre Majesté a accordé au Ministre de l'Intérieur, en accroissement du fonds destiné dans son Budget à l'encouragement des Pêches Maritimes;

Un autre complément de 41,967 fr., dont il sera nécessaire d'accroître le fonds de dotation attribué à la Legion-d'Honneur, pour subvenir, en 1823, au traitement des Sous-Officiers et Soldats nommés Légionnaires;

Une dépense de 21,000 fr. autorisée par l'Ordonnance du 20 Août 1823, pour l' acquisition d'une maison nécessaire à l'agrandisement des batimens des archives de la Cour des Comptes ;

Enfin, pour les changemens et améliorations qui ont été introduits dans le Service des Postes, une dernière dépense de 361,116 fr. Elle s'explique et se justifie par les augmentations considérables et graduelles d'Année en Année, qu'éprouvent les produits de cette Administration.

Les crédits additionnels probables pour l'ensemble de ces divers Services s'élèvent à..... 3,861,524

Le Budget définitif devra en outre comprendre:

Pour les intérêts, lots et primes en 1823, des annuités émises en remboursement du premier cinquième de l'arriéré, dépense exactement compensée par l'addition au Budget des recettes, des arrérages des rentes qui étaient affectées à leur remboursement, ci..... 2,225,000

Pour la partie afférente à 1823, les intérêts du 5 Mai 1816, au 22 Septembre, 1822, sur les reconnaissances de liquidation restant à émettre pour completter le Capital de 350 millions, ci..... *Francs* 3,408,635

Total des supplémens probables.. 9,495,159

Ils seront balancés par des annullations et retranchemens dont le Tableau No. 7 donne le détail jusqu'à concurrence de..... 2,495,419

Reste en supplément de charge aux Services ordinaires de 1823..... 6,999,740

Les Crédits de la Loi étant, comme je l'ai dit plus haut, de..... 929,257,960

la situation provisoire présentée fait ressortir, pour les Services ordinaires de 1823, une dépense Totale de..... *Francs* 936,257,700

Services Extraordinaires.—La Loi du 17 Mars, 1823, avait ouvert, pour subvenir aux dépenses urgentes et extraordinaires de cette Année, un crédit éventuel de 100 millions, que Votre Majesté, conformément aux vœu de la Loi, a réparti entre Ses Ministres par Son Ordonnance du 2 Avril suivant, ci..... *Francs* 100,000,000

Les dépenses auxquelles le Gouvernement a dû pourvoir dans le cour de 1823 ayant excédé cette évaluation, sur le compte que lui en ont rendu ses Ministres, Votre Majesté leur a ouvert, dans les formes prescrites par l'Article 152 de la Loi du 25 Mars, 1817, de nouveaux crédits jusqu'à concurrence de..... ... 109,906,085

Mais M. le Ministre de la Guerre prévoyant que ceux qui lui ont été attribués dans cette dernière somme excéderont les besoins réels de son Dép^{t}. de 2,079,000

et M. le Ministre de l'Intérieur abandonnant, sur ceux qui

lui ont été ouverts pour les secours aux Espagnols Réfugiés et pour les dépenses du Commissariat Civil près l'Armée, dépenses dont la quotité est aujourd'hui exactement connue 59,008

2,138,008

il s'ensuit que les dépenses complémentaires doivent être ramenées à la différence, ci..... ....107,768,077ci 107,768,077

et les dépenses extraordinaires probables élévées à la somme de..... 207,768,077

qui se répartit entre les cinq Départemens Ministériels suivans:

Affaires Étrangères	1,000,000
Intérieur.....	640,992
Guerre.....	170,789,000
Marine.....	14,588,187
Francs	187,018,179

Finances.

Frais de Service et de Trésorerie	1,500,000	
Intérêts d'emprunts temporaires, escompte et frais de Négociations	4,000,000	
Frais de la Trésorerie de l'Armée	950,000	
	6,450,000	
Service extraordinaire des Postes..	2,422,167	
Avances au Gouvernement Espagnol	11,877,731	
		20,749,898
Total égal..... *Francs*		207,768,077

Les Ministres des Affaires Étrangères, de l'Intérieur, de la Guerre et de la Marine, en mettant sous les yeux de Votre Majesté les Comptes de leurs Départemens respectifs, ont donné, sur les dépenses extraordinaires qui s'y rattachent, et sur les causes qui les ont élevées à la somme ci-dessus de 187,018,179f. des explications et des développemens que, par ce motif, je m'abstiens de rappeler dans ce Rapport.

Je me bornerai à fixer l'attention de Votre Majesté sur les dépenses extraordinaires inhérentes au Ministère des Finances.

Finances.—Le Crédit affecté, par la Loi du 17 Août, 1822, aux frais de Trésorerie et de Négociations, pour l'Exercice 1823, avait été fixé à..... *Francs* 13,000,000

Cette dépense, d'après l'état provisoire qui en est présenté, s'élèvera à..... 19,450,000

L'augmentation sera de..... *Francs* 6,450,000
portant sur les Articles suivans; savoir:

1. Frais de Service de Trésorerie	1,500,000
2. Intérêts d'emprunts temporaires, escompte et frais de Négociations.....	4,000,000
3. Frais de la Trésorerie de l'Armée.....	950,000
Somme pareille.....	6,450,000

Quelques explications sur ces trois Articles vont justifier l'accroissement de dépense qu'ils ont dû supporter.

Art. 1. *Frais de Service et de Trésorerie.*

La dépense prévue était de..... 2,850,000
Elle s'est élevée à..... 4,350,000

Augmentation.... *Francs* 1,500,000

Elle est entièrement produite par le service de l'Armée d'Espagne, qui, en créant un accroissement dans les dépenses, a nécessairement influé dans la même proportion sur les frais inséparables de la réalisation et du transport des fonds sur les lieux où les besoins les ont réclamés. Changement dans la direction des fonds, transport de quantités plus considérables et à de plus grandes distances, emploi de moyens plus dispendieux: telles ont été les conséquences de cette circonstance extraordinaire. La dépense supplémentaire que présente ce Service est de 1,568,000 fr. dont 68,000 fr. ont été pris sur le Service ordinaire. Elle porte sur un mouvement de fonds de plus de 160 millions, dont 114 ont été réalisés dans les caisses de l'Armée, depuis Perpignan et Bayonne jusqu'à Seville, Port-Saint-Marie, et Cadix.

Art. 2.—*Intérêts d'Emprunts temporaires, escompte et frais de Négociations.*

Le montant de cet Article de dépense avait été calculé pour..... 7,400,000
Il s'élèvera à..... 11,400,000

Augmentation.. *Francs* 4,000,000

La fixation des Crédits ouverts à cette partie de service était basée, non pas seulement sur les opérations auxquelles le Trésor doit recourir habituellement pour niveler ses ressources

avec ses besoins, à toutes les époques de l'Année, mais encore sur les emprunts temporaires qui lui étaient indispensables pour couvrir les avances ayant pour objet le remboursement des valeurs de l'arriéré échues en 1821 et 1822, et de celles dont l'échéance arrivait en 1823. Au 22 Mars, 1823, les sommes payées par anticipation sur la négociation des Rentes dont le produit était affecté à ce remboursement, s'élevaient à près de 150 millions, dont le Trésor était à découvert; et il fallait pourvoir, dans l'espace d'un mois, à une dépense de plus de 120 millions, se composant du paiement du troisième cinquième des reconnaissances de liquidation, échéant en 1823, et d'un semestre des intérêts des 5 pour cent Consolidés.

A ces besoins, immédiatement exigibles, sont venus se joindre ceux qu'ont fait naître les dépenses de la Guerre d'Espagne, dépenses qui, tout entières à la charge de la France, ont imposé à-la-fois l'obligation, et de payer sans retard le prix des Services exécutés, et de réunir à l'avance dans les Caisses des fonds proportionnés à l'importance des Services prévus.

Dans de telles circonstances, des sacrifices étaient commandés par la nécessité: j'ai choisi ceux qui devaient le moins se prolonger, et qui étaient le moins onéreux. J'ai recouru à une négociation de Bons Royaux, dont l'émission a été concertée avec une maison qui, intéressée à ne pas en avilir le cours, a pu, par l'éntendue de ses moyens, conserver à ces effets, en France et à l'Etranger, le Crédit que la loyauté et la fidélité du Gouvernement leur ont imprimé. Les ressources provenant de ces emprunts, jointes aux escomptes du Trésor, et à d'autres opérations d'un ordre moins remarquable, lui ont procuré les moyens d'assurer son service, et d'attendre l'époque à laquelle la négociation des 23,114,516 fr. de Rentes dont il était propriétaire, a pu être faite au cours de 89 fr. 55 cent., jouissance de Septembre, 1823.

Le Budget de la dette flottante se trouve, à la vérité, grevé de 4 millions en sus de sa fixation; mais cet accroissement est suffisamment justifié par l'obligation de pourvoir à une obligation de 200 millions dans les dépenses publiques de l'Année 1823. Il est, d'ailleurs, pleinement compensé par la plus-value des Rentes négociées, et par l'économie de 2 millions d'arrérages sur les 4 millions de Rentes accordés par la Loi du 17 Mars, pour les *vois et moyens* de la Guerre d'Espagne, avec jouissance du 22 Mars, 1823, et qui ont été vendues seulement avec celle du 22 Septembre suivant.

Art. 3.—*Frais de la Trésorerie de l'Armée.*

Les détails de cette dépense, évaluée à 950,000 francs, ne peuvent être encore présentés avec certitude, parce qu'ils se rattachent à un Service dont la liquidation n'est point terminée, et qui ne peut être jugé que dans son ensemble; mais il doit suffire, pour l'apprécier, d'observer que, pour effectuer ses paiemens avec ordre et régularité, le Trésor a dû avoir des Agens au Quartier Général, près de chaque Corps, près de chaque Subdivision des Corps de l'Armée, et dans les Places de garnison occupées par elle; et que ces Agens ont dû être pourvus de tous les moyens matériels qui leur sont nécessaires. Lors du réglement définitif du Budget de 1823, il sera rendu un Compte spécial desdépenses de la Trésorerie en frais d'Etablissement et d'Administration. Elles ont été réglées, j'en ai l'assurance, avec toute l'économie qui pouvait se concilier avec l'importance et l'utilité d'un tel Service.

Frais du Service Extraordinaire des Postes.

L'organisation dans toutes les parties de la Péninsule, et le maintien, pendant l'Année 1823, du Service des Postes Militaires, occasionneront une dépense extraordinaire qui s'élèvera, d'après des documens fort exacts parvenus à la direction générale, à 2,422,107 francs. Je produis le Compte provisoire de cette dépense; mais elle recevra, dans ceux qui accompagneront le Réglement du Budget de 1823, le complément des développemens qui pourraient paraître nécessaires.

Avances au Gouvernement Espagnol.

M. le Ministre de la Guerre a été chargé de pourvoir, à titre d'avances et sauf remboursement, sur les Crédits extraordinaires attribués à son Département, à la solde et à l'entretien des Troupes Royales Espagnoles employées, concurremment avec celles de Votre Majesté, au rétablissement du Gouvernement Royal. D'autres avances autorisées dans le même intérêt, en faveur de ce Gouvernement, ont été supportées par le Département des Finances jusqu'à concurrence d'une somme de 11,877,731 fr.; les unes et les autres ont fait l'objet d'une Convention signée à Madrid le 24 Janvier dernier, et dont le résultat a été de constituer au profit du Gouvernement Français, sur celui de l'Espagne, une créance de 34 millions, que je comprendrai parmi les ressources destinées à balancer les Charges extraordinaires de 1823.

Aux termes de l'Art. 21 de la Loi du 27 Juin, 1819, confirmatif de la disposition prescrite par l'Art. 152 de celle du 25 Mars, 1817, les Ministres doivent soumettre à la sanction des Chambres, pour être converties en Lois, les Ordonnances qui ont autorisé des dépenses extraordinaires et urgentes, et ouvert les Crédits nécessaires à leur acquittement. Cette disposition salutaire va s'accomplir à la Session actuelle, pour toutes les dépenses que les circonstances de Guerre ont nécessitées en excédent du Crédit provisoire de 100 millions que leur avait affecté la Loi du 17 Mars.

Le deuxième projet de Loi que je soumets en conséquence à Votre Majesté, a le double objet de rendre définitive la répartition qu'a faite l'Ordonnance Royal du 2 Avril, du Crédit éventuel de..... 100,000,000
et d'ouvrir au Ministres Ordonnateurs, pour le complément des mêmes dépenses, des Crédits supplémentaires jusqu'à concurrence de..... 107,768,077

Total égal aux dépenses autorisés pour les Services extraordinaires de Guerre..... *Francs* 207,768,077

Dépense Supplémentaire de l'Académie Royale de Musique.

Il me reste à entretenir Votre Majesté d'une dépense extraordinaire, mais d'une autre nature, appartenant à l'Exercice 1821, incidemment rattachée aux Comptes du Ministère de l'Intérieur, pour 1823, et qui attend aussi sa régularisation dans la Session actuelle.

La Loi réglémentaire de 1821, présentée à la Session dernière, comprenait, en addition aux Crédits du Département de l'Intérieur, la proposition d'un supplément de 733,000 francs pour solder les travaux de construction et de dispositions intérieures de la nouvelle salle de l'Academie Royale de Musique.

Les Chambres ont ajourné l'allocation de ce Crédit supplémentaire ; entre autres motifs, parce que la dépense à laquelle il devait pourvoir n'était point encore liquidée, ni conséquemment positivement connue dans sa quotité. Cet état de choses a changé ; les travaux dont il s'agit ont été liquidés à une somme de 575,894 francs, et les entrepreneurs ne peuvent pas plus long-temps rester à découvert de leurs avances.

M. le Ministre de l'Intérieur demande qu'elle lui soit supplémentairement allouée sur les fonds du Budget de 1823,

J'ai compris cette somme dans le Projet de Loi portant ouverture de Crédits extraordinaires au Budget de cet Exercice.

Résumé des Dépenses de 1823.

Les diverses charges du Budget de 1823, dont j'ai présenté le Tableau à Votre Majesté, se résument comme il suit ; savoir :

Dépenses des Services Ordinaires..... 936,257,700
——— des Services Extraordinaires..... 207,768,077
——— de la Nouvelle Salle de l'Académie Royale de Musique..... 575,894

Et elle s'élèvent à un total de.... *Francs* 1,144,601,671

Exercice 1823.—*Recettes.*

Les recettes ordinaires de 1823, en y comprenant le produit des Centimes Additionnels et des autres ressources locales affecté à des dépenses départementales et communales, ont été évaluées, par la Loi du 17 Août, 1822, à 906,565,101 francs.

Les recouvremens qui étaient opérés au 31 Décembre, et ceux sur la rentrée successive desquels l'Administration ne pouvait conserver aucun doute, donnent la certitude que ces prévisions seront pour la plupart assez fortement excédées, malgré les circonstances défavorables qui n'ont pas été sans influence sur plusieurs des résultats de l'impot indirect.

Le Tableau No. 8 présente, pour chaque nature de produit, la comparaison de son évaluation avec le recouvrement réel.—Il fait ressortir en excédens réalisés au 31 Décembre, ou qui l'ont été depuis, compensation, faite de quelques diminutions sur les droits de Douanes et sur les Tabacs, une somme de..... 16,950,084
qui accroit d'autant les prévisions de la Loi, ci... 906,565,101

et élève cette partie des ressources ordinaires du Budget à..... *Francs* 923,515,185

La Loi du 17 Août, et celle du 17 Mars suivant, ont en outre attribué à 1823, comme ressources supplémentaires :

1. Les excédens de recettes sur les dépenses des Exercices 1821 et 1822.

Le premier de ces Exercices lui fournit, tant pour l'excédent constaté par la Loi Réglémentaire du 8 Avril

(33,270,181 fr.), que pour les recettes faites postérieurement à sa clôture (1,430,501 fr.)..... 34,700,682

Le Réglement de 1822 constate :

Sur cet Exercice, pour être transporté à 1823, un excédent de..... 38,729,529

Sur 1821 et antérieurs, un disponible de 3,334,287

1823 recevra ainsi des Budgets antérieurs une somme totale de ..... *Francs* 76,764,498 ci 76,764,498

2. Un Crédit de 4 millions de Rentes 5 pour 0/0 Consolidés ;

Ces Rentes, données par la Loi du 17 Mars pour une somme de 57,054,093 francs, et de la négociation desquelles j'entretiendrai tout-à-l'heure Votre Majesté, ont été vendues au cours de 89 francs 55 centimes, et ont produit pour le Budget de 1823, une ressource extraordinaire de 71,640,000

J'y comprends de plus,

La créance reconnue par le Gouvernement Espagnol, au profit de celui de France, et montant à..... 34,000,000

Une somme de 6 millions à prélever sur les bénéfices que la caisse des dépôts et consignations avait réalisées au 31 Décembre, et qui, sans destination à cette Caisse, ne peut aujourd'hui recevoir une application plus opportune, ci ..... *Francs* 6,000,000

Ces différentes affectations élèveront l'ensemble des ressources disponibles pour 1823 à 1,111,919,683

J'ai établi que les dépenses totales pourraient être de ..... *Francs* 1,144,601,671

Elles laissent un découvert de la différence, ci 32,681,988

Il entrera dans la combinaison des moyens de service dont je proposerai l'adoption à Votre Majesté en lui soumettant le Budget de 1825.

Un compte spécial du produit de l'adjudication, faite dans le cours de 1823, des 23,114,516 fr. de Rentes que diverses Lois avaient mises à la disposition du Gouvernement, complète, sous le No. 9, les Documens Financiers que je place sous les yeux de Votre Majesté.

Sur cette somme de Rentes, celle de 19,114,516 fr. avait pour affectation spéciale le remboursement de 330,000,000 fr.

représentant le sold du premier cinquième et la totalité des quatre derniers cinquièmes de l'arriéré.

Celle de 4 millions, formant la différence, était destinée, par la Loi du 17 Mars, à faire face aux dépenses extraordinaires.

Au 1 Mars, 1823, le Trésor, qui avait pourvu au paiement des premier et deuxième cinquièmes échus en 1821, et 1822, se trouvait en avance, sur cette partie de service, de 88,000,000

Un nouveau terme des reconnaissances de liquidation arrivant en Mars, 1823, le Trésor avait à en faire les fonds pour 70,000,000

Son découvert était de..... *Francs* 150,000,000

Ses emprunts temporaires lui avaient fourni cette somme ; mais, afin de ne pas porter au-delà d'une juste limite ses moyens de Crédit, il convenait d'opérer en 1823 la négociation des 19,114,516 fr. de Rentes affectés au remboursement de l'arriéré.

C'est dans cette situation que de nouveaux besoins se sont présentés, et que pour y satisfaire, la Loi du 17 Mars, 1823, a ouvert au Gouvernement un Crédit d'urgence de 4 millions de Rentes, avec jouissance du 22 du même mois. La négociation immédiate de ces 4 millions pouvait paraître commandée par la nécessité, et n'eût point été blâmée ; j'ai préféré recourir à d'autres opérations, coûteuses sans doute, mais moins prolongées dans leur durée, et plus propres d'ailleurs à maintenir le Crédit du Trésor Royal. Elles ont eu un plein succés.

La vente des Rentes a été différée jusqu'au 10 Juillet, 1823 : elle s'est effectuée, à cette époque, conformément aux règles de publicité et de concurrence tracées par la Loi. Les termes de paiemens ont été fixés également suivant les dispositions de la Loi du 17 Août, 1822, qui a prescrit de les combiner avec les échéances des effets à rembourser. Les 23,114,516 fr. de Rentes disponibles ont été adjugés à celle des quatre Compagnies en concurrence qui en a offert 89 fr. 55 cent., cours supérieur de 1 fr. 80 cent. aux soumissions présentées par les trois autres Compagnies.

Le produit de ces Rentes, payables en vingt termes, du 8 Août, 1823, au 20 Mars 1825, a été de 413,980,981

Elles représentaient pour le Trésor un Capital de 387,054,093

Il en résulte un excédent de ..... *Francs* 26,926,888

Je propose d'affecter à 1823, pour couvrir d'autant les dépenses extraordinaires de cet Exercice, la partie de cet excédent portant sur les 4 millions de Rentes donnés par la Loi du 17 Mars, pour..... 57,054,093
et réalisés, au cours de 89 fr. 55 c. pour 71,640,000

Différence 14,585,907 14,585,907

Le complément de ..... *Francs* 12,340,981
trouvera son application :

Aux intérêts, lots et primes sur annuités, en 1824, 1825, et 1826, pour.....4,275,000

Aux intérêts de reconnaissances de liquidation, en 1824 et 1825, pour 7,000,000

11,275,000

Il restera enfin un disponible de .. 1,065,981

Total égal 12,340,981

RÉSUMÉ.

J'ai successivement exposé les faits et les propositions qui se rattachent à l'arriéré, aux Exercices 1821 et antérieurs, au Réglement définitif du Budget de 1822, et à la situation provisoire en recette et en dépense du Budget de 1823.

Je termine l'analyse que j'en ai présentée à Votre Majesté, en en rappelant brièvement les résultats.

La dette arriérée, dont la Loi du 17 Août, 1822, avait arrêté le montant à 667,715,882 fr., a été réduite, depuis cette époque, par l'effet des liquidations ministérielles et des déchéances résultant de l'application de l'Article 5 de cette Loi, d'une somme de 13,045,500 fr.

Le solde restant à payer au 1 Janvier, 1824, se réduisait à 17,648,604 francs.

Le Crédit de 400,000 fr. de Rentes affecté au paiement des créances de la première série offre aujourd'hui un excédent de 117,717 fr. de Rentes au Capital de 2,354,354 francs.

Il ne sera pas fait usage de celui éventuel de 11,197,872 francs en numéraire, que l'Article 2 de la Loi du 17 Août avait subsidiairement affecté à l'extinction du complément des créances de la 2^{e} Serie.

Les Exercices 1821 et antérieurs présentent des Crédits non consommés pour 4,215,822

Un restant à payer de 1,954,452

La Loi Réglémentaire transporte à 1824 la portion de

ces Crédits affectée à des dépenses départementales, ci, ... 881,535 ci 881,535
et elle affecte à 1823 les Crédits ——————
fibres, montant à 3,334,287

Le solde non payé sur ces anciens Exercices, susceptible d'imputation sur le Budget courant, est de 1,072,917

L'Exercice de 1822 présente une dépense totale de..... 955,424,817
un restant à payer de.....6,249,835 ci 6,249,835
La Loi de Réglement transporte à 1824 la portion de ces Crédits affectés à des dépenses départementales, ci 3,988,371
et propose la fixation définitive des Crédits de l'Exercice au montant des paiemens, qui ont été de 949,174,982
Les recettes de 1822 s'élèvent à 991,892,882

Elles offrent sur les dépenses un excédent de 42,717,900
transporté aux Budgets de 1823 et 1824.
Le solde de 1822, à imputer sur l'Exercice suivant, est de ..... *Francs* 2,261,464

Votre Majesté daignera remarquer que, sauf les dépenses départementales non payées, mais qui auront au Budget de 1824 une affectation spéciale de Crédits, c'est à cette dernière somme et à celle ci-dessus de 1,072,917 fr., appartenant aux Exercices 1821 et antérieurs, que se réduisaient en définitive, au 31 Décembre, les seules dépenses restant à acquitter sur les sept Exercices de 1816 à 1822, dont la clôture est désormais absolue.

Les dépenses totales de 1823, pour lesquelles il avait été ouvert, par les Lois de 17 Août 1822 et 17 Mars 1823, des Crédits jusqu'à concurrence de 1 milliard, 29,257,960 francs, paraissent devoir s'élever à.....1,144,601,671
Les recettes applicables au Budget sont de 1,111,919,683
Elles présentent, comparativement aux dépenses probables, une insuffisance de 32,681,988

Cette insuffisance trouve une double garantie dans les

moyens de service dont l'adoption sera proposée au Budget de 1825, et dans les excédens de produits que les recouvremens déjà connus semblent promettre au Budget de 1824.

Le Ministre Secrétaire-d'Etat des Finances,
JH. DE VILLELE.

Paris, le 5 Avril, 1824.

*NOTIFICATION of the BLOCKADE of Algiers by a British Squadron.**

Foreign Office, April 13, 1824.

The Right Honourable George Canning, His Majesty's Principal Secretary of State for Foreign Affairs, has received His Majesty's Commands to signify to the Ministers of Friendly and Neutral Powers, residing at this Court, that the necessary Measures have been taken, by Command of His Majesty, for the Blockade of the Port of *Algiers ;* and that from this time all the Measures, authorised by the Law of Nations, will be adopted and executed, with respect to all Vessels which may attempt to violate the said Blockade.

* London Gazette, 13 April 1824.

CONVENTION of COMMERCE between Great Britain and Prussia.—Signed at London April 2, 1824.*

His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of Prussia, being equally desirous of extending and increasing the commercial intercourse between Their respective States, and of affording every facility and encouragement to Their Subjects engaged in such intercourse ; and being of opinion that nothing will more contribute to the attainment of

Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, et Sa Majesté Le Roi de Prusse, également animés du désir d'étendre et d'accroitre les rélations commerciales entre Leurs Etats respectifs, et de procurer toutes les facilités et tous les encouragemens possibles à ceux de Leurs Sujets qui ont part à ces rélations ; et persuadés que rien ne sauroit contribuer davantage à l'ac-

Their mutual wishes in this respect, than a reciprocal abrogation of all discriminating and countervailing Duties, which are now demanded and levied upon the Ships or Productions of either Nation in the Ports of the Other, have appointed Their Plenipotentiaries to conclude a Convention for that purpose, that is to say:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable George Canning, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and His said Majesty's Principal Secretary of State for Foreign Affairs;—And The Right Honourable William Huskisson, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, and Treasurer of His said Majesty's Navy:—

And His Majesty The King of Prussia, The Baron de Werther, His said Majesty's Chamberlain, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty:—who, after having communicated to each other their respec-

complissement de Leurs souhaits mutuels à cet égard, que l'abolition réciproque de toute différence entre les impôts levés aujourd'hui sur les Bâtimens ou les Productions de l'un des deux Etats dans les Ports de l'Autre, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—

Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, Le Très Honorable George Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, Membre du Parlement, et Son Principal Sécrétaire d'Etat ayant le Département des Affaires Etrangères;—Et Le Très Honorable William Huskisson, Conseiller de Sa dite Majesté en Son Conseil Privé, Membre du Parlement, Président du Comité du Conseil Privé pour les Affaires de Commerce et des Colonies, et Trésorier de la Marine de Sa dite Majesté:—

Et Sa Majesté Le Roi de Prusse, Le Baron de Werther, Chambellan de Sa dite Majesté, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique:—Lesquels, après s'être communiqués réciproquement leurs Pleinspouvoirs

tive Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

1. From and after the 1st day of May next, Prussian Vessels entering or departing from the Ports of the United Kingdom of Great Britain and Ireland, and British Vessels entering or departing from the Ports of His Prussian Majesty's Dominions, shall not be subject to any other or higher Duties or Charges whatever, than are or shall be levied on National Vessels entering or departing from such Ports respectively.

2. All Articles of the growth, produce, or manufacture of any of the Dominions of either of The High Contracting Parties, which are or shall be permitted to be imported into, or exported from the Ports of the United Kingdom and of Prussia, respectively, in Vessels of the one Country, shall, in like manner, be permitted to be imported into, and exported from those Ports in Vessels of the Other.

3. All Articles not of the growth, produce, or manufacture of the Dominions of His Britannick Majesty, which can

respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans:

1. A dater du 1er de Mai de cette Année, et après cette époque, les Bâtimens Prussiens qui entreront dans les Ports du Royaume Uni de La Grande Bretagne et de l'Irlande, ou qui en sortiront, et les Navires Anglais qui entreront dans les Ports de La Prusse, ou qui en sortiront, ne seront sujets à aucuns Droits ou Charges, de quelque nature qu'ils soient, autres ou plus considérables que ceux qui sont actuellement, ou pourront, par la suite, être imposés aux Navires indigènes à leur entrée dans ces Ports, ou à leur sortie.

2. Toutes les productions du sol et de l'industrie de tous les Etâts soumis à la domination des Hautes Parties Contractantes, dont l'importation dans les Ports Prussiens, et dans les Ports du Royaume Uni, ou l'exportation de ces mêmes Ports, est, ou sera permise, dans les Navires indigènes, pourront y être importés, ou en être exportés, exactement de la même manière, dans les Navires appartenans aux Etâts de l'Autre.

3. Tous les objets qui ne sont pas des productions du sol et de l'industrie des Etâts soumis à la domination de Sa

legally be imported from the United Kingdom of Great Britain and Ireland into the Ports of Prussia, in British Ships, shall be subject only to the same Duties as are payable upon the like Articles, if imported in Prussian Ships: and the same reciprocity shall be observed in the Ports of the United Kingdom, in respect to all Articles not the growth, produce, or manufacture of the Dominions of His Prussian Majesty, which can legally be imported into the Ports of the United Kingdom in Prussian Ships.

Majesté Britannique, et qui peuvent légalement être importés du Royaume Uni de La Grande Bretagne et de l'Irlande dans les Ports de La Prusse, sur des Vaisseaux Anglais, ne seront soumis qu'aux mêmes droits que payeroient ces mêmes objets, s'ils étoient importés sur des Vaisseaux Prussiens. Une exacte réciprocité sera observée dans les Ports du Royaume Uni, par rapport aux objets qui ne sont pas des productions du sol et de l'industrie des Etâts de Sa Majesté Prussienne, et qui peuvent être légalement importés dans les Ports du Royaume Uni sur des Vaisseaux Prussiens.

4. All goods, wares, and merchandize which can legally be imported into the Ports of either Country, shall be admitted at the same rate of Duty, whether imported in Vessels of the other Country, or in National Vessels; and all goods, wares, or merchandize which can be legally exported from the Ports of either Country, shall be entitled to the same bounties, drawbacks, and allowances, whether exported in Vessels of the other Country, or in National Vessels.

4. Toutes les marchandises et objets de commerce, dont l'entrée dans les Ports de l'un des deux Etâts est permise, seront exactement sujets aux mêmes droits, qu'ils soient importés par les Navires de l'autre Etât, ou par les Bâtimens Nationaux: et il sera accordé pour toutes les marchandises et objets de commerce, dont la sortie des Ports des deux Etâts est permise, les mêmes primes, remboursemens de droits, et avantages, que l'exportation s'en fasse par les Navires de l'un, ou par ceux de l'autre Etât.

5. No priority or preference shall be given, directly or indirectly, by the Government

5. Il ne sera donné, ni directement, ni indirectement, ni par l'un des deux Gouverne-

of either Country, or by any Company, Corporation, or Agent, acting on its behalf, or under its authority, in the purchase of any Article, the growth, produce, or manufacture of either Country, imported into the Other, on account of, or in reference to the character of the Vessel in which such Article was imported; it being the true intent and meaning of The High Contracting Parties, that no distinction or difference whatever shall be made in this respect.

6. The present Convention shall be in force for the term of Ten Years from the date hereof: and further, until the end of Twelve Months after either of The High Contracting Parties shall have given notice to the Other of its intention to terminate the same; Each of The High Contracting Parties reserving to Itself the right of giving such notice to the Other, at the end of the said term of Ten Years; and it is hereby agreed between Them, that, at the expiration of Twelve Months after such notice shall have been received by either Party from the Other, this Convention, and all the provisions thereof, shall altogether cease and determine.

7. The present Convention shall be ratified, and the

mens, ni par aucune Compagnie, Corporation, ou Agent, agissant en son nom, ou sous son autorité, aucune préférence quelconque, pour l'achât d'aucune production du sol ou de l'industrie de l'un des deux Etâts, importée dans le Territoire de l'Autre, à cause ou en considération de la nationalité du Navire qui auroit transporté cette production; l'intention bien positive des deux Hautes Parties Contractantes étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

6. La présente Convention sera en vigueur pendant dix Ans, à dater de ce jour, et au delà de ce terme, jusqu'à l'expiration de douze mois après qu'Une des Hautes Parties Contractantes aura annoncé à l'Autre Son intention de la terminer; Chacune des deux Hautes Parties Contractantes se réservant le droit de faire à l'Autre une telle Déclaration au bout des Dix Ans susmentionnés; et il est convenu entre Elles, qu'à l'expiration de Douze Mois après qu'une telle Déclaration d'une des Hautes Parties Contractantes aura été reçue par l'Autre, cette Convention, et toutes les stipulations y renfermées, cesseront d'être obligatoires pour les deux Parties.

7. La présente Convention sera ratifiée, et les Ratifications

Ratifications shall be exchanged at London, within One Month from the date hereof, or sooner if possible.

In Witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the 2d day April, in the Year of our Lord 1824.

(L.S.) GEORGE CANNING.
(L.S.) W. HUSKISSON.

en seront échangées à Londres, dans l'espace d'Un Mois, ou plutôt si faire se peut.

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

Fait à Londres, le 2d Avril, l'An de Grâce, 1824.

(L.S.) WERTHER.

DECLARATIONS of Sweden for the abolition of certain Dues affecting British Commerce in the Ports of Sweden.—Signed at Stockholm, April 24, 1824.*

DECLARATION.—No. 1.

Le Soussigné, Ministre d'Etat et des Affaires Etrangères de Sa Majesté Le Roi de Suède et de Norvège, ayant reçu la Déclaration de Monsieur le Général Bloomfield, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, en date de ce jour, contenant l'assurance d'une parfaite réciprocité, déclare par la présente, en vertu de l'Autorisation à lui donnée, au Nom et de la Part du Roi, son Très Gracieux Souverain :—

Translation.

The Undersigned, Minister of State and of Foreign Affairs of His Majesty The King of Sweden and Norway, having received the Declaration of Sir Benjamin Bloomfield, Envoy Extraordinary and Minister Plenipotentiary of His Majesty The King of the United Kingdom of Great Britain and Ireland, of this date, containing the assurance of a perfect reciprocity, declares by these Presents, in virtue of the Authority to that effect with which he is invested, in the Name and on the Behalf of The King, his Most Gracious Sovereign :—

* Presented to both Houses of Parliament, 31 May, 1824.

Que les Bâtimens de Commerce Anglois arrivant dans les Ports ou Parages du Royaume de Suède, seront à l'avenir traités sur le même pied que les Bâtimens Nationaux, pour ce qui concerne les droits de Pilotage, de Fanaux, de Tonnage et, en général, tous les droits compris sous la dénomination de *Droits de Port* dûs à la Couronne *(Skepps-umgâlder)* de quelque nature que ce soit :—

Que les Bâtimens de Commerce Anglois seront également assimilés aux Bâtimens Nationaux, par rapport aux *Droits de Sauvetage*, sans aucune restriction ou différence :—

Et que le Commerce Suédois, jouissant déjà d'un avantage réciproque dans les Ports de La Grande Bretagne, les dispositions susmentionnées, en faveur du Commerce Anglois, seront mises en vigueur, dans tous les Ports du Royaume de Suède, sans délai, et avec autant de promptitude que faire se pourra.

En foi de quoi le Soussigné a signé la présente Déclaration, et y a fait apposé le Cachet de ses Armes.

Fait à Stockholm, le 24 Avril, l'An de Grace 1824.

(L.S.) LAURENT COMTE D'ENGESTRÖM.

That English Merchant Ships arriving in the Ports or Waters of the Kingdom of Sweden, shall in future be placed upon the same footing as National Vessels, with respect to Pilot, Lighthouse and Tonnage dues, and, in general, with respect to all those duties which are included in the denomination of *Port dues* payable to the Crown *(Skepps-umgâlder)*, of whatever description they may be :—

That English Merchant Ships shall be equally assimilated to National Vessels, with respect to *Salvage dues*, without any restriction or difference :—

And that, as Swedish Commerce is already in the enjoyment of reciprocal advantages in the Ports of Great Britain, the above-mentioned arrangements in favour of English Commerce, shall be put in force, in all the Ports of the Kingdom of Sweden, without delay, and with as much expedition as possible.

In witness whereof, the Undersigned has signed the present Declaration, and has affixed thereto the Seal of his Arms.

Done at Stockholm, the 24th day of April, in the Year of our Lord 1824.

(L.S.) LAURENT COUNT D'ENGESTRÖM.

DECLARATION.—No. 2.

Le Soussigné, Ministre d'Etat et des Affaires Etrangères de Sa Majesté Le Roi de Suède et de Norvège, ayant reçu la Déclaration de Monsieur le Général Bloomfield, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et d'Irlande, en date de ce jour, contenant l'assurance d'une parfaite réciprocité, déclare par la présente, en vertu de l'autorisation à lui donnée, au Nom et de la Part du Roi, son Très Gracieux Souverain :—

Que toutes les productions du sol ou des manufactures du Royaume de La Grande Bretagne et de ses Colonies, dont l'importation en Suède est permise à bord de Bâtimens Suédois, d'après les Réglemens existans, pourront être importées en Suède par des Bâtimens Anglois venant en droiture des Ports de La Grande Bretagne, sans être soumises, à leur entrée, à des Droits à la Couronne plus hauts ou autres, que si elles étaient chargées à bord d'un Bâtiment Suédois :—

Que toutes les denrées dont l'exportation ne serait point prohibée, pourront être exportées des Ports du Roy-

TRANSLATION.

The Undersigned, Minister of State and of Foreign Affairs of His Majesty The King of Sweden and Norway, having received the Declaration of Sir Benjamin Bloomfield, Envoy Extraordinary and Minister Plenipotentiary of His Majesty The King of the United Kingdom of Great Britain and Ireland, of this date, containing the assurance of a perfect reciprocity, declares by these Presents, in virtue of the Authority to that effect, with which he is invested, in the Name and on the Behalf of The King, his Most Gracious Sovereign :—

That all Articles of the growth, produce, or manufacture of the Kingdom of Great Britain and of its Colonies, which, according to the existing Regulations, may be imported into Sweden on board of Swedish Vessels, may be imported into Sweden in English ships direct from the Ports of Great Britain, without being subject, on their entry, to other or higher duties to the Crown, than if imported on board a Swedish Vessel:—

That all Articles, the exportation whereof is not prohibited, may be exported from the Ports of the Kingdom of

aume de Suède, à bord de Batimens Anglois, pour tel endroit que ce soit, sans être soumises, à leur sortie, à des Droits à la Couronne plus hauts au autres, que si elles étaient chargées à bord d'un Bâtiment Suédois :—

Sweden on board of English Vessels, to any Place whatever, without being subject, on their export, to other or higher Duties to the Crown, than if exported on board a Swedish Vessel :—

Mais que les Bâtimens de Commerce Suédois ne jouissant point de la liberté de visiter les Ports des Colonies et Possessions Ultramarines de l'Angleterre, il est entendu, que les immunités ci-dessus désignées ne sont point applicables, dans les Ports de Suéde, aux marchandises apportées dans des Bâtimens appartenans aux dites Colonies et Possessions ultramarines, ou dans des Bâtimens Anglois proprement dits, venant en droiture des Colonies Angloises :—

But that, as Swedish Merchant Vessels do not enjoy the liberty of visiting the Ports of the Colonies and Foreign Possessions of England, it is understood that the privileges above specified are not applicable to goods imported into the Ports of Sweden, in Vessels belonging to the said Colonies and Foreign Possessions, or in Vessels strictly English, coming direct from the English Colonies :—

Et finalement, que les Stipulations susmentionnées, fondées sur la promesse d'une exacte réciprocité dans les Ports de la Grande Bretagne, en faveur du Commerce Suédois, seront mises en vigueur dans les Ports du Royaume de Suède, à compter du 1er Juin de la présente Année 1824.

And finally, that the abovementioned Stipulations, founded upon the promise of an exact reciprocity in the Ports of Great Britain, in favour of Swedish Commerce, shall be put in force in the Ports of the Kingdom of Sweden, from the 1st of June of the present Year (1824).

En foi de quoi le Soussigné a signé la présente Déclaration, et y a fait apposé le Cachet de ses Armes.

In witness whereof, the Undersigned has signed the present Declaration, and has affixed thereto the Seal of his Arms.

Fait à Stockholm, le 24e Avril, l'An de Grace 1824.

(L.S.)LAURENT COMTE D'ENGESTRÖM.

Done at Stockholm, the 24th day of April, in the Year of Our Lord 1824.

(L.S.)LAURENT COUNT D'ENGESTRÖM.

TREATY between Great Britain and The Netherlands.—Signed at London March 17, 1824.*

In the Name of the Most Holy and Undivided Trinity.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, desiring to place upon a footing, mutually beneficial, Their respective Possessions and the Commerce of Their Subjects in the East Indies, so that the welfare and prosperity of both Nations may be promoted, in all time to come, without those differences and jealousies which have, in former times, interrupted the harmony which ought always to subsist between Them; and being anxious that all occasions of misunderstanding between Their respective Agents may be, as much as possible, prevented; and in order to determine certain qnestions which have occurred in the execution of the

In den Naam der Allerheiligste en Onverdeelbare Drieeenigheid.

Zÿne Majesteit de Koning van het Vereenigde Koningrÿk van Groot Britanje en Ierland, en Zÿne Majesteit de Koning der Nederlanden, verlangende hunne respectieve bezit tingen en den handel Hunner onderdanen in Oost Indië op eenen wederkeerig voordeeligen voet te brengen, zoo dat de welvaart en voorspoed der beide Natien voortaan ten allen tÿde bevorderd kunnen worden zondor die oneenigheden en naÿver welke, in vroeger dagen, de goede verstandhouding gestoord hebben die steeds tusschen dezelve behoort te bestaan, en willende, zoo veel mogelÿk, alle aanleiding tot misverstand tusschen Hunne respectieve Agenten vóórkomen, als mede, ten einde zekere punten van verschil te regelen welke zich

* Presented to both Houses of Parliament, 9th June, 1824.

Convention made at London on the 13th of August, 1814, in so far as it respects the Possessions of His Netherlands Majesty in the East, have nominated Their Plenipotentiaries, that is to say:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable George Canning, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and His said Majesty's Principal Secretary of State for Foreign Affairs; —And The Right Honourable Charles Watkin Williams Wynn, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, Lieutenant-Colonel Commandant of the Montgomeryshire Regiment of Yeomanry Cavalry, and President of His said Majesty's Board of Commissioners for the Affairs of India:—

And His Majesty The King of the Netherlands, Baron Henry Fagel, Member of the Equestrian Corps of the Province of Holland, Counsellor of State, Knight Grand Cross of the Royal Order of the Belgic Lion, and of the Royal Guelphic Order, and Ambassador Extraordinary

hebben opgedaan bÿ het ter uitvoer leggen van de Conventie den 13 Augustus 1814, te London gesloten, voor zoo ver dezelve betrekking heeft tot de bezittingen van Zÿne Majesteit den Koning der Nederlanden in Oost Indië, hebben tot Gevolmagtigden benoemd, te weten:—

Zÿne Majesteit de Koning van Groot Britanje, den Heer George Canning, Lid van Zÿner Majesteits Geheimen Raad, en van het Parlement, mitsgaders Hoogstdeszelfs eersten Secretaris van Staat voor de Buitenlandsche Zaken; en den Heer Charles Watkin Williams Wynn, Lid van Zÿner Majesteits Geheimen Raad, en van het Parlement, Lieutenant-Kolonel Kommanderende het Regiment Vrywilligers te paard van het Graafschap Montgomery, mitsgaders President van het Kollegie van Kommissarissen voor de Indische Zaken:—

En Zÿne Majesteit de Koning der Nederlanden, den Baron Hendrik Fagel, Lid der Ridderschap van de Provincie Holland, Staatsraad, Groot-Kruis der Koninglÿke Orden van den Nederlandschen Leeuw, en der Guelfen, mitsgaders Hoogstdeszelfs Extraordinaris Ambassadeur en Ple-

and Plenipotentiary of His said Majesty to His Majesty The King of Great Britain; —And Anton Reinhard Falck, Commander of the Royal Order of the Belgic Lion, and His said Majesty's Minister of the Department of Public Instruction, National Industry, and Colonies;—

Who, after having mutually communicated their Full Powers, found in good and due form, have agreed on the following Articles:

1. The High Contracting Parties engage to admit the Subjects of each other to trade with Their respective Possessions in the Eastern Archipelago, and on the Continent of India, and in Ceylon, upon the footing of the most favoured Nation; Their respective Subjects conforming themselves to the local Regulations of each Settlement.

2. The Subjects and Vessels of one Nation shall not pay, upon importation or exportation, at the Ports of the Other in the Eastern Seas, any duty at a rate beyond the double of that at which the Subjects and Vessels of the Nation to which the Port belongs, are charged.

The duties paid on exports

nipotentiaris aan het Hof van London;—En den Heer Anton Reinhard Falck, Kommandeur der Koninglyke Orden van den Nederlandschen Leeuw, en Minister voor het Publicke onderwys, de Nationale Nyverheid, en de Kolonien;—

De welke, na wederzydsche mededeeling van hunne volmagten, die in goeden en behoorlyken vorm bevonden zyn, de volgende Artikelen hebben vastgesteld:

1. De Hooge Contracterende Partyen verbinden zich om in hunne respectieve bezittingen in den Oosterschen Archipel, en op het vaste land van Indië, en op Ceylon, elkanders onderdanen ten handel toetelaten op den voet der meest begunstigde Natie; wel verstaande dat de wederzydsche onderdanen zich zullen gedragen overeenkomstig de plaatzelyke verordeningen van elke bezitting.

2. De onderdanen en schepen van de eene Natie zullen, by den in-en uitvoer in en van de havens der andere in de Oostersche Zeëen, geene regten betalen hooger dan ten bedrage van het dubbelde van die, waarmede de onderdanen en schepen der Natie aan welke de haven toebehoort, belast zyn.

De regten voor den in-of

or imports at a British Port, on the Continent of India, or in Ceylon, on Dutch bottoms, shall be arranged so as, in no case, to be charged at more than double the amount of the duties paid by British Subjects, and on British bottoms.

In regard to any article upon which no duty is imposed, when imported or exported by the Subjects, or on the Vessels, of the Nation to which the Port belongs, the duty charged upon the Subjects or Vessels of the Other, shall, in no case, exceed six per cent.

3. The High Contracting Parties engage, that no Treaty hereafter made by Either, with any Native Power in the Eastern Seas, shall contain any Article tending, either expressly, or by the imposition of unequal duties, to exclude the Trade of the other Party from the Ports of such Native Power: and that if, in any Treaty now existing on either Part, any Article to that effect has been admitted, such Article shall be abrogated upon the conclusion of the present Treaty.

uitvoer, met Nederlandsche bodems, in eene Britsche haven, op het vaste land van Indië, of op Ceylon, betaald wordende zullen in dezer voege worden gewÿzigd, dat deswege, in geen geval, meer berekend worde dan het dubbelde der regten door Britsche onderdanen, en voor Britsche bodems, te betalen.

Met betrekking tot die artikelen op welke geen regt gesteld is, wanneer zÿ worden in-of uitgevoerd door de onderdanen of in de schepen der Natie aan welke de haven toebehoort zullen de regten aan de onderdanen der andere opteleggen, in geen geval, meer bedragen dan zes ten honderd.

3. De Hooge Contracterende Partÿen beloven dat geen Tractaat, voortaan, door een derzelve met eenigen Staat in de Oostersche Zeëen te maken, eenig Artikel behelsen zal, strekkende, het zÿ regstreeks, het zÿ door oplegging, van ongelÿke regten, om den koophandel der andere Partÿ van de havens van zoodanigen inlandschen Staat uittesluiten, en dat, by aldien in eene der thans aan wêerskanten bestaande overeenkomsten, eenig Artikel met die bedoeling is opgenomen geworden zoodanig Artikel, bÿ het sluiten des tegenwoordigen tractaats, buiten effect gesteld worden zal.

It is understood that, before the conclusion of the present Treaty, communication has been made by Each of the Contracting Parties to the Other, of all Treaties or Engagements subsisting between Each of Them, respectively, and any Native Power in the Eastern Seas; and that the like communication shall be made of all such Treaties concluded by Them, respectively, hereafter.

Over en weder is verstaan dat, vóór het sluiten van dit Tractaat, door elke der Contracterende Partÿen aan de andere mededeeling is gedaan van alle tractaten of verbindtenissen tusschen dezelve respectievelÿk en eenige Inlandsche Regering in de Oostersche Zeëen bestaande, en dat gelÿke mededeeling geschieden zal van al zoodanige verbindtenissen, in het vervolg, door dezelve respectievelÿk antegaan.

4. Their Britannick and Netherlands Majesties engage to give strict Orders, as well to Their Civil and Military Authorities, as to Their Ships of War, to respect the freedom of Trade, established by Articles 1, 2, and 3; and, in no case, to impede a free communication of the Natives in the Eastern Archipelago, with the Ports of the Two Governments, respectively, or of the Subjects of the Two Governments with the Ports belonging to Native Powers.

4. Hunne Groot Britannische en Nederlandsche Majesteiten beloven stellige bevelen te geven, zoo wel aan hunne burgerlÿke en militaire bëambten, als aan hunne oorlogschepen, om dc vrÿheid van handel, by Art. 1, 2, en 3, vastgesteld, te eerbiedigen en, in geen geval, hinder toetebrengen aan de gemeenschap der inboorlingen van den Oostersche Archipel met de havens der twee Gouvernementen respectievelÿk, noch aan die der wederzÿdsche onderdanen met de havens toebehorende aan inlandsche Regeringen.

5. Their Britannick and Netherlands Majesties, in like manner, engage to concur effectually in repressing Piracy in those Seas: They will not grant either asylum or protection to Vessels engaged in Piracy, and They will in no case permit the Ships or Mer-

5. Hunne Groot Britannische en Nederlandsche Majesteiten verbinden zich, in gelyker voege, om krachtdadig bÿtedragen tot het beteugelen der zeeroverÿ in die Zeëen. Zÿ zullen geene schuilplaats of bescherming verleenen aan vaartuigen met welken Zeeroof

chandize captured by such Vessels, to be introduced, deposited, or sold, in any of Their Possessions.

bedreven wordt, en zullen in geen geval, veroorloven dat schepen of goerderen, door zulke vaartuigen buit gemaakt, in eenige van hunne bezittingen ingevoerd, beward, of verkocht worden.

6. It is agreed that Orders shall be given by the Two Governments to Their Officers and Agents in the East, not to form any new Settlement on any of the Islands in the Eastern Seas, without previous authority from their respective Governments in Europe.

6. Er is overeengekomen dat door beide Gouvernementen aan Hunne Officieren en Agenten in Oost-Indië bevel zal worden gegeven om geen nieuw kantoor op een der Oostersche Eilanden opterigten, zonder voorafgaande magtiging van hunne respectieve Gouvernementen in Europa.

7. The Molucca Islands, and especially Amboyna, Banda, Ternate, and their immediate Dependencies, are excepted from the operation of the 1, 2, 3, and 4 Articles, until the Netherlands Government shall think fit to abandon the monopoly of Spices; but if the said Government shall, at any time previous to such abandonment of the monopoly, allow the Subjects of any Power, other than a Native Asiatic Power, to carry on any Commercial Intercourse with the said Islands, the Subjects of His Britannick Majesty shall be admitted to such Intercourse, upon a footing precisely similar.

7. Van de toepassing der Artikelen 1, 2, 3, en 4, worden de Moluksche Eilanden, en speciaal Ambon, Banda, en Ternate, met derzelver onmiddelÿke onderhoorigheden, uitgezonderd, tot tÿd en wÿle het Nederlandsch Gouvernement raadzaam oordeelen zal van den alleenhandel in Specerÿen aftezien; maar zoo dit Gouvernement immer, vóór zoodanige afschaffing van den alleenhandel, aan de onderdanen van eenige Mogendheid, anders dan een inlandschen Aziatischen Staat, veroorlooven mogt eenig handelsverkeer met die Eilanden te onderhouden, zullen de onderdanen van Zÿne Britsche Majesteit op een volstrekt gelÿken voet tot zoodanig verkeer worden toegelaten.

8. His Netherlands Majesty

8. Zÿne Majesteit de Ko-

cedes to His Britannick Majesty all His Establishments on the Continent of India; and renounces all privileges and exemptions enjoyed or claimed in virtue of those Establishments.

ning der Nederlanden staat aan Zÿne Groot Britannische Majesteit af, alle Zÿne Etablissementen op het vaste land van Indië, en ziet van alle voorregten en vrÿstellingen af, welke, ter zake van deze etablissementen, genoten, of gereclameerd geworden zÿn.

9. The Factory of Fort Marlborough, and all the English Possessions on the Island of Sumatra, are hereby ceded to His Netherlands Majesty: and His Britannick Majesty further engages that no British Settlement shall be formed on that Island, nor any Treaty concluded by British Authority, with any Native Prince, Chief, or State therein.

9. De Factory van Fort Marlborough, en al de bezittingen van Groot Britanje op het Eiland Sumatra, worden by dezen afgestaan aan Zÿne Majesteit den Koning der Nederlanden, en Zÿne Groot Britannische Majesteit beloofd, dat op dat Eiland geen Britsch kantoor zal worden opgerigt, noch eenig Tractaat onder Britsch gezag gesloten met eenigen der inlandsche vorsten, opperhoofden, of staten op hetzelve gevestigd.

10. The Town and Fort of Malacca, and its Dependencies, are hereby ceded to His Britannick Majesty; and His Netherlands Majesty engages, for Himself and His Subjects, never to form any Establishment on any part of the Peninsula of Malacca, or to conclude any Treaty with any Native Prince, Chief, or State therein.

10. De stad en vesting van Malakka met derzelver onderhoorigheden worden by dezen afgestaan aan Zÿne Groot Britannische Majesteit, en Zÿne Majesteit de Koning der Nederlanden belooft, voor zich en voor Zÿne onderdanen, nimmer op eenig gedeelte van het Schiereiland van Malakka een kantoor te zullen oprigten, of Tractaten te zullen sluiten met eenigen der inlandsche vorsten, of staten, op dat Schiereiland gevestigd.

11. His Britannick Majesty withdraws the objections which have been made to the

11. Zÿne Groot Britannische Majesteit ziet af van alle vertoogen tegen het be-

occupation of the Island of Billiton and its Dependencies, by the Agents of the Netherlands Government.

12. His Netherlands Majesty withdraws the objections which have been made to the occupation of the Island of Singapore, by the Subjects of His Britannick Majesty.

His Britannick Majesty, however, engages, that no British Establishment shall be made on the Carimon Isles, or on the Islands of Battam, Bintang, Lingin, or on any of the other Islands South of the Straights of Singapore, nor any Treaty concluded by British Authority with the Chiefs of those Islands.

13. All the Colonies, Possessions, and Establishments which are ceded by the preceding Articles, shall be delivered up to the Officers of the respective Sovereigns on the 1st of March, 1825. The Fortifications shall remain in the state in which they shall be at the period of the notification of this Treaty in India; but no claim shall be made, on either side, for ordnance, or stores of any description, either left or removed by the ceding Power, nor for any arrears of revenue, or any charge of administration whatever.

zetten van het Eiland Billiton en deszelfs onderhoorigheden door de Agenten van het Nederlandsch Gouvernement.

12. Zÿne Majesteit de Koning der Nederlanden ziet af van alle vertoogen tegen het bezetten van het Eiland Sinkapoer door de onderdanen van Zÿne Groot Britannische Majesteit.

Daarentegen belooft Zÿne Groot Britannische Majesteit dat geen Britsch kantoor zal worden opgerigt op de Carimons Eilanden, of op de Eilanden Battam, Bintang, Lingin, of op eenig der anderen Eilanden liggende ten zuiden van straat Sinkapoer, en dat met derzelver opporhoofden geene Tractaten onder Britsch gezag gesloten zullen worden.

13. Al de Kolonien, bezittingen, en etablissementen, die, bÿ de vorenstaande Artikelen worden afgestaan, zullen aan de Officieren der respectieve Souvereinen overgegeven worden op den 1 Maart 1825. De Vestingen zullen blÿven in den toestand in welke zÿ zich zullen bevinden ten tÿde van het bekend worden des tegenwoordigen Tractaats in Indië, doch geene vordering zal, noch aan de een noch aan de andere zÿde, geschieden, ter zake, het zÿ van geschut of behoeften van eenigen aard, door de afstaande Mogendheid of achtergelaten of mede-

genomen, het zÿ van achterstallige inkomsten, of van lasten van het bestuur, hoe ook genaamd.

14. All the Inhabitants of the Territories hereby ceded, shall enjoy, for a period of Six Years from the date of the Ratification of the present Treaty, the liberty of disposing, as they please, of their property, and of transporting themselves, without let or hindrance, to any Country to which they may wish to remove.

14. Al de ingezetenen van de landen by dezen afgestaan, zullen, gedurende den tÿd van zes jaren, te rekenen van de Ratificatie van het tegenwoordig Tractaat, de vrÿheid hebben om, naar welgevallen, over hun eigendom te beschikken, en zich, zonder hinder of belet, te begeven werwaarts zÿ zullen goedvinden.

15. The High Contracting Parties agree that none of the Territories or Establishments mentioned in Articles 8, 9, 10, 11, and 12, shall be, at any time, transferred to any other Power. In case of any of the said Possessions being abandoned by One of the present Contracting Parties, the right of occupation thereof shall immediately pass to the Other.

15. De Hooge Contracterende Partÿen komen overeen, dat geen der landen of etablissementen by Artikelen 8, 9, 10, 11, en 12, vermeld, immer aan eenige andere Mogendheid zal mogen overgedragen worden. In geval dat eenige dier bezettingen door eene der thans Contracterende Partÿen verlaten wordt, zullen hare regten tot dezelve onmiddelyk op de andere Partÿ overgaan.

16. It is agreed that all accounts and reclamations, arising out of the restoration of Java, and other Possessions, to the Officers of His Netherlands Majesty in the East Indies,—as well those which were the subject of a Convention made at Java on the 24th of June, 1817, between the Commissioners of the Two

16. Er is overeengekomen dat alle rekeningen of vorderingen voortgesproten uit de teruggave van Java en andere etablissementen aan de Officieren van Zÿne Majesteit den Koning der Nederlanden in Oost-Indië, zoo wel die welke het onderwerp hebben uitgemaakt eener Conventie op Java, den 24 Juni 1817, tuss-

Nations, as all others, shall be finally and completely closed and satisfied, on the payment of the sum of £100,000, sterling money, to be made in London on the part of the Netherlands, before the expiration of the Year 1825.

chen de Kommissarissen der beide Natien gesloten, als alle andere hoe ook genaamd, finaal, en ten volle afgedaan zullen zÿn, behoudens de betaling eener som van £100,000 sterling, van den kant der Nederlanden, te bewerkstelligen in London vóór het einde van het Jaar 1825.

17. The present Treaty shall be ratified, and the Ratifications exchanged at London, within Three Months from the date hereof, or sooner if possible.

17. Het tegenwoordige Tractaat zal worden geratificeerd, en de Ratificatien zullen worden uitgewisseld te London binnen drie maanden na dato dezes, of eerder indien mogelÿk.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereunto the Seals of their Arms.

Ten oorkonden dezes hebben de respectieve Plenipotentiarissen deze getekend en met het zegel hunner wapenen bekrachtigd.

Done at London, the 17th day of March, in the Year of our Lord 1824.

Aldus gedaan te London den 17 Maart, in het Jaar onzes Heeren 1824.

(L.S.) GEORGE CANNING. (L.S.) H. FAGEL.

(L.S.) CHARLES WATKIN WILLIAMS WYNN. (L.S.) A. R. FALCK.

Note addressed by the British Plenipotentiaries to the Plenipotentiaries of The Netherlands.

In proceeding to the signature of the Treaty which has been agreed upon, the Plenipotentiaries of His Britannick Majesty have great satisfaction in recording their sense of the friendly and liberal spirit which has been evinced by Their Excellencies the Plenipotentiaries of His Netherlands Majesty; and their conviction that there is, on both sides, an equal disposition to carry into effect, with sincerity and good faith, the Stipulations of the Treaty, in the sense in which they have been negotiated.

The differences which gave rise to the present discussion, are such as it is difficult to adjust by formal Stipulation: consisting, in great part, of jealousies and suspicions, and arising out of the acts of subordinate Agents, they can only be removed by a frank declaration of intention, and a mutual understanding as to principles between the Governments themselves.

The disavowal of the proceedings whereby the execution of the Convention, of August 1814, was retarded, must have satisfied their Excellencies, the Netherlands Plenipotentiaries, of the scrupulous regard with which England always fulfils Her Engagements.

The British Plenipotentiaries record, with sincere pleasure, the solemn disavowal, on the part of the Netherlands Government, of any design to aim, either at political supremacy, or at commercial monopoly, in the Eastern Archipelago. They willingly acknowledge the readiness with which the Netherlands Plenipotentiaries have entered into Stipulations, calculated to promote the most perfect freedom of Trade between the Subjects of the Two Crowns, and their respective Dependencies, in that part of the World.

The Undersigned are authorized to express the full concurrence of His Britannick Majesty, in the enlightened views of His Majesty The King of the Netherlands.

Aware of the difficulty of adapting, at once, to a long established system of monopoly, the principles of commercial policy which are now laid down, the Undersigned have been authorized to consent to the exception of the Molucca Islands from the general Stipulation for freedom of Trade, contained in the Treaty. They trust, however, that, as the necessity for this exception is occasioned solely by the difficulty of abrogating, at the present moment, the monopoly of Spices, its operation will be strictly limited by that necessity.

The British Plenipotentiaries understand the term *Moluccas*, as applicable to that cluster of Islands, which has Celebes to the Westward, New Guinea to the Eastward, and Timor to the Southward; but that these three Islands are not comprehended in the exception: nor would it have included Ceram, if the situation of that Island, in reference to the two principal Spice Isles, Amboyna and Banda, had not required a prohibition of intercourse with it, so long as the monopoly of Spices shall be maintained.

The Territorial exchanges which have been thought expedient for avoiding a collision of interests, render it incumbent upon the Plenipotentiaries of His Britannick Majesty to make, and to require, some explanations with respect to the Dependents and Allies of England, in the Island from which She is about to withdraw.

A Treaty concluded in the Year 1819, by British Agents, with The King of Acheen, is incompatible with the 3d Article of the present Treaty. The British Plenipotentiaries therefore undertake, that the Treaty with Acheen shall, as soon as possible, be modified into a simple arrangement for the hospitable reception of British Vessels and Subjects in the Port of Acheen But as some of the Provisions of that Treaty (which has been communicated to the Netherlands Plenipotentiaries), will be conducive to the general interests of Europeans established in the Eastern Seas, they trust that the Netherlands Government will take measures for securing the benefit of those Provisions. And they express their confidence, that no measures, hostile to The King of Acheen, will be adopted by the new Possessor of Fort Marlborough.

It is no less the duty of the British Plenipotentiaries to recommend to the friendly and paternal protection of the Netherlands Government, the interests of the Natives and Settlers, subject to the ancient Factory of England at Bencoolen.

This appeal is the more necessary, because, so lately as the Year 1818, Treaties were made with the Native Chiefs, by which their situation was much improved. The system of forced cultivation and delivery of Pepper was abolished ; encouragement was given to the cultivation of Rice; the relations between the cultivating Classes and the Chiefs of the Districts were adjusted; the property in the soil was recognized in those Chiefs; and all interference in the detailed management of the Interior was withdrawn, by removing the European Residents from the Out-Stations, and substituting in their room Native Officers. All these measures were calculated greatly to promote the interests of the Native Inhabitants.

In recommending these interests to the care of the Netherlands Government, the Undersigned request the Plenipotentiaries of His Netherlands Majesty to assure their Government that a corresponding attention will be paid, on the part of the

British Authorities, to the Inhabitants of Malacca, and the other Netherlands Settlements which are transferred to Great Britain.

In conclusion, the Plenipotentiaries of His Britannick Majesty congratulate Their Excellencies the Netherlands Plenipotentiaries, upon the happy termination of their Conferences. They feel assured, that, under the Arrangement which is now concluded, the Commerce of both Nations will flourish, and that the Two Allies will preserve inviolate, in Asia, no less than in Europe, the friendship which has, from old times, subsisted between Them. The disputes being now ended, which, during two Centuries, have occasionally produced irritation, there will henceforward be no rivalry between the English and the Dutch Nations in the East, except for the more effectual establishment of those principles of liberal policy which both have this day asserted in the face of the World.

The Undersigned request Their Excellencies the Plenipotentiaries of His Netherlands Majesty, will accept the assurances of their distinguished consideration.

GEORGE CANNING.
CHARLES WATKIN WILLIAMS WYNN

London, March 17, 1824.

Reply of the Netherlands Plenipotentiaries to the Note of the Plenipotentiaries of Great Britain.

TRANSLATION.

Les Soussignés, Plénipotentiaires de Sa Majesté Le Roi des Pays-Bas, ont trouvé, dans la Note qui vient de leur être remise par Leurs Excellences Messieurs les Plénipotentiaires Britanniques, un résumé fidèle des communications, qui avaient eu lieu à l'époque où des circonstances, indépendantes de la volonté des Négociateurs, amenèrent la suspension de leurs Conférences.

The Undersigned, Plenipotentiaries of His Majesty The King of The Netherlands, have found in the Note, which is just delivered to them by Their Excellencies the British Plenipotentiaries, a faithful recapitulation of the communications which had taken place at the time, when circumstances, independent of the will of the Negotiators, caused a suspension of their Conferences.

Appellés à reprendre un travail dont l'achèvement a toujours été désiré de part et d'autre avec une égale sincérité, les Soussignés n'ont pas tardé à réconnaitre dans leurs Collaborateurs, cet esprit d'équité et de conciliation, qui facilite l'arrangement des questions les plus compliquées, et auquel ils ne peuvent rendre hommage dans un moment plus opportun que celui, qui va sanctionner, par la signature d'un Traité formel, les dispositions adoptées après le plus mûr examen, comme éminemment utiles pour le maintien de la bonne intelligence, même entre les Agens inférieurs des Puissances Contractantes.

Ce but essentiel, cette tendance principale du Traité, sont palpables pour tous ceux qui en lisent avec attention les différens Articles. Ce qui s'y trouve expressément stipulé, semble devoir suffire pour lever, d'un commun accord, toute incertitude, qui pourrait se présenter par la suite. Cependant, comme Messieurs les Plénipotentiaires Britanniques ont cru devoir entrer dans quelques détails ultérieurs, les Soussignés, qui, de leur côté, sentent l'importance de ne rien donner au hasard, dans une matière aussi intéressante, ne font

Summoned to resume a work, the completion of which has ever been desired with equal sincerity by both Parties, the Undersigned have not failed to recognize in their Co-labourers in this work, that spirit of equity and conciliation, which facilitates the arrangement of the most complicated questions, and to which they cannot do justice at a time more fitting, than that which is about to sanction, by the signature of a formal Treaty, the resolutions, adopted after a most strict examination, as eminently useful for the maintenance of a good understanding, even among the inferior Agents of the Contracting Powers.

This essential aim and principal tendency of the Treaty is evident to all who read its different Articles with attention. What is therein expressly stipulated ought to suffice for the removal, by common consent, of all uncertainty which might present itself in the sequel. However, as the British Plenipotentiaries have considered it necessary to enter into some further details, the Undersigned, who, on their part, are sensible of the importance of leaving nothing doubtful in so important a matter, have no difficulty in following them

aucune difficulté de les suivre dans ces détails, et de completter, par le dévéloppement succinct de leur manière de voir, la réponse, due par eux, à la susdite Note de Leurs Excellences.

L'Article 7, renferme une exception au principe général de la liberté du Commerce. La nécessité de cette exception, déjà admise par l'Angleterre dans les Conférences de 1820, répose sur l'existencè du système rélatif au Commerce exclusif des Epiceries. Si les déliberations du Gouvernement des Pays-Bas conduisent à l'abandon de ce système, aussitôt le Commerce libre reprend ses droits, et tout cet Archipel, qui a été fort justement décrit comme compris entre *Celebes*, *Timor*, et *La Nouvelle Guinée*, est ouvert à toutes les spéculations légitimes, sur le pied à établir par les Ordonnances locales, et, pour ce qui concerne en particulier les Sujets de Sa Majesté Britannique, conformément aux bases consacrées par le Traité pour toutes les Possessions Asiatiques des deux Parties Contractantes.

Par contre, aussi longtems que l'exception, dont il s'agit, reste en vigueur, les navires qui traversent les Moluques, doivent s'abstenir

through these details, and in supplying, by a concise display of their view of the subject, the answer which is due from them to the aforesaid Note of Their Excellencies.

The 7th Article contains an exception to the general principle of liberty of commerce. The necessity of that exception, already admitted by England in the Conferences of 1820, rests upon the existence of the system which respects the exclusive Trade in Spice. Should the determinations of the Government of The Netherlands lead to the abandonment of that system, the rights of free trade will be immediately restored, and the whole of that Archipelago, which has been very justly described as comprised between *Celebes*, *Timor*, and *New Guinea*, will be open to all lawful speculations, on the footing to be established by local Ordinances, and, so far as particularly concerns the Subjects of His Britannick Majesty, in conformity with the grounds sanctioned by the Treaty for all the Asiatic Possessions of the Two Contracting Powers.

On the other hand, so long as the exception in question remains in force, the Ships which traverse the Moluccas must refrain from

de relâcher, dans d'autres Ports que ceux dont la désignation a été officiellement communiquée aux Puissances Maritimes il y a quelques Années ; sauf les cas de détresse pour lesquels il est superflu d'ajouter, qu'ils trouveront, dans tous les endroits où flotte le Pavillon des Pays-Bas, les services et les sécours dûs à l'humanité souffrante.

Si le Gouvernement de La Grande Bretagne pense qu'il y a un avantage réel pour lui à ce qu'en se dégageant, d'après les principes consacrés par le Traité qui va être signé, des liaisons que ses Agens formèrent, il y a quatre ou cinq Ans, dans le Royaume d'*Acheen*, il assure, par quelque stipulation nouvelle, l'accueil hospitalier des Sujets et Vaisseaux Britanniques dans les Ports de ce Royaume,—les Soussignés n'hésitent pas à déclarer que, de leur côté, ils n'y voyent aucun inconvénient; et ils croyent pouvoir assurer, en même tems, que leur Gouvernement s'appliquera, sans délai, à régulariser ses rapports avec *Acheen*, de manière que cet Etat, sans rien perdre de son indépendance, offre au navigateur et au commerçant cette constant sécurité, qui semble ne pouvoir y être établie, que par l'exercice modéré d'une

touching at any Ports but those whereof the description has been officially communicated to the Maritime Powers some Years back ; except in cases of distress, in which it is superfluous to add, that they will find in all Places, where the Flag of the Netherlands may be flying, those good offices and succours which are due to suffering humanity.

If the Government of Great Britain conceives it to be a real advantage, that, by disengaging itself, according to the principles sanctioned by the Treaty which is about to be signed, from the connections which were formed by its Agents, four or five Years ago, in the Kingdom of *Acheen*, it secures, by some new clause, the hospitable reception of British Vessels and Subjects in the Ports of that Kingdom,—the Undersigned hesitate not to declare, that, on their part, they do not see any difficulty in it, and conceive that they may assert, at the same time, that their Government will apply itself, without delay, to regulate its relations with *Acheen*, in such a manner, that that State, without losing any thing of its independence, may offer both to the sailor and the merchant, that constant security which can only

influence Européenne.

A l'appui des informations contenues dans la dernière Note de Messieurs les Plénipotentiaires Britanniques, au sujet de *Bencoolen*, Leurs Excellences ont communiqué aux Soussignés les deux Conventions respectivement signées le 23 Mai et le 4 Juillet de 1818, d'un côté par le Lieutenant-Gouverneur de cetEtablissement, et de l'autre par les Chefs de quelques Tribus voisines. On leur a aussi fait part d'une dépêche du Gouverneur-Général en Conseil, datée de *Fort William* le 9 Mai 1823, et d'après laquelle l'administration Britannique a aboli au Fort Marlborough le monopole du Poivre, encouragé la culture du Riz, et placé sur un pied stable et uniforme, les rapports des différentes classes de Natifs, tant entre elles, qu'avec leurs Chefs. Or, pour autant que les Soussignés ne se trompent point en supposant, que le bût de ces arrangemens a été d'assurer la prosperité agricole de la Colonie, et d'écarter les vexations qui résultent souvent du contact immédiat de la population indigène avec les Autorités subalternes d'une administration étrangère, ils éprouvent une grande satis-

be established by the moderate exercise of European influence.

In support of the information contained in the last Note of the British Plenipotentiaries on the subject of *Bencoolen*, Their Excellencies have communicated to the Undersigned the two Conventions respectively signed on the 23d of May, and the 4th July, 1818, by the Lieutenant-Governor of that Establishment on the one side, and by the Chiefs of some neighbouring Tribes, on the other. They have likewise communicated a Despatch of the Governor-General in Council, dated *Fort William*, the 9th of May, 1823, and according to which the British Government has abolished at Fort Marlborough the monopoly of Pepper, encouraged the cultivation of Rice, and placed on a firm and uniform footing, the relations of the different classes of Natives, as well among themselves, as with their Chiefs. But in as much as the Undersigned are not wrong in supposing that the object of these arrangements has been the security of the agricultural prosperity of the Colony, and the removal of the vexations which often result from the immediate contact of the Native Population with the sub-

faction à dire, que loin d'avoir à rédouter des mésures rétroactives, les individus intéressés à l'ordre actuel des choses peuvent, au contraire, nourrir l'espoir, que le nouveau Gouvernement aura égard à leurs droits acquis, et à leur bien-être ; et, ce que les Soussignés aiment surtout à garantir, il fera observer les Articles des Conventions déjà mentionnées, sur la foi desquels les habitans de *Pasummah*, *Ulu Manna*, et d'autres Peuplades de l'intérieur ont réconnu l'autorité, ou accepté la protection de la Compagnie des Indes Britanniques, sauf toutefois la faculté d'y substituer, du plein gré des Parties intéressées, d'autres conditions analogues, si les circonstances venaient à rendre un changement nécessaire.

ordinate Authorities of a Foreign Government, they experience great satisfaction in saying, that, far from having cause to dread retroactive measures, the individuals interested in the existing order of things may, on the contrary, cherish the hope that the new Government will respect their acquired rights, and their welfare; and, what the Undersigned are above all things desirous to guarantee, that it will cause the Articles of the above-mentioned Conventions to be observed, on the faith of which the Inhabitants of *Pasummah*, *Ulu Manna*, and the other Colonists in the interior, have recognized the authority, or accepted the protection, of the British East India Company; saving, however, the power of substituting, with the full consent of the Parties interested, other analogous conditions, if circumstances should render a change necessary.

Quant aux dispositions équitables et bienveillantes du Gouvernement Britannique envers les habitans de *Malacca*, et des autres Etablissemens Hollandois, cédés par le Traité, les Plénipotentiaires de Sa Majesté Le Roi des Pays-Bas, en acceptent l'assurance avec une confiance illimitée; et ce même senti-

With respect to the equitable and benign intentions of the British Government, towards the Inhabitants of *Malacca*, and the other Dutch Establishments ceded by the Treaty, the Plenipotentiaries of His Majesty The King of the Netherlands, accept the assurance thereof with unlimited confidence; and the same

ment les porte à ne pas insister, pour que les instructions et ordres, qui seront adressés aux Autorités Anglaises dans l'Inde, rélativement à la remise du *Fort Marlborough*, et de ses dépendances, soyent conçus en des termes tellement clairs, précis, et positifs, qu'on n'y puisse trouver aucun motif d'incertitude, ni aucun prétexte de délai; car ils sont persuadés que Messieurs les Plénipotentiaires Britanniques, après avoir apporté tant de modération et de loyauté à l'accomplissement de leur tâche, sauront veiller à ce que le résultat des travaux communs ne soit pas compromis par égard pour des intérêts subordonnés, et des considérations secondaires. Ce résultat, Messieurs les Plénipotentiaires Britanniques l'ont décrit eux-mêmes dans leur dernière Note, et il ne reste aux Soussignés qu'à se féliciter d'y avoir concouru, et à joindre leurs vœux à ceux de Leurs Excellences, pour que les Agens respectifs dans les Possessions Asiatiques, se montrent toujours pénétrés du sentiment des devoirs, que deux Nations, amies et animées de vûes vraiment libérales, ont à remplir, tant l'une à l'égard de l'autre, que vis à vis des indigènes, que le cours des évènemens ou les Traités ont placés sous leur influence.

sentiment prevents them from insisting, that the orders and instructions, which shall be addressed to the English Authorities in India, relative to the surrender of *Fort Marlborough*, and its Dependencies, should be conceived in such clear, precise, and positive terms, that no cause of uncertainty, nor any pretext for delay, may be discovered in them:—being persuaded that the British Plenipotentiaries, after having accomplished their labours with so much moderation and equity, will take care that the result of their common exertions be not compromised by any regard to subordinate interests, and secondary considerations. This result the British Plenipotentiaries themselves have described in their last Note, and it only remains for the Undersigned to congratulate themselves on having contributed thereto, and to unite their wishes with those of Their Excellencies, that their respective Agents in their Asiatic Possessions, may ever shew themselves sensible of the duties, which Two Friendly Nations, animated with truly liberal views, have to fulfil, both with reference to each other, and also towards the Natives whom the course of events or Treaties have placed under their influence.

Les Soussignés saisissent avec empressement cette occasion de renouveller à Leurs ExcellencesMessieurs les Plénipotentiaires Britanniques l'assurance de leur considération la plus distinguée.

H. FAGEL.
A. R. FALCK.

Londres, le 17 *Mars*, 1824.

The Undersigned avail themselves of this opportunity of renewing to Their Excellencies the British Plenipotentiaries, the assurance of their most distinguished consideration.

H. FAGEL.
A. R. FALCK.

London, March 17, 1824.

TREATY of perpetual Union, League, and Confederation, between Colombia and Chili.—Signed at Santiago de Chili, 21*st October*, 1822.*

(Translation.)

FRANCISCO DE PAULA SANTANDER, de los Libertadores de Venezuela y Cundinamarca, condecorado con la Cruz de Boyacá, General de Division, Vice Presidente de la Repùblica, encargado del Poder Egecutivo, &c. &c. &c.

A TODOS LOS QUE LA PRESENTE VIEREN, SALUD:

Por cuanto entre la Republica de Colombia y el Estado de Chile, se concluyó y firmó en la Ciudad de Santiago de Chile, el dia 21 de Octubre del Año de Gracia 1822, por medio de Plenipotenciarios, suficientemente autorizados por ambas Partes, un Tratado de Union, Liga, y Confederacion perpetua; cuyo tenor, palabra por

FRANCISCO DE PAULA SANTANDER, of the Order of Liberators of Venezuela and Cundinamarca, decorated with the Cross of Boyaca, General of Division, Vice President of the Republic, in charge of the Executive Power, &c. &c. &c.

TO ALL WHO MAY PERUSE THE PRESENT, GREETING:

Whereas a Treaty of perpetual Union, League, and Confederation, was concluded and signed in the City of Santiago de Chili, between the Republic of Colombia and the State of Chili, on the 21st of October, in the Year of our Lord 1822, by means of Plenipotentiaries fully authorized on both sides; the tenor of

* Iris de Venezuela, 17th October, 1823.

palabra es como sigue:—

EN EL NOMBRE DE DIOS, AUTOR Y LEGISLADOR DEL UNIVERSO.

El Gobierno de la Repùblica de Colombia por una parte, y por otra el del Estado de Chile, animados del mas sincéro deseo de poner prontamente un tèrmino à las calamidades de la presente guerra, à que se han visto provocados por el Gobierno de S. M. C. el Rey de España; cooperando eficazmente à tan importante objeto con todo su influjo, recurzos, y Fuerzas Marítimas y Terrestres, hasta asegurar para siempre á sus Pueblos, Subditos, y Ciudadanos respectivos, los preciosos goces de su tranquilidad interior, de su Libertad é Independencia Nacional: y habiendo S. E. el Libertador, Presidente de Colombia, conferido al efecto Plenos-poderes al Honorable Joaquin Mosquera y Arboleda, Miembro del Senado de la Repùblica del mismo nombre; y S. E. el Director Supremo del Estado de Chile, á Sus Ministros de Estado, en los Departamentos de Gobierno y Relaciones Exteriores, Dr. D. Joaquin de Echeverria; y en los de Hacienda y Guerra, Dr. D. Jose Antonio Rodriguez; despues de haber cangeado, en buena

which Treaty is, word for word, as follows:—

IN THE NAME OF GOD, THE AUTHOR AND LEGISLATOR OF THE UNIVERSE.

The Government of the Republic of Colombia on the one hand, and that of the State of Chili on the other, animated with the most sincere desire of speedily terminating the calamities of the present war, into which they have been provoked by the Government of His Catholic Majesty, The King of Spain; and desiring to co-operate effectually in this important object, with all their influence, resources, and Forces by Sea and Land, until the precious enjoyment of their internal tranquillity, their Liberty and National Independence, be secured for ever to their respective People, Subjects, and Citizens: and His Excellency the Liberator and President of Colombia, having, with this view, conferred Full Powers on the Honorable Joaquin Mosquera and Arboleda, Member of the Senate of the above-named Republic; and His Excellency the Supreme Director of the State of Chili, on His Ministers of State, Dr. D. Joaquin Echeverria, having the Departments of Government and Foreign Affairs; and Dr. D. Jose Antonio Rodriguez,

y debida forma, los expresados Poderes, han convenido en los Articulos siguientes:

1. La Repùblica de Colombia y el Estado de Chile, se unen, ligan, y confederan, en Paz y Guerra, para sostener con su influjo y Fuerzas Marìtimas y Terrestres, en cuanto lo permitan las circunstancias, su Independencia de la Nacion Española, y de cualquiera otra Dominacion Extrangera; y asegurar, despues de reconocida aquella, su mutua prosperidad, la mejor armonìa, y buena inteligencia, asî entre sus Pueblos, Sùbditos, y Ciudadanos, como con las demas Potencias con quienes deben entrar en relaciones.

2. La Repùblica de Colombia y el Estado de Chile, se promèten por tanto, y contrahen espontaneamente, un Pacto de alianza ìntima y amistad firme y constante, para su defensa comun, para la seguridad de su Independencia y Libertad, para su bien reciproco y general, y para su tranquilidad interior; obligándose a socorrerse mutuamente, y á rechazar en comun todo ataque ó invasion que pueda de alguna manera amenazar su Existencia Politica.

those of Finance and War; the said Plenipotentiaries having exchanged their respective Powers, found in good and due form, have agreed on the following Articles:

1. The Republic of Colombia and the State of Chili, do unite, league, and confederate, in Peace and War, to sustain with their influence and Forces by Sea and Land, as far as circumstances may permit, their Independence of the Spanish Nation, and of every other Foreign Dominion; and to secure, after the recognition of their said Independence, mutual prosperity, perfect harmony, and good understanding, between their People, Subjects, and Citizens, as well as with such other Powers as may enter into relations with them.

2. With this view, the Republic of Colombia and the State of Chili, do voluntarily engage in, and contract with each Other, a Treaty of intimate Alliance and firm and lasting friendship, for their common defence, the security of their Independence and Liberty, their mutual and general good, and for their internal tranquillity; binding themselves to succour each other, and to repel, in common, any attack or invasion, that may in any way threaten their Political Existence.

3. A fin de concurrir á los objetos indicados en los Articulos anteriores, la República de Colombia se compromete à auxiliar con las Fuerzas Marítimas y Terrestres disponibles, cuyo nûmero ó su equivalente se fijarà en la Asamblea de Plenipotenciarios.

4. El Estado de Chile contribuirá igualmente con las Fuerzas Marítimas y Terrestres disponibles, cuyo número ó su equivalente se fijarà tambien en la expresada Asamblea.

5. En casos de invasion repentina, ambas Partes podran obrar hostilmente en los Territorios de la Dependencia de una ú otra, siempre que las circunstancias del momento no den lugar á ponerse de acuerdo con el Gobierno à quien corresponda la Soberania del Territorio invadido. Pero la parte que asì obrase, deberà cumplir y hacer cumplir los Estatutos, Ordenanzas y Leyes del Estado respectivo, en cuanto lo permitan las circunstancias, y hacer respetar y obedecer Su Gobierno. Los gastos que se hubiesen impendido en estas operaciones, y demas que se impeudan en consequencia de los Articulos 3 y 4, se liquidaràn por Convenios separados, y se abonaràn un Año despues de la conclusion de la presente guerra.

3. In order to concur in the objects pointed out in the preceding Articles, the Republic of Colombia binds itself to furnish disposable Sea and Land Forces, the number or equivalent of which shall be fixed at a Meeting of Plenipotentiaries.

4. The State of Chili also engages to furnish disposable Sea and Land Forces, the number or equivalent of which shall be fixed at the said Meeting of Plenipotentiaries.

5. In cases of sudden invasion, both Parties may engage in war in the Territories of Either, should the exigency of the moment not afford time to concert with the Government to which the invaded Territory may belong. But the Party thus acting shall observe, and cause to be observed, the Statutes, Ordinances, and Laws of the invaded State, as far as circumstances may permit, and shall cause its Government to be respected and obeyed. The expenses that may be incurred in these Operations, and those also which may arise in consequence of Articles 3 and 4, shall be arranged by separate Conventions, and shall be settled within one Year after the termination of the present War.

6. Para asegurar y perpetuar, del mejor modo posible, la buena amistad y correspondencia entre ambos Estados; sus Sùbditos y Ciudadanos tendràn libre entrada y salida en sus Puertos y Territorios, y gozaràn alli de todos los Derechos civiles, y Privilegios de Tràfico y Comercio; sujetandose unicamente á los derechos, impuestos y restricciones á que lo estuvieran los Súbditos y Ciudadanos de cada una de las Partes Contratantes.

6. In order to perpetuate and secure, in the best possible manner, a lasting friendship and good understanding between both States, their Subjects and Citizens shall have free ingress and egress in their Ports and Territories, and shall there enjoy all civil Rights, and Privileges of Trade and Commerce; being liable only to those duties, imposts, and restrictions to which the Subjects and Citizens of each of the Contracting Parties are liable.

7. En esta virtud, los buques y producciones territoriales de cada una de las Partes Contratantes no pagarán mas derechos de importacion, exportacion, anclaje, y tonelada, que los establecidos, ó que se establecieren, para los Nacionales, en los puertos de cada Estado, segun sus Leyes vijentes: es decir, que los buques y producciones de Colombia abonarán los derechos de entrada y salida en los Puertos del Estado de Chile como Chilenos, y los del Estado de Chile como Colombianos en los de Colombia.

7. In virtue of the foregoing Article, the vessels, and territorial productions of either of the Contracting Parties, shall not pay more duties on importation, exportation, anchorage, and tonnage, than such as are established, or may be established, for Nationals, in the Ports of each State, according to its existing Laws; that is to say, the vessels and productions of Colombia shall pay export and import duties in the Ports of the State of Chili, as Chilians, and those of Chili, the same as Colombians, in the Ports of Colombia.

8. Ambas Partes Contratantes se obligan á prestar quantos auxilios estená su alcance á sus bajeles de guerra y mercantes que lleguen à los

8. Both the Contracting Parties bind themselves to furnish such succour as may be in their power to their ships of war and merchantmen, ar-

Puertos de su pertenencia por causa de aberia ó cualquiera otro motivo, y como tal podràn carenarse, repararse, hacer viveres, armarse, aumentar su armamento y sus tripulaciones, hasta el estado de poder continuar sus viages ó cruceros, á espensas del Estado ó particulares à quienes correspondan.

9. A fin de evitar los abusos escandalosos que puedan causar en altamar los corsarios armados, por cuenta de los particulares, con perjuicio del Comercio Nacional y los Neutrales; convienen ambas Partes en hacer extensiva la jurisdiccion de sus Cortes Marìtimas, á los corsarios que navegan bajo el pabellon de una y otra, y sus presas indistintamente, siempre que no puedan navegar facilmente hasta los puertos de su procedencia; ó que haya indicios de haber cometido excesos contra el Comercio de las Naciones Neutrales, con quienes ambos Estados desean cultivar la mejor armonia y buena inteligencia.

10. Si por desgracia se interrumpiese la tranquilidad interior en alguna parte de los Estados mencionados, por hombres turbulentos, sediciosos y enemigos de los Gobiernos, ligitimamente constituidos por el voto de los Pueblos, libre, quieta, y pacificamente

riving at Ports belonging to either of them, on account of damage sustained, or from any other cause: and as such they may careen, repair, victual, arm, or encrease their armament or crew, so as to enable them to continue their voyage or cruise, at the expense of the State or of the individuals to whom they may belong.

9. In order to avoid the scandalous abuses which may be caused on the high seas by privateers, armed on account of individuals, to the prejudice of the National Commerce as well as that of Neutrals; both Parties agree to extend the jurisdiction of their Maritime Courts, to all privateers sailing under the flag of either State, and to their prizes indiscriminately, provided they cannot conveniently reach the Port to which they may be bound; or when excesses may appear to have been committed against the Commerce of Neutral Nations, with which both States desire to cultivate the best harmony and good understanding.

10. If unfortunately the internal tranquillity of any part of the beforementioned States, should be interrupted by turbulent and seditious Persons, enemies to the Governments, lawfully established by the voice of the People, freely, calmly, and peacefully express-

expresado en virtud de sus Leyes; ambas Partes se comprometen solemne y formalmente á hacer causa comun contra ellos, auxiliandose mutuamente con cuantos medios esten en su poder, hasta lograr el restablecimiento del órden, y el imperio de sus Leyes.

ed agreeably to their Laws; both Parties solemnly and formally bind themselves to make common cause against all such, aiding Each Other with al the means in their power, until the re-establishment of order, and the authority of the Laws.

11. Si alguna persona culpable, ó acusada de Traicion, Sedicion, ú otro grave Delito, huyese de la justicia y se encontrase en el Territorio de alguno de las Estados mencionados, será entregada y remitida á disposicion del Gobierno que tiene conocimiento del delito, y en cuya jurisdiccion debe ser juzgada, luego que la Parte ofendida haya hecho reclamacion en forma. Los desertores de los Egércitos y de la Marina Nacional de una y otra Parte quedan igualmente comprendidos en este Articulo.

11. If any offender, or one accused of Treason, Sedition, or other heinous Offence, should escape from justice, and be discovered within the Territories of either of the before-mentioned States, he shall be delivered over to, and placed at the disposal of, the Government which has cognizance of his offence, and within the jurisdiction of which he ought to be tried, as soon as the offended Party shall have made a formal claim to this effect.—Deserters from the Army and Navy of both Parties are equally comprehended in this Article.

12. Para estrechar mas los vinculos que deben unir en lo venidero á ambos Estados, y allanar cualquiera dificultad que pueda presentarse, ó interrumpir de algun modo su buena correspondencia y armonía, se formará una Asamblea compuesta de dos Plenipotenciarios por cada parte, en los mismos términos y en las mismas formalidades, que, en conformidad de los usos establecidos,

12. In order to draw closer the bonds which should in future unite both States, and to remove any difficulties which may arise, or in any way interrupt their harmony and good understanding, a Meeting shall be held, composed of two Plenipotentiaries on each side, in like manner, and with the same formalities, as are observed, according to established usage, in the nomi-

deben observarse, para el nombramiento de los Ministros de igual clase cerca de los Gobiernos de las Naciones Extranjeras.

13. Ambas Partes se obligan á interponer sus buenos oficios con los Gobiernos de los demas Estados de la América, antes Española, para entrar en este Pacto de Union, Liga, y Confederacion.

14. Luego que se haya conseguido este grande é importante objeto, se reunirà una Asamblea General de los Estados Americanos,compuesta de sus Plenipotenciarios, con el encargo de cimentar, de un modo mas solido y estable, las relaciones ìntimas que deben existir entre todos y cada uno de ellos, y que les sirva de consejo en los grandes conflictos, de punto de contacto en los peligros comunes, de fiel intérprete de sus Tratados pùblicos cuando ocurran dificultades, y de juez àrbitro y conciliador en sus disputas y diferencias.

15. La República de Colombia y el Estado de Chile se comprometen gustosamente á prestar á los Plenipotenciarios que compongan la Asamblea de los Estados Americanos, todos los auxilios que demanda la hospitalidad entre pueblos hermanos,y el carácter

nation of Ministers of similar rank to the Governments of Foreign Powers.

13. Both Parties engage to interpose their good offices with the other States of America, formerly belonging to Spain, to induce them to enter into this Treaty of Union, League, and Confederation.

14. As soon as this grand and important object shall be attained, there shall be assembled a general Meeting of the American States, composed of their respective Plenipotentiaries, instructed to cement, in the most solid and lasting manner, the intimate Relations which ought to subsist between all and each of them; and that may serve them as counsel in great emergencies; as a point of union in cases of common danger; as a faithful interpreter of their public Treaties when difficulties arise; and as a judicial reference and mediator in their disputes and differences.

15. The Republic of Colombia, and the State of Chili, willingly bind themselves to afford to the Plenipotentiaries composing the American States, all the aid required by hospitality between friendly Countries, and by the sacred and inviolable charac-

sagrado é inviolable de sus personas, siempre que los Plenipotenciarios elijieren la reunion en un punto del Territorio de Colombia ó del de Chile.

16. Este Pacto de Union, Liga, y Confederacion no interrumpirá en manera alguna el ejercicio de la Soberania Nacional de cada una de las Partes Contratantes, asì por lo que mira à las Leyes y el establecimiento y forma de sus respectivos Gobiernos, como por lo que hace à sus relaciones con las demas Naciones Extrangeras. Pero se obligan, expresa è irrevocablemente, á no ceder à las demandas de indemnizaciones, tributos ó exacciones, que el Gobierno Español pueda entablar por la pérdida de su antigua supremacía sobre estos Paises, ó cualesquiera otra Nacion en nombre y representacion suya; ni entrar en Tratado alguno, con España ni otra Nacion, en perjuicio y menoscabo de esta Independencia; sosteniendo en todas ocasiones y lugares sus intereses recíprocos, con la dignidad y enerjía de Naciones libres, independientes, amigas, hermanas, y confederadas.

17. Este Tratado ó Convencion de Amistad, Liga, y Confederacion será ratificado dentro del tercero dia por el

ter of their persons, if the said Plenipotentiaries should choose to meet on any point of the Territory of Colombia or Chili.

16. This Treaty of Union, League, and Confederation, shall not, in anywise, interrupt the exercise of the National Sovereignty of either of the Contracting Parties, either in respect of their Laws, and the form and establishment of their respective Governments, or of their relations with Foreign Powers. But they bind themselves, expressly and irrevocably, not to yield to any demands in the nature of indemnities, tributes or exactions, which either the Spanish Government may advance, on account of the loss of its ancient dominion over these Countries, or which any other Nation may prefer in its name, or as its Representative; nor to negociate any Treaty, either with Spain, or any other Nation, in prejudice or depreciation of this Independence; sustaining every where and on all occasions their reciprocal interests, with the dignity and energy of free, independent, friendly, brotherly, and confederated Nations.

17. The present Treaty and Convention of Friendship, League, and Confederation, shall be ratified within the

Gobierno del Estado de Chile, de acuerdo con la Honorable Convencion Nacional, en conformidad del Art. 4, cap. 3. Tit. 5, de la Constitucion Provisoria; y por el de la República de Colombia tan prontamente como pueda obtener la aprobacion del Senado, en virtud de lo dispuesto por la Ley del Congreso de 13 de Octubre de 1821: y en el caso que por algun accidente no pueda reunirse, sera ratificado en el pròximo, conforme á lo prevenido por la Constitucion de la Repùblica en el Art. 55, párrafo 18. Las Ratificaciones seràn cangeadas sin demora, y en el termino que permite la distancia que separa à ambos Gobiernos.

third day by the Government of the State of Chili, with the consent of the Honorable National Convention, in conformity to Art. 4, chap. 3, and Title 5, of the Provisional Constitution; and by that of the Republic of Colombia, as soon as it shall have received the approbation of the Senate, in virtue of the Law passed by Congress on the 13th of October, 1821; and in case, through any accident, the Senate cannot meet, the same shall be ratified by the next Congress, conformably to the provisions of the Constitution of the Republic, Article 55, Section 18. The Ratifications shall be exchanged without delay, and within such period as the distance which separates the Two States will permit.

En fe de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con los Sellos de los Estados que representan.

In faith of which the respective Plenipotentiaries have signed the same, and have sealed it with the Seals of the States they represent.

Hecho en la Ciudad de Santiago de Chile, à 21 dias del mes de Octubre, del Año de Gracia 1822, 12 de la Independencia de Colombia, 13 de la Libertad de Chile, y quinto de su Independencia.

Done in Santiago de Chili, this 21st day of October, 1822; in the 12th Year of the Independence of Colombia; the 13th of the Liberty of Chili, and the 5th of its Independence.

JOAQUIN MOSQUERA.
JOAQUIN DE ECHEVERRIA.
JOSE ANTONIO RODRIGUEZ.

JOAQUIN MOSQUERA.
JOAQUIN DE ECHEVERRIA.
JOSE ANTONIO RODRIGUEZ.

ARTICULO ADICIONAL.

Habiendo terminado sus Sesiones la Honorable Convencion Nacional de Chile el dia 23 de Octubre ultimo, y no habiendo tenido por lo mismo tiempo bastante para las discusiones en que debio ser ratificado el presente Tratado en el término que se habia convenido por el Art. 17; y habiendo propuesto el Honorable Ministro Plenipotenciario de Colombia à sus Excelencias los Ministros Plenipotenciarios de Chile, que se abriese un nuevo término para las Ratificaciones, consultaron á la Exma. Suprema Corte de Representantes, con cuyo acuerdo han convenido, con el Honorable Ministro Plenipotenciario de Colombia, en el Artículo siguiente:

El presente Tratado concluido en Santiago de Chile el 21 de Octubre de 1822, será ratificado en el término de cuatro meses, que se contarán desde la fecha de hoy, ó antes si puede hacerse, y las Ratificaciones serán cangeadas sin demora, en el término que permite la distancia que separa á ambos Gobiernos.

En fe de lo cual los Plenipotenciarios lo firman y sellan con los Sellos de los Gobiernos que representan.

Hecho en Santiago de Chile à 20 de Noviembre del

ADDITIONAL ARTICLE.

The National Convention of Chili having terminated its Session on the 23d of October last, and its sittings not having been held a sufficient time for the Ratification of the present Treaty, within the period agreed upon by Art. 17; and the Honorable Minister Plenipotentiary of Colombia having proposed to their Excellencies the Ministers Plenipotentiaries of Chili, that a new term should be opened for those Ratifications, they have consulted with the Most Excellent the Supreme Court of Representatives, with whose consent they have agreed upon the following Article, with the Honorable Minister Plenipotentiary of Colombia:—

The present Treaty, concluded in Santiago de Chili, the 21st of October, 1822, shall be ratified in the space of four months, to be reckoned from the present date, or sooner if possible, and the Ratifications shall be exchanged without delay, and within such time as the distance which separates the two Governments will permit.

In faith of which the Plenipotentiaries sign and seal the same, with the Seals of the States which they represent.

Done in Santiago de Chili, the 20th November, in the

Año de Gracia 1822, 12 de la Independencia de Colombia y quinto de la de Chile.

JOAQUIN MOSQUERA.
JOAQUIN DE ECHEVERRIA.
JOSE ANTONIO RODRIGUEZ.

Year of Our Lord 1822, the 12th of the Independence of Colombia, and 5th of that of Chili.

JOAQUIN MOSQUERA.
JOAQUIN DE ECHEVERRIA.
JOSE ANTONIO RODRIGUEZ.

Por tanto: habiendo visto y examinado el dicho Tratado de Union, Liga, y Confederacion, previo el consentimiento y aprobacion del Congreso de la Repùblica, conforme al Articulo 55, § 18 de la Constitucion, he venido, en uso de las facultades que me confiere el Artículo 120 de la misma Constitucion, en ratificarlo, y por las presentes lo ratifico y tengo por rato, grato, y firme, en todos sus Artículos y Clausulas, à excepcion de las palabras,- "*y para su tranquilidad interior*," del Artículo segundo; todas las que expresa el Artìculo dècimo; y las que siguen del Artículo undècimo, á saber: "*si alguna persona culpable, ò acusada de Traicion, Sedicion u otro grave Delito, huyese de la Justicia y se encontrase en el Territorio de alguno de los Estados mencionados, será entregada y remitida à disposicion del Gobierno que tiene conocimiento del delito, y en cuya jurisdiccion debe ser juzgada, luego que la Parte ofendida haya hecho su reclamacion en for-*

Wherefore: having seen and examined the said Treaty of Union, League, and Confederation, with the previous consent and approbation of the Congress of the Republic, and agreeably to the 55th Article, § 18, of the Constitution, I have thought fit, in virtue of the powers vested in me by the 120th Article of the said Constitution, to ratify the same, and by these presents do ratify and consider it valid, approved, and binding, in all its Articles and Clauses, with the exception of the words "*and for their internal tranquillity*," in the second Article; of all that is expressed in the 10th Article; and of the following part of the 11th Article, namely: "*if any Offender, or one accused of Treason, Sedition, or other heinous Offence, should escape from justice, and be discovered within the Territories of either of the beforementioned States, he shall be delivered over to, and placed at the disposal of, the Government which has cognizance of his offence,*

ma." Y para su cumplimiento y exacta observancia por nuestra parte, empeño y comprometo solemnemente el Honor Nacional. En fè de lo cual, he hecho expedir la presente, firmada de mi mano, sellada con el Gran Sello de la Repùblica, y refrendada por el Secretario de Estado y del Despacho de Relaciones Exteriores, en la Capital de Bogotà, à doce de Julio, año de Gracia de mil y ochocientos veinte y tres, decimo tercio de nuestra Independencia.

FRANCISCO DE P. SANTANDER.

Por S. E. el Vice-presidente de la Repùblica, encargado del Poder Egecutivo.

El Secretario de Estado y de Relaciones Exteriores,

PEDRO GUAL.

and within the jurisdiction of which he ought to be tried, as soon as the offended Party shall have made a formal claim to this effect." And that it may be strictly complied with and observed on our part, I solemnly pledge and engage the National Honour. In faith of which I have caused the present to be issued, signed with my hand, sealed with the Great Seal of the Republic, and countersigned by the Secretary of State for Foreign Affairs, in the Capital of Bogota, on this 12th of July, 1823, 13th Year of our Independence.

FRANCISCO DE P. SANTANDER.

By His Excellency the Vice-President of the Republic, in charge of the Executive Power.

The Secretary of State and of Foreign Affairs,

PEDRO GUAL.

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*PRELIMINARY CONVENTION between Spain and Buenos Ayres. Signed at Buenos Ayres, 4 July, 1823.**

CONVENCION PRELIMINAR.

Habiendo el Gobierno de Buenos-Aires reconocido y hecho reconocer, en virtud de Credenciales presentadas y legalizadas en competente

(Translation.)

The Government of Buenos Ayres having recognized and caused to be recognized, in virtue of credentials presented and legalized

* Registro Oficial. Buenos Ayres, 24 July, 1823.

forma, por Comisionados del Gobierno de S. M. C. á los Señores D. Antonio Luis Pereira y D. Luis de la Robla: y habiendose propuesto á dichos Señores por el Ministro de Relaciones Exteriores del dicho Estado de Buenos-Aires el arreglo de una Convencion Preliminar al Tratado Definitivo de Paz y Amistad, que ha de celebrarse entre el Gobierno de S. M. C. y el de las Provincias Unidas, sobre las bases establecidas en la Ley de 19 de Junio del presente Año: conferenciado y expuéstose reciprocamente cuanto consideraron deber conducir al mejor arreglo de las relaciones de los Estados expresados: usando de la representacion que revisten, y de los Poderes que les autorizan, han ajustado la dicha Convencion Preliminar en los términos que expresan los Artículos siguientes:

1. A los sesenta dias contados desde la ratificacion de esta Convencion por los Gobiernos à quienes incumbe, cesarán las hostilidades por mar y por tierra entre ellos y la Nacion Española.

2. En consecuencia, el General de las fuerzas de S. M. C. existentes en el Perú guardará las posiciones que ocupe al tiempo que le sea notoria esta Convencion: sálvas

in due form, as Commissioners from the Government of His Catholic Majesty, Don Antonio Luis Pereira, and Don Luis de la Robla; and the Minister of Foreign Affairs of the said State of Buenos Ayres, having proposed to those Gentlemen the arrangement of a Convention, preliminary to a Definitive Treaty of Peace and Amity, which is to be celebrated between the Government of His Catholic Majesty, and The United Provinces, on the bases established by the Law of the 19th of June of the present year; and having reciprocally discussed and laid open all which they considered would contribute to the better regulation of the relations between the above-mentioned States, in exercise of their duties, and of the powers vested in them, have arranged the said preliminary Convention in the terms expressed in the following Articles:—

1. After sixty days, reckoned from the date of the ratification of this Convention by the Governments whom it concerns, hostilities shall cease between them and the Spanish Nation both by land and sea.

2. In consequence thereof, the General of His Catholic Majesty's Forces now in Peru, will preserve the positions occupied by him, at the time he becomes acquainted

las estipulaciones particulares que por reciproca conveniencia quieran proponerle ó acceptar los Gobiernos limitrofes, al objeto de mejorar la linea respectiva de ocupacion durante la suspension de hostilidades.

3. Las relaciones de comercio, con la excepcion unica de articulos de contrabando de guerra, serán plenamente restablecidas por el tiempo de dicha suspension, entre las Provincias de la Monarquia Española, las que ocupan en el Perú las armas de S. M. C., y los Estados que ratifiquen esta Convencion.

4. En consecuencia, los Pabellones de unos y otros Estados serán reciprocamente respetados y admitidos en sus Puertos.

5. Las relaciones del comercio maritimo con la Nacion Española y los Estados que ratifiquen esta Convencion, serán regladas por Convencion Especial, en cuyo ajuste se entrará en seguida de la presente.

6. Ni las Autoridades que administren las Provincias del Perú á nombre de S.M. C., ni los Estados limitrofes, impondrán al comercio de unos y otros mas contribuciones que las existentes al tiempo de la ratificacion de esta Convencion.

with this Convention: with the exception of such particular stipulations as the adjoining Governments may propose or accept for reciprocal convenience, with the object of improving the respective lines of occupation, during the suspension of hostilities.

3. Commmercial intercourse, with the exception only of Articles contraband of war, shall be fully re-established, during the time of the said suspension, between the Provinces of the Spanish Monarchy, which the Arms of His Catholic Majesty occupy in Peru, and the States which ratify this Convention.

4. In consequence thereof, the Flags of both States, shall be reciprocally respected, and admitted into their Ports.

5. The relations of Maritime Commerce between the Spanish Nation, and the States which ratify this Convention, shall be regulated by a special Convention, the adjustment of which will be entered into after the present.

6. Neither the Authorities governing in the Provinces of Peru, in the name of His Catholic Majesty, nor the adjoining States, shall impose on the Commerce of either, greater contributions than those existing at the time of the ratification of this Convention.

7. La suspension de las hostilidades subsistirá por el término de diez y ocho meses.

8. Dentro de este término el Gobierno del Estado de Buenos-Aires negociará, por medio de un Plenipotenciario de las Provincias-Unidas del Rio de la Plata, y conforme á la Ley de 19 Junio, la celebracion del Tratado Definitivo de Paz y Amistad, entre S. M. C. y los Estados del Continente Americano á qué la dicha Ley se refiere.

9. En el caso de renovarse las hostilidades, estas no tendrán lugar, ni cesarán las relaciones de comercio, sino cuatro meses despues de la intimacion.

10. La Ley vigente en la Monarquia Española, así como en el Estado de Buenos-Aires, á cerca de la inviolabilidad de propiedades, aunque sean de enemigos, tendrá pleno efecto en el caso del Articulo anterior, en los territorios de los Gobiernos que ratifiquen esta Convencion, y reciprocamente.

11. Luego que el Gobierno de Buenos-Aires sea autorizado por la Sala de Representantes de su Estado para ratificar esta Convencion, negociará con los Gobiernos de Chile, del Perú, y demas de las Provincias Unidas del Rio de la Plata, la accesion à ella; y los Comisionados de

7. The suspension of Hostilities shall continue for the term of eighteen months.

8. Within that period the Government of the State of Buenos Ayres will negociate, by means of a Plenipotentiary of The United Provinces of the River Plate, and in conformity with the Law of the 19th June, the conclusion of the Definitive Treaty of Peace and Friendship between His Catholic Majesty and the States of the American Continent, to which the said Law relates.

9. In the event of hostilities being renewed, they shall not take effect, nor shall commercial intercourse cease, until four months after the notification thereof.

10. The Law existing in the Spanish Monarchy, as well as in the State of Buenos Ayres, relative to the inviolability of Property, although it be enemy's, shall have full effect in the case mentioned in the foregoing Article, in the territories of the Governments which ratify this Convention, and reciprocally.

11. As soon as the Government of Buenos Ayres shall have been authorized by its Chamber of Representatives to ratify this Convention, it shall negociate with the Governments of Chili, of Peru, and the other United Provinces of the River Plate, their accession to it, and the Commission-

S. M. C. tomaran al mismo tiempo todas las disposiciones conducentes à que, por parte de las autoridades de S.M.C., obtenga el mas pronto y cumplido efecto.

12. Para el debido efecto y validacion de esta Convencion, se firman los ejemplares necesarios, sellados por parte de los Comisionados de S.M.C. con su Sello, y por el de Buenos-Aires con el de Relaciones Exteriores.

Buenos-Aires 4 de Julio de 1823.

BERNARDINO RIVADAVIA.
ANTONIO LUIS PEREIRA.
LUIS DE LA ROBLA.

ersof His Catholic Majesty shall at the same time take every step conducive to its obtaining the most prompt and full effect, on the part of the Authorities of His Catholic Majesty.

12. For the due effect and validity of this Convention, the necessary copies are signed and sealed, by the Commissioners on the part of His Catholic Majesty, with their Seal; and, on the part of Buenos Ayres, with that of Foreign Affairs.

Buenos Ayres, 4th July, 1823.

BERNARDINO RIVADAVIA.
ANTONIO LUIS PEREIRA.
LUIS DE LA ROBLA.

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*TREATY between the Portuguese and Brazilian Forces.—Signed at Monte Video, 18th November, 1823.**

TRATADO entre os Commandantes das Forças de Sua Magestade Fidellissima, e de Sua Magestade o Imperador do Brazil no Estado Cis-Platino.

Authorisaçaõ.

D. Alvaro da Costa de Souza de Macedo, Moço Fidalgo com Exercicio no Paço, Commendador da Ordem Militar de S. Bento d' Aviz, Cavalleiro da Torre e Espada,

(Translation.)

TREATY between the Commanders of the Forces of His Most Faithful Majesty, and of His Majesty the Emperor of Brazil in the Cis-Platine State.

Authorisation.

D. Alvaro da Costa de Souza de Macedo, actual Page of Honour at Court, Commander of the Military Order of St. Bento d'Aviz, Knight of the Tower and

* Published at Monte Video.

Condecorado com Cruz d'Ouro da Guerra Peninsular, e por S. M. C. com a da Batalha de Albuera, Brigadeiro do Exercito de Sua Magestade Fidellissima, Ajudante General da Divizaõ de Voluntarios Reaes d'El Rey, e Commandante das Forças de Mar e Terra no Estado Cis-Platino, em Nome de Sua Magestade El Rey o Senhor Dom Joaõ VI. a Quem Deos Guarde.

Sword, decorated with the Golden Cross of the Peninsular war, and by His Catholic Majesty with the Cross of the Battle of Albuera, Brigadier of the Army of His Most Faithful Majesty, Adjutant-General of the Division of Royal Volunteers of His Majesty, and Commander of the Forces by Sea and Land in the Cis-platine State in the Name of His Majesty the King, Senhor Dom John VI. whom God preserve.

Tendo chegado ao meu conhecimento as Ordens Régias e Instrucçoens que o mesmo Augusto Senhor em data de 8 de Julho proximo passado expedio aos Generaes de mar e terra, Commandantes das Reaes Tropas, e Esquadra na Cidade de Bahia, e respectivos mares, de que devíaõ immediatamente propôr huma suspençaõ de hostilidades aos Chefes das Forças tamben de mar e terra que tivessem á sua frente, e entrassem logo n'huma convençaõ conciliatoria, afim de se evitar o derramamento de sangue, e buscar-se a paz, e amizade entre os Partidos contendentes, empregando-se para este fim todos os meios possiveis, habilitando-se finalmente para se retirarem com os trens, mais objectos militares do Exercito e Esquadra; tenho resolvido na mesma conformidade, e segundo o espirito das

Having informed myself of the Royal Orders and Instructions which His Majesty, under date of the 8th of July last, issued to the General commanding the Royal Troops, and the Squadron, in and off the City of Bahia, and in the respective Seas, that they should immediately propose a Suspension of Hostilities to the Officers of the Forces by Sea and Land opposed to them, and should enter forthwith into a conciliatory Convention, with a view of avoiding the effusion of blood, and of bringing about peace and amity between the contending Parties; employing to that end all possible means, and finally, preparing to withdraw with their artillery and all appointments and stores of the troops and the squadron: I have, in conformity with the above orders, and according

pacificas dispoziçoens de Sua Magestade, praticar iguaes medidas na Poziçaõ em que actualmente me acho á Testa das Forças do meu Commando, e procurar preencher os dezejos de Sua Magestade pela paz e concordia ; e tendo ja préviamente proposto em 24 do corrente ao Excelentissimo Señor General em Chefe das Forças Imperiáes do Brazil, que se áchaõ em hostilidades reciprocas com as que estaõ debaixo das minhas Ordens, huma plena suspençaõ d'armas, e indicádo a rezoluçaõ de me retirar depois com ellas a Portugal, para cuja Convençaõ, e execuçaõ o mesmo Snr. General Baraõ da Laguna se annunciou plenamente authorizado, e pedio que se nomeassem pela minha parte Officiaes com quem se tratásse das condiçoens de Armisticio, e meios de se verificar a minha retirada d'este Territorio com a Divizaõ de Voluntarios Reaes d'El Rey para a Europa : tenho por tanto para isso nomeado, e por esta authorizo os Senhores Coronel Quartel Mestre General, Felippe Neri Gorjaõ, e Major d'Infantaria, Ignacio da Cunha Gasparinho, para irem á manhãa 30 do corrente á Villa das Pedras, a tratarem d'esta importante Commissaõ : estipulando em primeiro lugar os termos da Cessaçaõ de hostilidades por mar e terra, entre

to the spirit of the pacific disposition of His Majesty, come to the resolution, to execute these measures in the position, in which I actually am, at the head of the Forces under my Command, and to endeavour to fulfil His Majesty's desires respecting peace and concord; and having already proposed on the 24th instant, to His Excellency the General in Chief of the Imperial Forces of Brazil, engaged in hostilities with those under my orders, a complete suspension of arms; and having signified the resolution of afterwards retiring with them to Portugal, for concluding which Convention, and executing the same, General Baron de Laguna stated himself to be fully authorised, desiring, that on my part Officers might be named with whom he could treat of the Conditions relative to the Armistice, and the means to be adopted for effecting my retirement from this Country with the division of Royal Volunteers to Europe : I have, therefore, appointed for this purpose, and do by these presents authorise, Messieurs the Colonel Quarter-Master General, Felippe Neri Gorjaõ, and the Major of Infantry, Ignacio da Cunha Gasparinho, to proceed on the 30th instant, in the morning, to the

as Forças do meu Commando, e as do referido General; assim como tambem dos preparatorios e meios necessarios para o regresso da Divizaõ de Voluntarios Reaes d'ElRey a Portugal, suas garantias durante a viagem, e dos mais objectos pertencentes ao Exercito, e Esquadra d'aquelle Reino: a segurança das outras Tropas, Authoridadades, Familias, e Habitantes do Paiz, naõ podendo ser molestados pelas opinioens politicas, ou cauzas que anteriormente hajaõ seguido; e a reciproca troca individual dos prizioneiros de huma e outra parte: regulando-se os mesmos Senhores Deputados Coronel Quartel Mestre General, e Major Cunha pelas já referidas Instrucçoens geraes de Sua Magestade Fidellissima aos seus Generaes na Bahia de que se lhes dá Copia; e alem d'isto pelas outras que n'esta mesma data lhes prescrevo para seu governo, devendo de tudo o que estipularem darem-me prompto conhecimento, para ratificar no todo ou em parte como melhor convier ao Bem do Real Serviço; e para que conste lhes passo a presente que vai por mim assignada, e Sellada com o Sello Real.

town das Pedras, to negociate this important matter: adjusting, in the first place, the Terms of the cessation of hostilities by Sea and Land, between the forces under my command, and those of the beforementioned General; as also for the preparatory steps and the means requisite for the return of the division of the Royal Volunteers to Portugal; for their safety during the voyage, and for the other objects belonging to the Army and the squadron of that Kingdom: moreover for the protection of the other Troops, Authorities, Families, and Inhabitants of the Country, whom it shall not be lawful to molest, on account of their political opinions, or the part they have heretofore taken in politics; and covenanting, in the second place, for the reciprocal exchange, man for man, of the prisoners on either side: the Gentlemen so deputed, viz. the Colonel Quarter-Master General, and Major Cunha, governing themselves by the above general instructions of His Most Faithful Majesty to His Generals at Bahia, a copy of which is furnished them, as likewise by such further instructions as they have received from me for their direction, they being enjoined to apprize me without delay

of all they shall stipulate, that I may ratify either the whole or part of it, according as shall be most conducive to the Royal service; and in order that it may be known, I deliver to them the present Commission, signed by me and sealed with the Royal Seal.

Montevideo 29 de Octubro de 1823.

DOM ALVARO DA COSTA DE SOUZA DE MACEDO.

Montevideo, 29th October, 1823.

DOM ALVARO DA COSTA DE SOUZA DE MACEDO.

CONVENCAÕ ajustada por parte do Excelentissimo General Commandante das Forças de Sua Magestade Fidelissima em Montevideo, D. Alvaro da Costa de Souza de Macedo, pelo Coronel Quartel Mestre-General da Divizaõ de Voluntarios Reaes d'-ElRey, Felippe Neri Gorjaõ, e pelo Major do primeiro Regimento de Infanteria de mesma Divizaõ, Ignacio da Cunha Gasparinho, nomeados e munidos para esse effeito de poderes bastantes; e por parte do Excelentissimo General Baraõ da Laguna, Commandante em Chefe das Forças de Sua Magestade o Imperador do Brazil no Estado Cis-Platino, pelo Coronel Chefe da Legiaõ de tropas Ligeiras da Provincia de S. Paulo, Ignacio Jose Vicente da Fonceca, e Tenente Coronel Commandante da Artilheria montada da Corte, Wenceslao de Oli-

CONVENTION entered into on the part of the most Excellent General Dom Alvaro da Costa de Souza de Macedo, Commander of the Forces of His Most Faithful Majesty at Montevideo, by the Colonel Quarter-Master General of the Division of Royal Volunteers, Felippe Neri Gorjaõ, and by Major Ignacio da Cunha Gasparinho, of the first Regiment of Infantry of the same Division, appointed and furnished for that purpose with sufficient powers; and on the part of the most Excellent General Baron da Laguna, Commander in Chief of the Forces of His Majesty The Emperor of Brazil, in the Cis-platine State, by Colonel Ignacio Jose Vicente da Fonceca, Chief of the Legion of Light Troops, of the Province of St. Paula, and by Lieutenant Colonel Wenceslao de Oliveira Bello, Com-

veira Bello, igualmente nomeados, e munidos de poderes bastantes para o mesmo fim.

1. Haverá huma plenna suspensaõ de Armas por mar, e terra, athe ao preenchimento desta Convençaõ.

2. O Commercio com a Praça de Montevideo serà franco por mar, e terra. As Embarcaçoens da Esquadra Imperial, no caso de necessidade, poderaõ entrar no Porto por abrigo, a communicaçaõ porem com a terra se fará pelo Serro.

3. As Tropas da Divizaõ de Voluntarios Reaes d'El Rey continuaraõ a occupar huma Linha determinada pela Valla, desde a sua extremidade junto ao mar pela parte do Sul, athe que ella se encontre com o Arroyo Miguelete, e depois por este mesmo Arroio athe á sua barra nas agoas do Porto de Montevideo.—A Linha dos Postos avançados do Exercito Imperial, continuará a ficar estabellecida na mesma distancia regular em que se acha das Tropas da Divizaõ; e na sua retaguarda poderaõ os Corpos, e a Força principal tomar os acantonamentos que bem lhes convier para sua comodidade. O Forte do Serro será evacua-

mander of the Horse Artillery of the Court, likewise nominated and provided with sufficient powers to the same end.

1. There shall be a complete suspension of arms by sea and land, till the present Convention shall have been carried into effect.

2. The Commercial Intercourse with the Fortress of Montevideo shall be uninterrupted by sea and land. It shall be lawful for the ships of the Imperial Squadron, in case of need, to put into the harbour for shelter, but the communication by land shall be carried on through the Serro.

3. The Troops of the Division of Royal Volunteers shall continue to occupy a line along the valley, from its extremity near the sea on the South, until it meets the Rivulet Miguelete, and thence along that rivulet as far as its Bar, in the waters of the Port of Montevideo. The line of advanced posts in front of the Imperial Army, shall continue at the same distance exactly at which it is stationed from the Troops of the Division; and in their rear the detached bodies, and the principal force, may choose whatever cantonments best suit with their convenience. The fort of the Serro shall be evacuated, and the passage of the Rincaõ

do, e o Rincaõ franco para o Exercito Imperial poder mandar para alí as suas Cavalhadas. A Divizaõ de Voluntarios Reaes d'El Rey verificará o seu embarque para Lisboa no Porto de Montevideo, logo que estejaõ promptos para a viagem os Transportes competentes, que o Exmo. General Baraõ da Laguna se compromette promptificar, por conta do Governo Imperial do Brasil, para as praças da mesma Divizaõ, e respectivas Familias, de que se dará hum Mappa, e relaçoens circunstanciadas.

O mesmo Exmo. General, em nome de Sua Magestade Imperial, para a seguridade do Comboy durante a viagem, se obriga a dar huma salva guarda a cada Transporte, e fazer acompanhar a Expediçaõ por huma, athe duas Embarcaçoens da Esquadra Imperial, athe á altura das Ilhas dos Açores, ou mais alem, podendo levar cada Transporte duas Peças de Artilharia para signaes. O frete dos Transportes será pago pelo Imperio do Brasil, e reclamado em tempo competente do Governo de Portugal. O Exmo. General Baraõ da Laguna, alem da salva guarda referida, e naõ obstante o Exmo. Brigadeiro D. Alvaro da Costa, dirigir-se directamente a Sua Magestade o Imperador sobre o mesmo

shall remain free for the Horse of the Imperial Army. The Division of Royal Volunteers shall embark for Lisbon in the Port of Montevideo, as soon as the requisite Transports can be got ready, which His Excellency General Baron de Laguna engages to furnish at the charge of the Imperial Government of Brazil, according to the grades of the Division, and the respective families, of which a list, with detailed descriptions, will be delivered.

The same most Excellent General, in the name of His Imperial Majesty, to ensure the safety of the Convoy during the voyage, undertakes to assign a safe-conduct to each Transport, and to cause the Expedition to be accompanied by one or more ships of the Imperial Squadron to the latitude of the Azore Islands, or farther, and each Transport shall be allowed to carry two guns for signals. The freight of the Transports shall be advanced by the Empire of Brazil, and at the proper time re-payment shall be demanded from the Government of Portugal. His Excellency Baron de Laguna, besides the above-mentioned safe-conduct, and though His Excellency Brigadier Dom Alvaro da Costa will make

objecto, pedirá que se digne Sua Magestade fazer expedir as precizas Ordens aos Governos das Provincias da Costa do Brazil ao Norte do Rio de Janeiro, para que no cazo de arribar por necesidade algum dos Transportes do Comboy aos seus portos, naõ seja hostilizado, antes se lhe dé os auxilios possiveis para seguir viagem para Lisboa.

4. Como ajuda de custo de promptificaçaõ para a viagem, dar-se-ha aos Officiaes, Officiaes Inferiores, Cabos, Soldados, e mais praças, o equivalente aos seus soldos, e mais vencimentos competentes, que se deverem athe ao seu embarque, metade logo depois de ratificada a Convençaõ, e preenchidas as condiçoens da mesma, e outra metade, e cento e vinte dias de commedorias, seis dias antes do embarque das Tropas; e como os Officiaes Inferiores e mais praças de pret naõ tem commedorias, se lhes dará huma somma equivalente a dous mezes de soldo. Com as commedorias dos Officiaes, se daraõ as das Senhoras, e meias commedorias aos filhos, e filhas, sem differença de maiores ou menores. A despeza

direct application to His Imperial Majesty on this subject, will solicit His Majesty to be pleased to cause positive orders to be issued to the Governors of the Provinces on the Coasts of Brazil, situate North of Rio de Janeiro, in case any of the Transports of the Convoy should be driven by stress of weather into any of their ports, not to treat them in a hostile manner; but, on the contrary to afford them every possible assistance towards the prosecution of their voyage to Lisbon.

4. To enable the officers, subalterns, corporals, privates, and followers of the Division, to defray the expences to be incurred by preparations for the voyage, they shall receive a sum equivalent to their pay and to the other allowances to which they are entitled at the time of their embarkation; one half of such sum immediately after the ratification of this Convention, and after the fulfilment of its terms, and the other half, together with one hundred and twenty days' rations, six days prior to the embarkation of the troops; and if the subalterns and men do not wish to receive rations they shall be allowed a sum equivalent to two months' pay. —With the rations of the

do Rancho, fornecimento de Boticas, e Hospitaes, ficará a cargo do Governo Imperial: far-se-ha a diligençia, e dar-se-haõ vantagens aos Facultativos, que queiraõ acompanhar: os viveres seraõ de boa qualidade.

Officers, shall be supplied those for their wives, and half rations shall be given to their sons and daughters, without distinction of those who are of age or of minors. The expences of the messes, of medicines, and of hospitals, shall be charged to the account of the Imperial Government; facilities shall be afforded and advantages held out to such medical men as shall be inclined to accompany the Division; and the provisions shall be of a good quality.

Os rendimentos públicos, depois da actual Convençaõ, seraõ aplicados para pagamento das despezas ordinarias da Divizaõ, Marinha, e Repartiçoens Civiz, a saber Soldos, gratificaçoens, raçoens de paõ, ou seu equivalente, carne, agoardente, e forragens a quem pertencerem, excepto Cavalgaduras de bagagem, e de boticas. Nomear-se-há huma Commissaõ de dous Membros, por cada huma das duas partes, para que, tomando conhecimento de taes Rendas, e seu destino, possa aplicarse o remanescente, ou solicitar-se o deficit para os gastos das Tropas, e preparativos do seu embarque, e passaraõ todas as despezas da Divisaõ com todas as Repartiçoens, a serem abonadas pela Thezouraria da Provincia athe o dia do Em-

After the signature of the present Convention, the public Revenue shall be applied to liquidate the ordinary expences of the Division, of the Marine, and of the civil Departments, that is to say, the pay, gratuities, rations of bread, or sums equivalent to them, butchers' meat, brandy, and forage to those entitled to it, excepting the baggage train and hospital conveyances. Each of the two parties shall nominate a Commission of two members, to superintend the said Revenue, to direct its expenditure, and either to apply the surplus, or to solicit the amount necessary to make up the deficiency, of what is requisite towards covering the charges of the troops, and of the preparations for their embarka-

barque, cuja Intendencia de gastos deve passar pela mesma Commissaõ, mediante as Notas de ambos os Exmos. Generaes: tambem com accordo dos mesmos se faráõ as mudanças precizas na Administraçaõ, e Empregados da Fazenda.

O Exmo. Brigadeiro D. Alvaro da Costa, dará tambem aos Membros da Commissaõ, e mais Empregados, a salva guarda, e mais auxilios do estilo para sua seguridade nas suas funçoens. Por parte das Repartiçoens Civiz, e Militares da Divisaõ, se fará separar a escripturaçaõ, e contabilidade, que nas mesmas houver pertencentes ás Tropas do Brasil, commeçando logo a ser entregue, à dispoziçaõ do Exmo. General Baraõ da Laguna, o que estiver prompto, e o mais que se for apromptando, com a reciprocidade de entregar-se ao Exmo. General D. Alvaro da Costa a correspondencia relativa ás Forças de Portugal. A Divizaõ levará toda a Artil-

tion; and they shall sanction with their signatures all demands of the Public Offices upon the Division, which demands shall be made good by the Treasury of the Province until the day of the embarkation, the expences of which latter shall be allowed by the same Commission, upon the presentation of orders from both their Excellencies the Generals; and the concurrence of the same Gentlemen must be obtained for effecting the changes necessary in the administration, and among the Officers of the Public Revenue.

His Excellency the Brigadier Dom Alvaro da Costa shall also assign to the Members of the Commission, and to the other functionaries, a safe-conduct, and shall take the other precautions, usual for their protection in the discharge of their duties. The Civil and Military Departments of the Division shall cause to be selected the papers and accounts in their possession, belonging to the Troops of Brazil, and such parcels of them as are either already looked out, or can soon be put in order, shall immediately be placed at the disposal of His Excellency General Baron da Laguna, while the correspondence relating to the Forces of Portugal shall, reciprocally, be

heria, munições, e mais pertences que trouxe de Portugal; e mais huma Peça tomada no combate da India Morta. Da mesma forma os Corpos de Cavallaria, e Infantaria da Divizaõ, embarcaraõ com o seu armamento, e equipamento pessoal, e mais huma rezerva de cinco armamentos por Companhia, e as competentes munições das suas patronas: ficando nos Depositos os armamentos, equipamentos, munições, e abarracamento pertencentes ao Imperio do Brasil.

given up to His Excellency General Dom Alvaro da Costa. The Division shall take away all the cannon, ammunition, and other stores which it brought from Portugal; and likewise a piece of artillery, captured in the Battle of India Morta. In the same manner the Regiments of Cavalry and Infantry composing the Division, shall embark with their arms and personal equipments, besides a reserve of five stand of arms per company, and the competent ammunition for their cartouch-boxes; but the arms, accoutrements, ammunition, and furniture for barracks, belonging to the Empire of Brazil, shall remain in the Depôts.

5. Naõ obstante a negativa do Exmo. General em Chefe das Tropas Imperiaes, sobre o garantir a dívida pública contrahida em Montevideo pelo Governo de Sua Magestade Fidellissima, para a manutençaõ das Tropas, Esquadra Real, desde Janeiro do corrente anno, athe agora, a cuja dívida estávaõ obrigadas as rendas publicas da Cidade, para com os Fornecedores, e prestamistas, de quem se exigiraõ taes suprimentos, e a quem se déraõ Documentos legaes; se tratará deste artigo em separado, e da mesma forma a do fardamento da Divisaõ.

5. Notwithstanding the refusal of His Excellency the General in Chief of the Imperial Troops to guarantee the public debt contracted at Montevideo, by the Government of His most Faithful Majesty, on account of the maintenance of the Troops and the Royal Squadron, from January, of the current year, to this time, and as a security for which debt the public revenue of the city was pledged to such of the Contractors and Capitalists as had been applied to for similar supplies, and as had received bonds; this point shall be made the subject of a separate ne-

6. A Fragata Thetis ficará em Depósito, athe que os dous Gabinetes, de Portugal, e Brasil decidaõ entre si a qual dos Governos pertence. A Escuna Maria Thereza, vinda da Esquadra Imperial, e a Corveta Restauradora, como pertencentes a Montevideo, ficaráõ á disposiçaõ do Exmo. General Baraõ da Laguna.

6. The frigate Thetis shall remain in deposit until the two Cabinets of Portugal and Brazil shall have agreed to which of the two Governments she belongs. The Maria Theresa Schooner, which was detached from the Imperial Squadron, and the Restauradora, Corvette, as belonging to Montevideo, shall both remain at the disposal of His Excellency General Baron de Laguna.

7. Os Batalhoens 1°., e 2°. de Libertos, e os Dragoens da Provincia, se reuniraõ ao Exercito Imperial, tres dias depois de ratificada a Convençaõ, menos os Officiaes, Officiaes Inferiores, e mais praças de Portugal, e sem perjuizo de seus vencimentos respectivos.

7. The 1st and 2d Battalions of Free Blacks, and the Provincial Dragoons shall, within three days after the ratification of the Convention, join the Imperial Army, excepting the Officers, Subalterns, and Non-commissioned Officers of Portugal, and without prejudice to their respective allowances.

8. As Authoridades Civis, e Militares locaes, e em geral os Habitantes, que athe agora tem estado adherentes, ou postos debaixo da Protecçaõ, Authoridade, e Armas de Sua Magestade El Rey, naõ poderáõ ser molestados nas suas pessoas, e bens, por isso, ou por outras opinioens politicas, o que está prevenido pela magnanima generosidade de Sua Magestade Imperial, com a condiçaõ de reciprocidade, e que oito dias depois de ratificada a Convençaõ, devem estar recolhidas no Arsenal do

8. The local Authorities, both civil and military, and the inhabitants in general, who, up to this moment, have adhered to, or have been placed under the protection, authority, and arms of His Majesty the King, shall not be molested in their persons and property, either on this account, or for their political opinions; all which His Imperial Majesty, in His magnanimous generosity, has directed, on condition of reciprocity, and that within eight days after the ratification of the Con-

Exercito as armas, que seraõ destribuidas aos Civicos, Milicias, e Guerrilhas desde Septembro de mil oitocentos e vinte e dous, athe ao prezente. Tambem os Prizioneiros de Guerra de parte a parte, ratificada a Convençaõ, seraõ postos em liberdade.

9. O Destacamento das Tropas da Divizaõ de Voluntarios Reaes d'El Rey, que no acto do embarque guarnecer as Fortalezas, portas da Praça, Guardas, e Estabelecimentos publicos, e mantiver a Policia da Cidade, será rendido por outro Destacamento de igual Força do Exercito Imperial; e as Fortalezas, portas da Praça, Guardas, e Estabelecimentos publicos, lhe seraõ entregues em dereitura sem intervençaõ de outra alguma Authoridadade: e visto o Exmo. General Commandante do Exercito Imperial, ter formalmente declarado, que naõ annue a receber as Chaves da Municipalidade, em cujas maons o Exmo. Commandante das Forças de Sua Magestade Fidellissima instou por entrega-las, desiste desta instancia, por assim convir ao bem publico na sua retirada para Portugal.

vention, there shall be lodged in the arsenal of the Army, the arms distributed to the civic bands, to the Militia, and to the Guerillas, from September, 1822, to the present time. The prisoners of war, of both Parties, shall also, after the ratification of the Convention, be set at liberty.

9. The Detachment belonging to the Division of the King's Volunteers which, during the embarkation, may garrison the forts, the gates of the fortress, the guard houses, and the public establishments, and keep the police of the City, shall be relieved by another detachment of the same strength from the Imperial Army; and the forts, gates of the fortress, guard-houses, and public establishments, shall be given up to it directly, without the intervention of any other authority; and since His Excelleney the General commanding the Imperial Army has formally declared that he will not consent to receive the keys of the municipality, though His Excellency the Commander of the Forces of His most Faithful Majesty was solicitous to deliver them into his hands, he desists from pressing this request, because the public service renders such conduct advisable at the moment of his departure for Portugal.

Esta Convençaõ será ratificada, e assignada dentro de vinte e quatro horas, pelos Exmos. Generaes respectivos assima indicádos, e cumprida quaesquer que forem as circunstancias supervenientes.

Pastoreio de Pereira, Nascentes do Miguelete, dezoito de Novembro de 1823, pelas onze horas da noite.

FELIPPE NERI GORJAO,
Coronel Q. M. General da Divizaõ de V. R. d'ElRey.

This Convention shall be ratified and signed, within twenty-four hours, by their Excellencies the respective Generals above mentioned, and shall be fulfilled without regard to any events that may occur hereafter.

Pastoreio de Pereira, Sources of the Miguelete, the 18th November, 1823, at eleven o'clock at night.

FELIPPE NERI GORJAO,
Col. Q. M. Gen. of the Division of Royal Volunteers.

IGNACIO JOZE VICENTE DE FONCECA,
Coronel Chefe da Legiaõ da Provincia de S. Paulo.

IGNACIO DA CUNHA GASPARINHO,
Major do 1° Regimento de Infantaria de V. R. d'ElRey.

WENCESLAO D'OLIVEIRA BELLO,
Tenente Coronel Commandante da Artilheria da Corte.

IGNACIO JOZE VICENTE DE FONCECA,
Chief Colonel of the Legion of the Province of St. Paulo.

IGNACIO DA CUNHA GASPARINHO,
Major of the 1st Regiment of Infantry of the Royal Volunteers.

WENCESLAO D'OLIVEIRA BELLO,
Lieut. Colonel Commanding the Artillery of the Court.

Ratifico.

Quartel General de Montevideo dezanove de Novembro, de 1823, pelas quatro horas da tarde.

D. ALVARO DA COSTA DE SOUZA DE MACEDO.

Ratifico.

Acampamento no Sitio da Praça de Montevideo, Nascentes do Colorado, dezanove

I ratify it.

Head Quarters, Montevideo, the 19th November, 1823, at four o'clock in the afternoon.

DOM ALVARO DA COSTA DE SOUZA DE MACEDO.

I ratify it.

Camp at the Siege of the Fortress of Montevideo, Sources of the Colorado, the 19th

de Novembro de 1823, ás doze horas do dia.

BARAÕ DA LAGUNA.

November, 1823, at 12 o'clock at noon.

BARON DA LAGUNA.

Declaraçaõ.

O Excellentissimo General Baraõ da Laguna, Commandante em Chefe do Exercito de Sua Magestade o Imperador do Brazil, promette, que o Forte do Serro, evacuado no prazo de tres dias, depois de ratificada a Convençaõ, naõ será guarnecido por Tropas Imperiaes, em quanto se naõ effeituar o embarque das Tropas da Divizaõ de Voluntarios Reaes d'ElRey, e saída da Praça de Montevideo.

Pastoreio de Pereira, Nascentes do Miguelete, dezoito de Novembro de 1823, ás onze horas e meia da noite.

IGNACIO JOZE VICENTE DA FONCECA,
Coronel Chefe da Legiaõ de S. Paulo.

WENCESLAO D'OLIVEIRA BELLO,
Tenente Coronel Commandante da Artilheria da Corte.

Declaration.

His Excellency General Baron da Laguna, Commander in Chief of the Army of His Majesty The Emperor of Brazil, promises, that the Fort of Serro, to be evacuated within three days after the ratification of the Convention, shall not be occupied by the Imperial Troops, unless the Troops of the Division of Royal Volunteers be embarked, and have quitted the Fortress of Montevideo.

Pastoreio de Pereira, Sources of the Miguelete, the 18th November, 1823, at half-past eleven o'clock at night.

IGNACIO JOZE VICENTE DA FONCECA,
Chief Colonel of the Legion of St. Paulo.

WENCESLAO D'OLIVEIRA BELLO,
Lieut. Colonel Commanding the Artillery of the Court.

Garantias.

Os Abaixo assignados General Commandante, e mais Officiaes Superiores da Divizaõ de Voluntarios Reaes d'ElRey, se compromettem pela sua parte á execuçaõ da Convençaõ amigavel ajustáda no dia dezoito do corrente mez,

Guarantees.

The Undersigned Commanding General, and the other Officers of Rank of the Division of Royal Volunteers, engage, on their part, to see to the execution of the amicable Convention entered into on the 18th inst. between His

entre o Exmo. General Commandante das Forças de Sua Magestade Fidellissima em Montevideo, Dom Alvaro da Costa, e o Exmo. General Baraõ da Laguna, Commandante das Forças de Sua Magestade o Imperador do Brazil: na convicçaõ de que está conforme com as Instrucçoens de Sua Magestade ElRey, o Senhor Dom Joaõ VI. que tem Ordenado a suspensaõ das hostilidades.

Feita no Quartel General de Montevideo aos dezanove de Novembro, de mil oitocentos vinte e trez.

Excellency the General Commanding the Forces of His Most Faithful Majesty at Montevideo, Dom Alvaro da Costa, and His Excellency General Baron da Laguna, Commander of the Forces of His Majesty The Emperor of Brazil; being convinced that it is conformable with the instructions of His Majesty the King, Senhor Dom John VI. who has ordered the suspension of hostilities.

Done at Head Quarters, Montevideo, the 19th of November, 1823.

D. Alvaro da Costa de Souza de Macedo,
Brigadeiro Commandante das Forças.

Dom Alvaro da Costa de Souza de Macedo,
Brigadier Commanding the Forces.

Joaõ Joaquim Pereira do Lago.
Tenente Coronel do 1° Regimento de Infantaria.

Joao Joaquim Pereira do Lago,
Lieutenant-Colonel of the 1st Regiment of Infantry.

Jeronimo Pereira de Vasconcellos,
Tenente Coronel do 2 Regimento de Infantaria da Divizaõ de V. R. d'ElRey.

Jeronimo Pereira de Vasconcellos,
Lieutenant Colonel of the 2d Regiment of Infantry of the Division of Royal Volunteers.

Joaõ Nepomuceno de Macedo,
Major Commandante do 1° Regimento de Cavallaria.

Joao Nepomuceno de Macedo,
Major Commanding the 1st Regiment of Cavalry.

Joze de Barros e Abreu,
Major Commandante do 2° Regimento de Cavallaria.

Joze de Barros e Abreu,
Major Commanding the 2d Regiment of Cavalry.

Amaro Joze Ferreira da Costa,
Major Ajudante d'Ordens.

Amaro Joze Ferreira da Costa,
Major Adjutant of Orders.

Joze Ricardo da Costa, *Major Commandante do Corpo d'Artilheria.*	Joze Ricardo da Costa, *Major, Commanding the Corps of Artillery.*
Antonio Joze da Silva, *Major d'Artilheria.*	Antonio Joze da Silva, *Major of Artillery.*
Francisco de Paula Esteves, *Major do 2° Reg°. de Infantaria.*	Francisco de Paula Esteves, *Major, 2d Regt. of Infantry.*
Joze Joaquim Pacheco, *Major do 1° Reg°. de Infantaria.*	Joze Joaquim Pacheco, *Major of the 1st Regt. of Infantry.*
Joze Antonio Franco, *Major do 2° Reg°. de Infantaria.*	Joze Antonio Franco, *Major, 2d Regt. of Infantry.*
Pedro Antonio Rebocho, *Major do 2° Bat°. de Cacadores.*	Pedro Antonio Rebocho, *Major, 2d Batn. of Chasseurs.*
Joze Antonio Esteves, *Major Graduado.*	Joze Antonio Esteves, *Brevet Major.*
N. B. Deve restituir-se esta na occasiaõ do embarque da Divizaõ.	N. B. This Guarantee to be returned on the embarkation of the Division.

O Exmo. General Baraõ da Laguna, Commandante em Chefe do Exercito de Sua Magestade o Imperador do Brazil, no Estado Cis Platino, se compromette a que os duos Membros, que pela sua parte nomiar, para a Comissaõ, que se ha de estabelecer em Montevideo, conforme o Artigo quarto da Convençaõ de dezoito do corrente mez, com o Exmo. General Commandante das Forças de Sua Magestade Fidellissima na quella Praça, D. Alvaro da Costa de Souza de Macedo, fiquem tambem de garantes do desempenho do estipulado na mesma Conven-

His Excellency General Baron de Laguna, Commander in Chief of the Army of His Majesty The Emperor of Brazil, in the Cis-platine State, pledges himself that the two individuals whom he shall appoint, on his part, Members of the Commission, to be established at Montevideo, pursuant to the fourth Article of the Convention of the 18th inst. with His Excellency the General Commanding the Forces of His Most Faithful Majesty, at this fortress, Dom Alvaro da Costa de Souza de Macedo, shall also remain guarantees for

çaõ, athe ao embarque, e sahída daquellas Tropas para Portugal.

Feita no Pastoreio do Pereira, Nascentes do Miguelete, em vinte de Novembro de mil oitocentos vinte e trez.

WENCESLAO D'OLIVEIRA BELLO, *Tenente Coronel Commandante d'Artilharia, como deputado por parte do Exercito do Brazil.*

N. B. Deve restituir-se esta na mesma occasiaõ en que receberem o assignado pelos Officiaes Superiores da Divizaõ de V. R. d'ElRey.

the fulfilment of what is stipulated in that Convention, until the embarkation and departure of those Troops for Portugal.

Done at Pastoreio do Pereira, Sources of the Miguelete, 20th November, 1823.

WENCESLAO D'OLIVEIRA BELLO, *Lieutenant Colonel Commanding the Artillery, deputed by the Army of Brazil.*

N. B. This Guarantee is also to be restored on the delivery of the paper signed by the Officers of Rank of the Division of Royal Volunteers.

DECREE relative to the Form of Government established in Mexico.

El Supremo Poder Ejecutivo, se ha servido dirigirme el Decreto siguiente :

The Supreme Executive Power has been pleased to address to me the following Decree:

El Supremo Poder Ejecutivo nombrado provisionalmente por el Soberano Congreso Mexicano, á todos los que las presentes vieren y entendieren, SABED: que el Soberano Congreso Constituyente, ha decretado lo que sigue :

El Soberano Congreso Constituyente Mexicano, ha tenido á bien decretar ;

The Supreme Executive Power, provisionally named by the Sovereign Congress of Mexico, to all who shall see or hear these presents, KNOW, that the Sovereign Constituent Congress, has decreed as follows :

The Sovereign Constituent Mexican Congress has been pleased to decree ;

Que habiendose aprobado el Artículo 5º. de la Acta Constitutiva, en estos términos—"La Nacion Mexicana, adopta para su Gobierno la forma de República representativa, populár, federal;" se publique desde luego, solemnizando la públicacion con salvas de Artillería, repiques, y acostumbradas demostraciones de regocijo, y se comunique á las Provincias, para darlas este consuelo por que suspiraban; sin que por esto se entienda que en el momento se haya de dar paso en los Pueblos á hacer novedad, sino que se espere á la públicacion de la Acta, y de la Ley constitutiva de los Congresos de los Estados.

That having approved of the 5th Article of the Constitutional Act in these words—"The Mexican Nation adopts for its Government the form of a Representative, Popular, and Federal Republic;" the same shall be immediately published; the publication thereof being solemnised with discharges of Artillery, chiming of bells, and other usual demonstrations of joy; and, that the Provinces may receive the consolation they have so long sighed for, it shall without delay be notified to them; with a proviso that the towns are not, in consequence, to make any new regulations for the time being, but are to wait the publication of the Act, and of the Constitutional Law of the States, assembled in Congress.

Lo tendrá entendido el Supremo Poder Ejecutivo, y dispondrá su cumplimiento, haciendolo imprimir, públicar y circulár.

The Supreme Executive Power will take cognizance of this, and will see to its fulfilment, causing the same to be printed, published, and circulated.

México 16 de Diciembre de 1823, tercero de la Independencia, y segundo de la Libertad.

Mexico, 16th December, 1823, 3d year of Independence, and 2d of Liberty.

Antonio de Gama y Cordova, Vice-Presidente.

Florentino Martinez, Diputado Secretario.

José Mariano Marín, Diputado Secretario.

Antonio de Gama y Cordova, Vice-President.

Florentino Martinez, Deputy Secretary.

Joze Mariano Marin, Deputy Secretary.

Por tanto, mandamos á todos los Tribunales, Justi-

Wherefore, we command all the Tribunals, Courts of Jus-

cias, Gefes, y demás Autoridades, así Civiles como Militares, y Eclesiásticas, de cualquiera clase y dignidad, que guarden y hagan guardar, cumpliry ejecutar, el presente Decreto en todas sus partes.

Tendréislo entendido para su cumplimiento, y dispondreis se imprima, publique, y circule.

En México á 16 *de Diciembre de* 1823.

Mariana Michelena, Presidente.

Miguel Domingues.

A. D. Lucas Alámán.

tice, Chiefs, and other Authorities, Civil, Military, and Ecclesiastic, of whatever Class and Dignity, to observe, and cause to be observed and executed, the present Decree in all its parts.

Let this be known in order to its fulfilment, and arrange that it be printed, published, and circulated.

Mexico, 16*th December,* 1823.

Mariana Michelena, President.

Miguel Dominiques.

A. D. Lucas Alámán.

Y lo traslado á V. para su inteligencia, y puntual cumplimiento.

Dios guarde á V. muchos Años.

México 16 *de Diciembre de* 1823.

ALAMÁN.

And I send it for your information and punctual fulfilment.

God preserve you many Years.

Mexico, 16*th December,* 1823.

ALAMÁN.

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*LAW for the Septennial Renewal of the French Chamber of Deputies.**

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,

La Chambre actuelle des Députés, et toutes celles qui la suivront, seront renouvelées, intégralement. Elles auront une durée de sept années, à compter du jour où aura été rendue l Ordonnance de leur première convocation, à moins qu'elles ne soient dissoutes par le Roi.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs, et par celle des Députés, et sanctionnée par

* Moniteur 10th June, 1824.

Nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres, et Pays de notre obéissance.

SI DONNONS EN MANDEMENT à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos sujets, ils les fassent publier et enrégistrer 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, le neuvième jour du mois de Juin de l'An de Grâce 1824, et de notre Règne le 30e.

LOUIS.

Par le Roi,
Le Ministre Secrétaire-d'Etat au Département de l'Intérieur, CORBIÈRE.

SPEECH of The King of Great Britain on the closing of Parliament, on Friday, June 25, 1824.

My Lords, and Gentlemen,

I cannot close this Session of Parliament without returning to you My warmest acknowledgments for the diligence and assiduity with which you have applied yourselves to the several Objects of Public Interest that have been submitted to your consideration.

I deeply regret the painful necessity under which you have found yourselves of renewing, for a further period, Measures of extraordinary precaution in *Ireland.*

I entirely approve of the Inquiries which you have thought proper to institute, as to the nature and extent of the Evils unhappily existing in the disturbed Districts of that Country; and I have no doubt that you will see the expediency of pursuing your Inquiries in another Session.

I continue to receive from all Foreign Powers the strongest assurances of their friendly disposition towards this Country; and you may rely on My endeavours being invariably directed to the maintenance of general Peace, and to the protection of the Interests and the extension of the Commerce of My Subjects.

Gentlemen of the House of Commons,

I thank you for the Supplies which you have provided for

the Service of the present Year, and especially for the Grants which you have so liberally made in furtherance of the Interests of Religion, and in support of the Splendour of the Crown.

I am fully sensible of the advantages which may be expected to arise from the relief you have afforded to some of the most important Branches of the National Industry.

My Lords, and Gentlemen,

I have the greatest satisfaction in repeating to you my Congratulations upon the general and increasing prosperity of the Country.

I am persuaded that you will carry with you into your respective Counties, the same spirit of harmony which has distinguished your deliberations during the present Session; and that you will cultivate among all Classes of My Subjects those feelings of content and of attachment to the Constitution, upon the continuance and diffusion of which, under Providence, mainly depends, not only individual happiness, but the high Station which this Kingdom holds among the Nations of the World.

ORDER IN COUNCIL, exempting certain Lubeck *Vessels from taking Pilots in British Ports.**

At the Court at Carlton-House, the 25th of May, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His present Majesty's Reign, 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 Pi-"lotage," 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

* London Gazette, 29th May, 1824.

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 inhabitants of *Lubeck*, and being of less burthen than sixty tons, which shall enter in 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.

JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Prussian *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 25th of May, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His present Majesty's Reign, 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 Pilot-"age," His Majesty is authorized, 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 authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, which may

London Gazette, 15th June, 1824.

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 merchandise, 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 merchandise, 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 merchandise, when imported or exported in Vessels of such Country: And whereas by an Act, passed in the present Session of Parliament, intituled "An Act to indemnify all persons concerned in advising, issuing, or acting, "under a certain Order in Council for regulating the tonnage "duties on certain Foreign Vessels; and to amend an Act of "the last Session of Parliament, for authorising His Majesty, "under certain circumstances, to regulate the duties and "drawbacks on goods imported or exported in any Foreign "Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels; And whereas by a Convention, bearing date the second day of April last, His Majesty The King of *Prussia* has engaged that, from and after the first day of May then next ensuing, British Vessels and their cargoes, entering or departing from the Ports of Prussia, shall be placed on the same footing as Prussian Vessels, in respect of the articles permitted to be imported or exported, and of the duties, bounties, drawbacks, and allowances, on such British Vessels and cargoes; His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased

to order, and it is hereby ordered, that, from and after the first of this instant May, Prussian Vessels entering or departing from the Ports of the United Kingdom of Great Britain and Ireland, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports: That all articles of the growth, produce, or manufacture, of any of the Dominions of His Prussian Majesty, which are or shall be permitted to be imported into or exported from the Ports of the United Kingdom of Great Britain and Ireland, in British Vessels, shall, in like manner, be permitted to be imported into and exported from the said Ports, in Prussian Vessels: That all articles not of the growth, produce, or manufacture, of the Dominions of His Prussian Majesty, which can legally be imported from Prussia into the Ports of the United Kingdom in Prussian Vessels, shall be subject only to the same duties as are payable upon the like articles if imported in British ships: That all goods, wares, and merchandise, which can legally be imported into the Ports of the United Kingdom, shall be admitted at the same rate of duty, when imported in Prussian Vessels, that is charged on similar articles imported in British Vessels; and that all goods, wares, or merchandise, which can be legally exported from the Ports of the United Kingdom, shall be entitled to the same bounties, drawbacks, and allowances, when exported in Prussian Vessels, that are granted, paid, or allowed, on similar articles, when exported in British Vessels:

And the Right Honorable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Swedish *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 25th of May, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His present Majesty's Reign, intituled "An Act to authorise

* London Gazette, 15th June, 1824.

"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, to authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, 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 merchandise 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 merchandise, 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 merchandise, when imported or exported in vessels of such Country: and whereas, by an Act passed in the present Session of Parliament, intituled "An "Act to indemnify all Persons concerned in advising, issuing, "or acting under a certain Order in Council for regulating "the tonnage duties on certain Foreign Vessels, and to amend "an Act of the last Session of Parliament for authorizing "His Majesty, under certain circumstances, to regulate the "duties and drawbacks on goods imported or exported in any "Foreign Vessels," His Majesty is authorised, (in certain cases), 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 authorise the entry into 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 British Vessels; and whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and mer-

chandise, imported into or exported from the Ports of *Sweden*, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British Vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from Sweden in Swedish Vessels; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the Ports of Sweden, than are levied on Swedish Vessels; His Majesty, by virtue of the powers vested in him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that, from and after the first day of June next, Swedish Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into or exported from such Ports in British Vessels; and also that such articles, when exported from the said Ports in Swedish Vessels, shall be entitled to the same bounties, drawbacks, and allowances that are granted on similar articles, when exported in British Vessels:

And the Right Honorable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Hanoverian *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 25th of May, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His

* London Gazette, 15th June, 1824.

present Majesty's Reign, 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, to authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, 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 merchandise, 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 merchandise, 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 merchandise when imported or exported in Vessels of such Country: And whereas by an Act, passed in the present Session of Parliament, intituled "An Act to "indemnify all Persons concerned in advising, issuing, or "acting, under a certain Order in Council, for regulating the "tonnage duties on certain Foreign Vessels; and to amend "an Act of the last Session of Parliament, for authorising "His Majesty, under certain circumstances, to regulate the "duties and drawbacks on goods imported or exported in any "Foreign Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels:

And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and merchandise, imported into or exported from the Kingdom of *Hanover*, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British Vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from the said Kingdom of Hanover, in Hanoverian Vessels; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the Ports of the Kingdom of Hanover, than are levied on Hanoverian Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that, from and after the first of this instant, May, Hanoverian Vessels entering or departing from the Ports of the United Kingdom of Great Britain and Ireland, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into or exported from such Ports in British Vessels; and also that such articles when exported from the said Ports in Hanoverian Vessels, shall be entitled to the same bounties, drawbacks, and allowances, that are granted on similar articles when exported in British Vessels:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly. JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Norwegian *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 23d of June, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth Year of His present Majesty's Reign, intituled "An Act to authorise

* London Gazette, 26th June, 1824.

" 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, to authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, 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 merchandise, 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 merchandise, 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 merchandise when imported or exported in Vessels of such Country: and whereas by an Act, passed in the present Session of Parliament, intituled " An Act to imdemnify all " Persons concerned in advising, issuing, or acting, under " a certain Order in Council, for regulating the tonnage " duties on certain Foreign Vessels; and to amend an Act of " the last Session of Parliament, for authorising His Majesty, " under certain circumstances, to regulate the duties and " drawbacks on goods imported or exported in any Foreign " Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels; and whereas satisfactory proof has been laid before His Majesty and His Privy

Council, that goods, wares, and merchandise, imported into or exported from the Ports of *Norway*, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British Vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from Norway in Norwegian Vessels; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the Ports of Norway, than are levied on Norwegian Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, 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, Norwegian Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into or exported from such Ports in British Vessels; and also that such articles, when exported from the said Ports in Norwegian Vessels, shall be entitled to the same bounties, drawbacks, and allowances, that are granted on similar articles when exported in British Vessels:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly

JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Danish *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 30th of June, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth year of His present Majesty's reign, intituled "An Act to authorise His Ma-

* London Gazette, 3d July, 1824.

jesty, 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 His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorise the importation into, or exportation from, the United Kingdom, or from any other of His Majesty's dominions, of any goods, wares, or merchandise, 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 merchandise, 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 merchandise, 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 merchandise, when imported or exported in vessels of such Country: And whereas by an Act, passed in the last Session of Parliament, intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting, under a certain Order in Council for regulating the tonnage duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorizing His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in any Foreign Vessels," His Majesty is authorized (in certain cases), 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 authorise the entry into 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 British Vessels; and whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and merchandise, imported

into, or exported from, the Ports of *Denmark*, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British Vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from Denmark in Danish Vessels; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the ports of Denmark, than are levied on Danish Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that, from and after the first day of July next, Danish Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into, or exported from, such Ports in British Vessels; and also that such articles, when exported from the said Ports in Danish Vessels, shall be entitled to the same bounties, drawbacks, and allowances, that are granted on similar articles when exported in British Vessels:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly. JAS. BULLER.

ORDER IN COUNCIL regulating the Duties on Hamburgh *Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 30th of June, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas, by an Act, passed in the fourth year of His present Majesty's reign, intituled "An Act to authorise His Majesty, under certain circumstances, to regulate the duties and

* London Gazette, 3d July, 1824.

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 His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorise the importation into, or exportation from, the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, 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 merchandise, 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 merchandise 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 merchandise when imported or exported in Vessels of such Country: And whereas by an Act, passed in the last Session of Parliament, intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council, for regulating the tonnage duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in any Foreign Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels: And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and merchandise, imported into or exported from the territories of the Free Hansiatic Re-

public of *Hamburgh*, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British Vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from Hamburgh, in Hamburgh Vessels; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the territories of Hamburgh, than are levied on Hamburgh Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that, from and after the first day of July next, Hamburgh Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British vessels entering or departing from such Ports, or on similar articles when imported into, or exported from, such Ports in British Vessels; and also that such articles, when exported from the said Ports in Hamburgh Vessels, shall be entitled to the same bounties, drawbacks, and allowances that are granted on similar articles when exported in British Vessels:

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 respecting the Newfoundland Fisheries.**

An Act to repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland, *and to make Provision for the better conduct of the said Fisheries for Five Years, and from thence to the end of the then next Session of Parliament.*—[3*d June*, 1824.]

(Extract.)

2. And be it further enacted, That no Alien or Stranger whatsoever shall at any time hereafter take Bait, or use any

* 5 Geo. 4, Cap. 51.

sort of Fishing whatsoever in *Newfoundland*, or the Coasts, Bays, or Rivers thereof, or on the Coast of *Labrador*, or in any of the Islands or Places within, or dependent upon, the Government of the said Colony; *always excepting the Rights and Privileges granted by Treaty to the Subjects or Citizens of any Foreign State or Power in Amity with His Majesty.*

12. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by advice of His or their Council, from time to time to give such orders and instructions to the Governor of *Newfoundland*, or to any Officer or Officers on that station, as He or they shall deem proper and necessary *to fulfil the purposes of any Treaty or Treaties now in force between His Majesty and any Foreign State or Power*; and in case it shall be necessary to that end, to give orders and instructions to the Governor or other Officer or Officers aforesaid, to remove, or cause to be removed, any Stages, Flakes, Train-fats, or other Works whatever, for the purpose of carrying on the Fishery, erected by His Majesty's Subjects on that part of the Coast of *Newfoundland* which lies between *Cape Saint John* passing to the North, and descending to the Western Coast of the said Island to the place called *Cape Raye*, and also all Ships, Vessels, and Boats, belonging to His Majesty's Subjects which shall be found within the limits aforesaid; and also, in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty's Subjects to depart from thence; any Law, Custom, or Usage to the contrary notwithstanding.

13. And be it further enacted, That if any Person or Persons shall refuse, upon requisition made by the Governor, or any Officer or Officers acting under him, in pursuance of His Majesty's Orders or Instructions as aforesaid, to depart from within the limits aforesaid, or otherwise to conform to such requisitions and directions as such Governor or other Officer as aforesaid, shall make or give for the purposes aforesaid, every such Person or Persons so refusing or otherwise offending against the same, shall forfeit the sum of £50 sterling money: Provided always, that every such suit or prosecution, if the same be commenced in *Newfoundland*, shall be commenced within one year; and if commenced in any of His Majesty's Courts of Record at *Westminster*, within two years from the time of the commission of such offence.

*ACT of the British Parliament respecting Aliens.**

An Act to continue for Two Years, and to amend an Act of the Fifty-sixth Year of His late Majesty, for establishing Regulations respecting Aliens arriving in or resident in this Kingdom, in certain cases.—[17*th May*, 1824.]

Whereas an Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for establishing Regulations respecting Aliens arriving in and resident in this Kingdom, in certain cases, for Two Years from the passing of this Act, and until the end of the Session of Parliament in which the said Two Years shall expire, if Parliament shall be then sitting:* And whereas the said Act was, by another Act passed in the Fifty-eighth Year of the Reign of His said late Majesty further continued for the term of Two Years, and until the end of the Session of Parliament in which that term should expire, if Parliament should be then sitting; and was, by another Act, passed in the First Year of the Reign of His present Majesty, continued for the further term of Two Years; and was, by another Act passed in the Third Year of the Reign of His present Majesty, continued for the further term of Two Years: And whereas the provisions of the said first recited Act have been found beneficial, and it is expedient further to continue and to amend the same; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said first recited Act shall be and the same is hereby further continued in force, from the expiration thereof, for the term of Two Years.

2. Provided always, and be it further enacted, That nothing in the said first recited Act or in this Act contained, shall extend or be construed to extend to any Alien who shall have been continually residing in this Kingdom for a period of Seven Years.

* 5th Geo. 4. Cap. 37.

MESSAGE from the President of The United States to Congress, submitting a Plan for the Peace Establishment of the Navy.

To the House of Representatives of The United States :

In compliance with a Resolution of the House of Representatives, of the 15th of December last, requesting the President of The United States "to communicate a Plan for a Peace Establishment of the Navy of the United States," I herewith transmit a Report from the Secretary of the Navy, which contains the Plan required.

In presenting this Plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it, which the importance of the Subject requires, and experience justifies.

If a system of universal and permanent peace could be established, or if, in war, the belligerent Parties would respect the rights of Neutral Powers, we should have no occasion for a Navy or an Army. The expense and dangers of such Establishments might be avoided. The history of all Ages proves that this cannot be presumed; on the contrary, that at least one half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the Nations with which we have the most intercourse and strongest political relations, that we shall, in future, be exempt from that calamity, within any period to which a rational calculation may be extended. And, as to the rights of Neutral Powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them, whenever they come in conflict with the interests of the Powers at war, while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow citizens, which was seized and confiscated or destroyed, by the belligerent Parties, in the wars of the French Revolution, and of those which followed, before we became a Party to the war, is almost incalculable.

The whole movement of our Government, from the Establishment of our Independence, has been guided by a sacred regard for Peace. Situated as we are in the new Hemisphere;

distant from Europe, and unconnected with its affairs; blessed with the happiest Government on earth, and having no objects of ambition to gratify, The United States have steadily cultivated the relations of amity with every Power. And if, in any European wars, a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each Party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded, in almost every stage of, and by every Party to, those wars. To these encroachments and injuries, our regard for peace was finally forced to yield.

In the war to which at length we became a Party, our whole coast, from St. Croix to the Mississippi, was either invaded or menaced with invasion; and, in many parts, with a strong, imposing force, both Land and Naval. In those parts where the population was most dense, the pressure was comparatively light; but there was scarcely a harbour or city, on any of our great inlets, which could be considered secure. New York and Philadelphia were imminently exposed; the then existing works not being sufficient for their protection. The same remark is applicable, in a certain extent, to the cities eastward of the former; and as to the condition of the whole Country, southward of the latter, the events which marked the war are too recent to require detail. Our Armies and Navy signalised themselves in every quarter where they had occasion to meet their gallant foe; and the militia voluntarily flew to their aid, with a patriotism, and fought with a bravery, which exalted the reputation of their Government and Country, and which did them the highest honour. In whatever direction the Enemy chose to move with their squadrons, and to land their troops, our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets, and sailing up them with a small force, the effect was disastrous, since it never failed to draw out the whole population on each side, and to keep it in the field while the squadron remained there. The expense attending this species of defence, with the exposure of the in-

habitants, and the waste of property, may readily be conceived.

The occurrences which preceded the war, and those which attended it, were alike replete with useful instruction as to our future policy. Those which mark the first epoch, demonstrate clearly, that, in the wars of other Powers, we can rely only on force for the protection of our neutral rights. Those of the second, demonstrate, with equal certainty, that, in any war in which we may be engaged hereafter, with a strong Naval Power, the expense, waste, and other calamities, attending it, considering the vast extent of our maritime frontier, cannot fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war.

Two great objects are, therefore, to be regarded in the establishment of an adequate naval force: the first, to prevent war, so far as it may be practicable; the second, to diminish its calamities, when it may be inevitable. Hence, the subject of defence becomes intimately connected, in all its parts, in war and in peace, for the land and at sea. No Government will be disposed, in its wars with other Powers, to violate our rights, if it knows we have the means, are prepared and resolved, to defend them. The motive will also be diminished, if it knows that our defences by land are so well planned and executed, that an invasion of our coast cannot be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816, during the term of my enlightened and virtuous Predecessor, under whom the war had been declared, prosecuted and terminated, digested and made provision for the defence of our Country and support of its rights, in peace as well as in war, by Acts, which authorized and enjoined the augmentation of our Navy, to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier, and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that, by hastening their completion, I should render the best service to my Country, and give the most effectual support to our free Republican system of Government, that my humble faculties would admit of, that I have devoted so much of my

time and labour to this great system of national policy, since I came into this office, and shall continue to do it, until my retirement from it, at the end of your next Session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights.—Every Power engaged in war will know the strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay the due consideration to that argument. Justice will always have great weight in the Cabinets of Europe; but, in long and destructive wars, exigencies often occur which press so vitally on them, that, unless the argument of force is brought to its aid, it will be disregarded. Our land forces will always perform their duty in the event of war; but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the Enemy, and for the protection of our own; and, also, by co-operation with the land forces, for the defence of the Country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our Coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the Enemy, and menacing, in turn, its coast, provided the force on each side is nearly equally balanced, it will draw its squadrons from our own; and, in case of invasion by a powerful Adversary, by a land and naval force, which is always to be anticipated, and ought to be provided against, our Navy may, by like co-operation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object, in the event of war, is to stop the Enemy at the Coast. If this is done, our cities, and whole interior, will be secure. For the accomplishment of this object, our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets, in such positions as to command the entrances into them, as may be done in many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam batteries, are resorted to in their aid. In the wars between other Powers, into which we may be drawn in support of our neutral rights, it cannot be doubted that this defence would be adequate to the purpose intended by it; nor

can it be doubted that the knowledge that such works existed would form a strong motive, with any Power, not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior, which are of such vast extent, that it would be utterly impossible for any works, however extensive, or well posted, to command them. Of this class, the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this Bay may be defended against any Power with whom we may be involved in war as a third Party, in the defence of our neutral rights. By erecting strong works at the mouth of James River, on both sides, near the Capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains, whenever the Enemy's force appeared, placing in the rear some large ships and steam batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole Country bordering on the Bay, and rivers emptying into it, as the hazard would be too great for the Enemy, however strong his naval force, to ascend the Bay, and leave such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam batteries, behind the works, might rush forth and destroy them. It could only be in the event of an invasion by a great Power, or a combination of several Powers, and by land as well as by naval forces, that those works could be carried; and, even then, they could not fail to retard the movement of the enemy into the Country, and to give time for the collection of our regular troops, militia, and volunteers, to that Point, and thereby contribute essentially to his ultimate defeat and expulsion from our Territory.

Under a strong impression, that a Peace Establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defence, I have thought it proper, in communicating this Report to submit these remarks on the whole subject.

JAMES MONROE.

Washington, January 30, 1824.

REPORT OF THE SECRETARY OF THE NAVY.

Navy Department, January 24, 1824.

Sir,—In compliance with the Resolution of the House of Representatives, of the 15th December last, "That the President of The United States be requested to communicate a Plan for a Peace Establishment of the Navy of The United States," I have the honor to present, for your consideration, a Plan for reorganizing the Naval Establishment. It is designed merely as the project of a Bill, to exhibit the principles which are deemed beneficial in their application to the service, without regard to the words or form of the Law, should one be founded upon it; and is accompanied by a variety of tables and estimates, calculated to explain and illustrate its operation.

In fixing the Naval Establishment, the first objects of attention are the number and size of the vessels which are to be built, both for peace and war. By them the number and grade of the Officers, and the number and size of the Navy Yards, stations, and depots, must be regulated. Considerations peculiar to each of these naturally come into view, but the whole must have relation to the first object. The management and discipline of the service must be governed by a code of rules and regulations, adapted to the character of the establishment. Such a Code must be prepared, should this or any other project be carried into execution; but, as it must be founded upon the Law, and be consistent with its principles, it cannot be prepared until after the Law has been passed. To determine the number and grade of Officers of which the Establishment ought to consist, it is necessary, first, to ascertain the proper number and importance of Navy Yards and stations, and the number and class of the vessels which the situation of the Country requires to be kept in commission and in active service; and, secondly, how many ought to be kept in readiness for a state of war. The former will prescribe the limit below which we cannot descend without a disregard of the public interest. The latter will exhibit a point above which we need not rise. The former is indispensable; prudence and policy demand that we provide for the latter.

It is believed that the Naval Stations at Erie and Whitehall are not useful now, and that no course of events can hereafter render them necessary to the public defence. Two only of the vessels at Sackett's Harbour are worthy of preservation,

and they can be protected by a few men. The two former of these Stations may, therefore, be abandoned as soon as the public property at them can be disposed of or removed; and the latter may be maintained on a very reduced scale, at an expense of about 2,000 dollars. The three Stations now cost, annually, about 27,000 dollars.

When proper depots shall be selected and established, several of the existing Navy Yards and Stations on the Atlantic board may be either altogether abandoned, or the expense of them greatly curtailed, by maintaining a few Officers and men to minister to the wants of vessels which necessity shall compel to visit them, either for provisions or repairs. But, as there are vessels on the stocks at six of these yards, none of them can, at this time, be abolished; but the expense of them may be somewhat diminished. Their number and situation are well known, and their annual cost may be seen by paper D, annexed to the Bill. In the Report from this Department, at the commencement of the Session, the force is mentioned which it was proposed to keep in commisssion during the present year, and a hope expressed that it might be found sufficient to accomplish the protection and defence of our commercial and other interests. That force, however, was calculated for a state of the most peaceful and friendly relations, and looked only to the interests then mentioned, without reference to the policy of promoting the growth of the Navy, or any of those considerations which arise from changes in our relations with other Powers, or the propriety of such a disposition of our naval force, as shall enable us to pass, with least injury, from the attitude of peace to that of war; and give to our Officers the skill and experience which will fit them to defend and protect the honor and interests of the Nation. In re-organizing the Navy, these considerations cannot be overlooked. And it is believed that there is enough in the state of the world, and our own situation, to prevent us from being unmindful of them at this time. It seems to be our duty to keep such a force in commission as will protect all our scattered interests, secure the respect of other Powers, and give active service sufficient to qualify as many Officers as will be required to command and manage the whole of our vessels, when necessity shall call for their use. Long and active employment are essential to give naval skill and experience; and, without them, our vessels are insecure, and our character, as a nation in danger of be-

ing degraded. It were better to have no ships, than to have them filled with incompetent and unskilful Officers.

The following is the least Force which it would be safe to provide for, and keep in commission, and in active service: In the Mediterranean, one ship of the line, one frigate, one sloop of war, and one schooner: In the Atlantic, including our own Coast, the West Indies, the Gulf of Mexico, and the Coast of Africa, one ship of the line, one frigate, four sloops of war, and four schooners: In the Pacific, one frigate, two sloops of war, and one schooner: For occasional services, in which the vessels on those Stations cannot be employed, one frigate, and one sloop of war—in the whole, two ships of the line, four frigates, eight sloops of war, and six schooners. Many of these vessels will be on distant Stations, in going to and returning from which, much time must be consumed; and all will require frequent repairs, refitting, and exchange of crews. Other vessels must, therefore, be kept in commission to relieve them, and a Force, equal to about one fifth of the whole amount, will be necessary for this purpose.

It is then respectfully submitted, that the number of Officers and men required for the Navy Yards and Stations on the Atlantic board, and for the vessels before mentioned, is, with the proper allowance for sickness and casualties, the lowest for which provision can safely be made in the contemplated organization of the Naval Establishment. It is for this, with other reasons, hereafter mentioned, that the Project submitted in the first section, mentions this number as the least which the President of The United States shall be permitted to retain.

When the vessels now authorized by Law to be built are completed, there will be, (besides those on the Lakes,) twelve ships of the line, twelve frigates of the first class, three frigates of the second class, three steam batteries, one other post ship, six schooners, including the Spark, and fifteen sloops of war should Congress order ten more to be built. These, when in commission, together with the Shore Stations, will require the number of Officers mentioned in the second section, and which is therefore taken as the largest which it is at this time necessary to authorize. The vessels having been built, and being designed for our protection from Foreign Aggression, we must train Officers to command and manage them. It is worse than useless to have vessels, which cannot be employed for the want

of Officers, and great folly to entrust them to those whose ignorance and inexperience will endanger their safety. The experiment would be alike hazardous and prodigal. An effort has, therefore, been made, in the proposed organization, so to arrange the grade and number of Officers, as not only to manage, in the best way, the Force necessary for present use, but to enable us, in the most rapid, cheap, and efficient manner, to pass into a state of War, and employ all our vessels in active service. By comparing the first and second sections, it will be perceived that the Officers of the highest grades, requiring the greatest skill and experience, which are proposed to be retained, will be competent to the command of all the vessels; and that, by the promotion of some of the most skilful, from the inferior grades, and introducing as many as may be necessary into the lowest, where skill is least needful, the whole will be organized with facility. But, in order to fit the Officers of the inferior grades for promotion, it is indispensable that the Force before mentioned be kept in commission, and the Officers, named in the first section, be employed as constantly as circumstances will permit. With the vessels now in commission, this object cannot be accomplished. A great portion of the science of the Naval Commanders can be acquired only on the ocean, and by years of labour and discipline. It is in vain to hope for a triumphant defence of our national interests and character there, without we thoroughly train, educate, and discipline, those who have to fight our battles. To ensure such a defence, beyond hazard, it is confidently believed that the Nation will cheerfully meet the requisite expense. Connected with this point, it is not improper to suggest, that the early education of most of our Officers is very unequal to the character they have subsequently to sustain, and that an effectual remedy can be found only in the Establishment of a Naval School.

We have no rank above that of Captain. The proposed organization gives three higher grades. It is not supposed proper to furnish with minuteness in this Report, the whole argument in favor of this increase, as if it were a new question. It has been frequently presented to the public consideration.—The experience of all Nations, both in Land and Naval Forces, has led to the same result in relation to it. No one has ever been able to command her Armies or her Fleets by Captains. And our experience does not justify us in believing, that our

success in such an experiment will be greater. Rank is necessary to enforce discipline; the orders of a superior are always more readily obeyed than those of an equal in grade.—Rank is equally necessary to ensure the science required to command an extensive Force, which differs from, and is of a much higher character than that which is competent to the command of a single vessel; the desire, also, to reach the higher rank, will create strenuous exertion to acquire the information which is suited to it, and operate extensively on the general character of the whole corps. If you would induce your Officers to prepare themselves for any service, you must present to them the certainty of having that service to perform; and that their duty and honor will equally demand that they perform it well. It is no reproach to them to say, that very few now are, and, with our present system, very few ever will be, fitted to command our Fleets successfully against a powerful and skilful Adversary; and it is earnestly to be hoped, that such an arrangement will be adopted as to furnish all grades with such opportunities for improvement, and such excitements to exertion, as will prevent our future experience, on this point, from being calamitous. The increase of rank will also obviate some causes of irritation, in the intercourse of our Officers with those of other Nations, the least powerful of whom have higher grades than we have, and they universally claim honors and precedence according to rank; this must either be yielded, or intercourse with them suspended. To the first, the individual and national pride of our seamen cannot, and ought not, to assent; and the latter is productive of unfriendly feelings. This inconvenience will be greatly augmented, and our naval reputation may suffer severely, from this cause, should our vessels have occasion to co-operate with those of any other Nation. In such cases, rank must be respected. Our Officers, for want of it, may always be subordinate; our Fleets, no matter what their power, be subject to the orders of others, though commanding a very inferior Force, and our reputation be thus placed where it might not always be safe. History furnishes some valuable illustrations on this point. One additional, but inferior grade, that of Sub-Lieutenant, is also proposed; it is meant to provide increased rank and pay for passed Midshipmen, who have distinguished themselves by zeal and activity, in discharging their duties, and qualifying themselves for promotion,

and for whom there may be no vacancies in the rank of Lieutenant.

The expense of the proposed increase of ranks, compared with its advantages, is trivial; public expenditure is always to be measured by the public advantage resulting from it; and if six or seven hundred Officers can be excited to useful exertion; discipline and efficiency increased; causes of irritation with other Nations, and of mortification to ourselves, diminished; such an expenditure will be found to be true economy.—Besides, in examining this, in connexion with other parts of the proposed organization, it will be seen, that, although there be a small increase of expense on one point, yet, by adopting the whole, the expense of the Naval Establishment will be diminished.

The temporary rank of Captain, commanding a squadron in chief, is authorized for cases of necessity, and as a temporary reward for distinguished merit. The Persons attached to the Flag Officers are useful, but to be employed only on particular occasions.

It will be perceived, that the design in rating the vessels is to arrange the compensation of the Officers by their responsibility, and shew the proper complement for each class.

The leading principle in that part of the proposed organization which relates to pay, is, to apportion it to the amount and importance of the service performed, that he, whose responsibility is greatest, and who is engaged in the most active duties, should receive the highest compensation. Hence, three general rates are proposed: 1. For those in active service. 2. For those who hold themselves in readiness for active service, or are engaged in merchant vessels, acquiring that knowledge of seamanship which will enable them most skilfully to perform their duties. 3. For those on furlough for definite or indefinite periods, and who are not employed in merchant vessels.

To the first class, in some cases, the same, and, in others, higher pay is given, than is now allowed. The advance is believed to be proper from the period when that pay was established, the increased responsibility arising from the changes in our vessels, and the inducement which it offers to be constantly in service. To the second class, an average of about two-thirds of the pay of the first is given. To the third, about

one-third of the first. This proportion is considered equitable and just; and the effect anticipated from it is, a desire for sea-service, in all Officers of all grades; a desire leading, in its necessary results, to skill, faithfulness, and ability. Under the system now in existence, it is, almost always, the pecuniary interest of an Officer to obtain leave of absence, or a station on shore. Under the one now submitted, it will be his interest to be actively employed upon the proper element of the seaman: but, as he cannot always be there, the second, or reduced pay, is placed at such an amount as to enable him, when on shore, to live respectably and comfortably, as an Officer of the Public ought. It is also proposed a little to vary the pay, according to the rate of the vessel and the amount of the force, because the labor and responsibility of the Officer vary with them.

The proposed compensation to Admirals and Commodores is as low as a regard to the expenses of their stations, the skill they ought to possess, and the weight of responsibility which must rest upon them, will permit; and it will be found, upon examination, to be much inferior to the pay of the same grades of Officers in any other service, and less than one-half the compensation allowed them by several of the most important Naval Powers. The present pay of Captains was fixed more than twenty years ago, when we had only frigates to command, and is supposed now to be proper for frigates of the smallest class: but that an increase or diminution should be made, as the vessel is larger or smaller. The pay of Masters and Lieutenants commanding, bears a just proportion to that of Captain, and is left at its present amount. That of Lieutenants, generally, is proportioned to the nature of the service they render.

As the Sailing Masters must have high qualifications to pass their examination, and are out of the line of promotion, except in extraordinary cases, an increase of pay is proposed, and that it be graduated by the rate of the vessels in which they are employed. The Second Masters, who are recognized by the existing Laws, but have no established pay, are placed on a proper footing, in reference to their duties and the promotions they may expect. The Sub-Lieutenancy is a middle rank, between the Lieutenant and Midshipman: but, to present every inducement to the Midshipman for exertion and good conduct, an addition of pay is given to those who are me-

ritorious, and have passed their examination, and for whom there is no place in the grade of Sub-Lieutenants; and they are also to be preferred to other Midshipmen in the same vessel or squadron, as Master's Mates, and for acting appointments, when they shall be necessary. No additional pay is proposed for the Purser: his compensation arises, principally, from other sources, and is, usually, in proportion to his age and service, and the rate of the vessel he is in. A small addition to the pay of Boatswains, Gunners, Carpenters, and Sail-Makers, in the larger vessels, ought to be made; and, by enlarging the number and regulating the pay of the Petty Officers, justice will be done to them, and the seamen, generally, stimulated to good conduct. Schoolmasters are proposed for the two highest rates of vessels: and, as we have yet no School for the instruction of young Officers, and as the duties of the Chaplains, both as Clergymen and Teachers, demand purity of character, enlargement of mind, and scientific attainments, a higher salary would be useful to secure the services of those who are worthy of the station.

No portion of the present system requires more amendment than the Surgical Department, in reference, as well to the manner of admission into it, as the government and payment of it. No one ought to be appointed Surgeon's Mate until after a satisfactory examination, proving his competency; and no Mate be made a Surgeon, until he has, by sufficient service, and another examination, proved that he is worthy of promotion.

But the directions on this subject belong, properly, to the Code of Rules and Regulations. The proposed Bill is confined, principally, to the pay, and prescribes that which is suited to the time and nature of the services performed. The pay of Surgeon's Mate is left as at present; and is not to be increased for any cause. But, after two year's service, he is permitted to have an examination, preparatory to his appointment as Surgeon; and, if he pass it with credit, and be recommended for promotion, a moderate addition is to be made. In like manner, the pay of the Surgeon is to remain the same for two years, after which it is to be increased, at the end of every second year of active service, until it amounts to 75 dollars per month, and eight rations per day. When he is rewarded by a permanent station, either at a Navy Yard or Hospital, he has a fixed and competent salary. This system,

while it renders justice to those who have performed duty, will, it is hoped, induce zeal in acquiring science, and secure the active and entire services of skilful men, on whom so much of the comfort and success of the Navy depend. Guided by the reasoning applicable to the case, and by experiments made elsewhere, it is believed that a large saving may be effected by detailing one or more intelligent Surgeons to purchase the Medical Stores and Supplies; direct such as are fitted for the size of the vessel, and the nature and length of the voyage; and guard against ignorance and extravagance in that Department. This object may be accomplished under the provisions of the Bill.

The compensation for recruiting is estimated by the liabilities and expense attending it, and is calculated to save about 2,000 dollars per year.

An entire change is proposed in the mode of paying Officers at the Yards, and fixed salaries are given, proportioned to their duties and expenses, and in lieu of all the allowances now made, except for house rent, where no quarters are provided. The same principle is applied, and salaries given, in all cases where the Officer is not engaged in active service, or is on furlough. This change is recommended by the certainty and economy which it will introduce. Indeed, the whole scheme is designed to reduce, as far as possible, all pay and allowances to fixed sums; limiting the discretion of the Department, and of the accounting Officers, and lessening the contingent expenses of the Establishment.

Regulations for distributing prize money have been introduced, because immediately connected with the provisions of the Bill, and because those now in force are uncertain and unequal in their operation; giving, in some cases, to superior and responsible Officers, much less than to Persons who have inferior rank and responsibility. One of the principal changes is an addition of five per cent. to Commanders of fleets, squadrons and vessels, who are answerable for detentions and captures, and bear alone the damages for mistake or error in the exercise of their power: a large portion of profit ought to be the reward of this responsibility.

The Tables and Estimates which are appended to the Bill, are designed to exhibit, in the plainest mode, the effect of the proposed organization upon the Public Treasury, in peace and war, with the Force which is now in commission, with that

which it is advised to put in commission, and when all the vessels, built and building, shall be in active service. The comparison which they afford, between the existing system and that which is recommended, cannot, it is believed, fail to create a favorable feeling towards the latter.

Table C is an Estimate of the Expense of our present Naval Establishment, with the Force in commission, which is mentioned in the Report at the commencement of the Session. And should it be determined not to increase or alter the number of vessels now in active service, this Table proves that, by adopting the proposed organization, there will be an annual saving of more than 117,000 dollars.

Table A furnishes an Estimate of the Expense of maintaining, for one year, the Force which is recommended in this Report to be put in commission. By this Table, it appears that the Force recommended will, under both systems, occasion an increase of Expenditure in this Department, arising principally from the additional number of Petty Officers and seamen employed: and that, under the present system, it will cost 1,901,876 dollars; under the proposed, 1,869,715 dollars; making a balance, in favor of the latter, of about 32,000 dollars annually.

By Table D it appears that the proposed organization will save, at the Navy Yards now used, about 11,000 dollars; and, at the Recruiting Stations, about 8,000 dollars. That the three Hospitals may be maintained at about the same expense, under both Plans; and that the three Naval Stations, which it may be thought advisable to keep up hereafter, will, under the Plan now recommended, cost about 4,000 dollars more than under the present, arising from the increased rank of the Officers commanding them.

Table B is an estimate of the expense of maintaining all the Shore Establishments, and keeping in commission all the vessels which are built, as well as those which are authorized and recommended to be built. It is calculated to exhibit the utmost annual expense of all our present naval means in war, or in such a condition of our Country as shall justify us in keeping in active service so large a Force, and shews that the present would, in that case, cost about 113,000 dollars less than the proposed system. This is the most unfavorable view which can be presented, and is designed as such. But, it is proper to remark, that it is a view which never can be realized; for it sup-

poses not only that all our vessels, of every kind, are in commission at sea, but, that every Officer attached to the Navy is in active employment, and receiving full pay, at the highest rate; a state of things which is scarcely possible, and altogether beyond a rational calculation, even in a state of active warfare. A large number of Officers must, at all times, be out of active service, and receiving either reduced or furlough pay: And when to this we add the diminution of the contingent expenditures, it may very safely be asserted that, in no situation, either of war or peace, will the proposed organization, with all its addition to rank and pay, be as expensive, by many thousand dollars, as the present system.

Having presented these views, I submit the Plan to you, with some feeling of solicitude that it should meet the approbation of those who have to decide upon it, arising from a conviction that it addresses itself to the best principles of action, and will be productive of discipline, efficiency and economy, in our Naval Establishment.

I am, very respectfully, Sir, your obedient Servant,

SAMUEL L. SOUTHARD.

To The President of The United States.

A BILL

FOR THE RE-ORGANIZATION OF THE NAVAL ESTABLISHMENT.

Be it enacted by the Senate and House of Representatives of The United States of America, in Congress assembled, That the Naval Establishment shall consist of not less than the following grades and number of Commissioned and Warrant Officers, viz.—

1 Vice Admiral	10 Chaplains
2 Rear Admirals	40 Pursers
3 Commodores	40 Surgeons
25 Captains	56 Surgeons' Mates
23 Masters Commandant	400 Masters' Mates & Midshipm.
149 Lieutenants	26 Boatswains
51 Sub-Lieutenants	26 Gunners
19 Masters	16 Carpenters
6 Second Masters	16 Sailmakers

And be it further enacted, That whenever, in the opinion of The President of The United States, the interests of the Country shall require a greater number of Commissioned

and Warrant Officers than is provided for by the preceding section, he shall be, and hereby is, authorized to increase the number in each grade, so that the same shall not exceed the following, viz.—

1	Vice Admiral	30	Chaplains
2	Rear Admirals	60	Pursers
5	Commodores	61	Surgeons
47	Captains	102	Surgeons' Mates
25	Masters Commandant	811	Masters' Mates & Midshipm.
256	Lieutenants	56	Boatswains
78	Sub-Lieutenants	56	Gunners
35	Masters	46	Carpenters
15	Second Masters	43	Sailmakers.

And be it further enacted, That the number of Petty Officers, seamen, ordinary seamen, landsmen, and boys, to be employed in the Navy, shall be regulated by The President of The United States, according as the necessities of the Public Service may require.

And be it further enacted, That the pay and emoluments of all Flag Officers, and Persons acting as Flag Officers, and the pay and emoluments of Persons attached to Flag Officers, when in active service, shall be as follows, viz.—

		Pay per Month.	No. of daily Rations.	Class for Prize Money.
		Dol.		
Flag Officers.	Vice Admiral	200	20	1st.
	Rear Admiral	150	18	
	Commodore	125	16	
	Captain, appointed Commander in Chief of a squadron	120	12	
	Captain, acting as Captain of the Fleet	125	16	
	Surgeon, acting as Surgeon of the Fleet	100	8	2d.
	Lieutenant, acting as Flag Lieutenant	50	4	
	Secretary to Vice Admiral	65	1	3d.
	Secretary to Rear Admiral	60	1	
	Secretary to Commodore	50	1	
	Secretary to Captain, Commander in Chief of a squadron	40	1	
	Admiral's or Commodore's Coxswain	18	1	5th.
	Admiral's or Commodore's Steward	18	1	
	Admiral's or Commodore's Cook	18	1	

And be it further enacted, That, when a Flag Officer shall be appointed Commander in Chief of a fleet or squadron, or when a Flag Officer shall succeed to the command in chief of a fleet or squadron, upon foreign service, by the death or resignation of his superior, he shall receive double rations while acting as such.

And be it further enacted, That, whenever a Captain shall be appointed Commander in Chief of a squadron, he shall wear such distinguishing pendant as may be directed, and shall receive double rations while he is authorized to wear such pendant as Commander in Chief.

And be it further enacted, That a Captain, succeeding to the command in chief of a fleet or squadron, upon a foreign station, by the death or resignation of his superior Officer, shall be entitled to the same pay and emoluments, as a Captain appointed to the Command in Chief of a fleet or squadron, so long as he performs the duties of that situation; but he shall hoist no distinguishing flag or pendant, that he was not previously authorized to wear.

And be it further enacted, That the increase of pay and emoluments to a Captain, acting as Captain of a fleet,—to a Lieutenant, acting as Flag Lieutenant,—and to a Surgeon, when acting as Surgeon of a fleet,—shall only be allowed when those Officers are actually employed in those capacities in a fleet or squadron.

And be it further enacted, That the pay and emoluments of Secretaries shall only be allowed for the time when the respective Officers to whom they may be attached shall be entitled to receive the pay of active service.

And be it further enacted, That seven per centum of the nett proceeds of all prize money, lawfully accruing to the Officers and crews of the vessels of a squadron, acting under the orders of any of the Flag Officers of the squadron, shall belong to, and be divided, as hereinafter directed, among the Flag Officers of such squadron: *Provided*, their flags are flying within the limits of their station, when the capture is made.

And be it further enacted, That, if there are but two Flag Officers entitled to share in the same capture, the superior or senior Officer shall receive two-third parts, and the inferior, one-third part of the amount. If there are more than two Flag Officers entitled to share, the superior or senior Officer shall have one-half, and the remaining half shall be equally divided among the Others.

And be it further enacted, That Captains, when Commanders in Chief of fleets or squadrons, shall be considered as Flag Officers in all captures made by vessels under their command, while they continue to act as Commanders in Chief, within the limits of their station, but shall only share as Captains in all other situations.

And be it further enacted, That the vessels of war shall be rated as follows, viz :—

1st Rate, vessels mounting 100 guns and upwards.
2d Rate, vessels mounting over 74 and under 100 guns.
3d Rate, frigates of the largest size.
4th Rate, frigates of the second size.
5th Rate, post ships, mounting 26 and under 36 guns.
6th Rate, sloops, mounting 18 and under 26 guns.
7th Rate, vessels under 18 guns.

And be it further enacted, That the pay and emoluments of all Officers and others, attached to vessels in commission, and the distribution of the nett proceeds of prize money accruing to such Officers and others, shall be as is established in the annexed Table and Note, marked C.

And be it further enacted, That the Navy Yards of The United States shall be arranged in two classes, as follows, viz :—

1st Class.
- Portsmouth, N. H.
- Charlestown, Mass.
- Brooklyn, N. Y.
- Philadelphia,
- Washington,
- Gosport, Va. and One south of the Chesapeake.

2d Class.
- Lake Ontario,
- Lake Champlain,
- Lake Erie—while they are continued as Navy Yards or Stations.

And be it further enacted, That the annual compensation to the Officers attached to the Navy Yards and Navy Hospitals, in lieu of all other pay and emoluments whatever, house rent or quarters excepted, shall be as follows, viz :—

Rank.	1st Class.	2d Class.	Navy Hospitals.
To a Captain commanding *Dol.*	3,000	2,000	
Master Commandt. commanding	1,800	1,500	
Do. not commanding	1,500		
Lieutenants	1,000	750	
Masters	950	750	
Surgeons			2,000
Surgeons	*1,200	850	
Surgeons' Mates, if passed	660	660	750

* Unless entitled to more by length of service. In that case his annual amount of pay and rations.

Rank.	1st Class.	2d Class.	Navy Hospitals.
Surgeons' Mates not passed	540	540	540
Pursers	1,000		
Pursers, acting as storekeepers ..	1,500	1,000	
Midshipm. if passed for Lieuts...	425	425	
Do. not passed	325	325	
Boatswain	600	450	
Gunner	500	400	
Chaplain	800		
Surgeons acting as Medical Purveyors.....			2,000

And be it further enacted, That Captains commanding stations, shall receive not exceeding the pay and emoluments of Captains attached to first rate ships, in lieu of all other allowances.

And be it further enacted, That, if a Captain shall be appointed to command a Naval Station, and a Navy Yard included within it, he shall receive the pay allowed to the Commandants of the Navy Yard, and no more.

And be it further enacted, That, if a Flag Officer be appointed to the command of a Naval Station, he shall receive the pay and emoluments allowed to an Officer of his grade, when employed at sea, and not commanding in chief.

And be it further enacted, That the pay and emoluments of Officers permanently attached to recruiting stations, in lieu of all other allowances whatever,—excepting to the Commanding Officer, who shall be further allowed a sum not exceeding three dollars for every person he shall enlist into the service, and deliver to the proper Officer, conformably to the instructions of the Secretary of the Navy,—shall be as follows, viz :—

Rank.	Monthly pay.	Rations per diem.
If a Captain, ...	Dol. 75	6
Master Commandant, ...	60	5
Lieutenant, ...	45	3
Surgeon, ...	*55	3
Surgeons' Mates, if passed, ...	40	2
Surgeons' not passed, ...	30	2
Midshipman.....	20	2

And be it further enacted, That, whenever an Officer shall be employed upon special service, relating to the Navy, other than is provided for in this Act, the Secretary of the Navy may allow him such rate of pay and emolument, as he may deem proper, provided it does not exceed the highest

* Unless entitled to more by length of service. In that case his annual amount of pay and rations.

rate of pay and emoluments to which Officers of his grade may be entitled, when in active service at sea.

And be it further enacted, That all Officers not attached to vessels in commission, to Navy Yards, Naval Stations, Recruiting Stations, Hospitals, or employed upon special service by order of the Secretary of the Navy, or a Commander in Chief upon a Foreign Station, shall be allowed an annual compensation, to be denominated reduced pay, and which shall be as is established in the annexed Table, marked G, except in the cases mentioned in the next succeeding section.

And be it further enacted, That any Officer who shall be furloughed, or who shall have been excused from service at his own request, when receiving reduced pay, for any other cause than inability to perform the service, from sickness, shall receive an annual pay, which shall be called furlough pay, as is established in the annexed Table, marked H: *Provided*, he shall not have declined to perform active service when ordered from furlough pay, nor have exceeded the limits of his furlough, except from unavoidable necessity; in which cases he shall no longer receive any pay, and be further punished at the discretion of a Court Martial.

And be it further enacted, That The President of The United States may, in time of peace, permit Captains, Masters Commandant, Lieutenants, Sub-Lieutenants, Masters, Second Masters, and Midshipmen, to engage in the merchants', or any other sea service, and that to such of those Officers who are thus employed, Captains and Masters Commandant excepted, reduced pay may be allowed for the time they are actually at sea, as an inducement for them to avail themselves of such opportunities for improving themselves in seamanship.

And be it further enacted, That all marine Officers and marines, stationed, or employed, within the limits of a Navy Yard, or on board vessels in ordinary, shall be subject to the Laws and Regulations for the government of the Navy, in the same manner as they now are when employed on board ships of The United States at sea.

And be it further enacted, That all navy storekeepers may be taken from the Pursers of the Navy, or shall be appointed by warrant from The President of The United States, and be subject to the Laws and Regulations for the government of the Navy of The United States; and their pay shall be established

by The President of The United States, having regard to their relative responsibilities.

And be it further enacted, That The President of The United States be, and he is hereby, authorized to assign such number of the Officers, Petty Officers, seamen and marines of the Navy, to the different vessels, Navy Yards, and Stations, as he may deem most advantageous to the public service, *Provided,* That the whole number employed in each grade, does not exceed the number authorized by this Act.

And be it further enacted, That all such Acts, or parts of Acts, heretofore passed, as shall be at variance with, or opposed to, the provisions of this Act, shall be, and are hereby, repealed.

And be it further enacted, That all the provisions of this Act shall take effect from and after the ——— day of ——————— next.

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*MESSAGE from The President of The United States to Congress, upon the Subject of the present Condition and future Prospects of the Greeks.**

To the House of Representatives of The United States :

I transmit to the House of Representatives, a Report from the Secretary of State, with accompanying Documents, containing the information requested by the Resolution of the House, of the 19th inst. relating to the Condition and future Prospects of the Greeks.

JAMES MONROE.

Washington, 31*st December,* 1823.

Department of State, Washington, 31*st December,* 1823.

The Secretary of State, to whom has been referred the Resolution of the House of Representatives of The United States, of the 19th inst. requesting The President of The United States to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to The President the Papers in the possession of this Department, containing the information requested by the Resolution of the House.

JOHN QUINCY ADAMS.

* Presented to Congress 31 December, 1823.

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Extract of a Letter from Mr. Forsyth to the Secretary of State, dated Madrid Dec. 13th, 1822.

"The Greeks have an Agent in this Peninsula, Luriottis. He was here a fortnight, asking aid of money, which he did not receive. Indeed, he left this, disgusted with the coldness with which he was treated by San Miguel. He has gone to Lisbon, with sanguine hopes of meeting, if not aid, at least kinder treatment. I enclose to you copies Nos. 1 and 2, of an Official Statement, made for him in April last by his Government, of the state of their affairs, and of his letter to the Spanish Government. We have favourable news from the Greeks, from various sources. The Albanians are now their Allies; they have again been successful by sea against the Turks, and the best hopes of their ultimate and complete triumph are entertained."

Department of Foreign Affairs—No. 66 of the Protocol.

VIEW OF THE PRESENT STATE OF GREECE.—*(Translation.)*

The most cruel of tyrannies, of exactions without number, induced the Greeks to a just revolt. Their first operations were attended with some successes, which were of very little consequence, owing to the want of union among themselves. Some particular Governments were established, but they did not answer the purpose which was intended. Then the Deputies of the Nation were called together at Epidamus, for the purpose of establishing an Organic Law. This Assembly, of which Prince Mavrocordato was President, after a month of

deliberations, fixed the mode of a Provisional Government, the duration of which was to be one year.

After the dissolution of this Assembly, the Government which had been formed in it was proclaimed, and recognized in the Islands, the Peloponnesus, and the Continent. The people being satisfied, submitted with joy to its decisions, and order and justice succeeded to violence and anarchy.

The authority of this Government acquires, every day, new strength, and it may be hoped that, soon, Greece, regenerated by the benefits of a wise and paternal Administration, will show herself worthy of its Independence.

By the efforts of its defenders, the Peloponnesus will be no more polluted by the presence of its Oppressors. Four fortresses, Patras, Coron, Modon, Napoli de Romania, only remain in the power of the Turks; and the hour of their fall approaches. Napoli de Romania is about to follow the example of Corinth, which surrendered at discretion, and the other Places are about to be entirely deprived of provisions and munitions, by the flight of the Turkish Fleet. This Fleet, having left the Dardanelles, in the month of February, was favoured by the winds, which prevented their passage of the Archipelago from being disputed. But at Navarino the Greeks, seconded by the ability of General Lenormand, and by the courage of some European Officers, who were shut up there, rendered the projects upon that Place abortive; this, doubtless, compelled it to go against Patras, and there effect the landing of the troops which it had on board. It was after this operation, that it was encountered by the naval forces of the Greeks. The Turkish fleet, beaten, pursued, and entirely dispersed, was obliged to seek refuge towards the coasts of Egypt, where it was surprised by a tempest, in which it lost four frigates and two brigs. All the crews of these ships, and the Commander of the squadron, Ismael Gibraltar, were drowned. It was also obliged to abandon, on our coasts, several transports loaded with provisions, destined for the army which came to be landed.

This army, composed of four thousand men, weakened every day by the diseases and dissensions which have sway in it, takes refuge under the cannon of the fortress of Patras, into which entrance has been refused it. There, blockaded on one side by a Greek Squadron, and on the other harrassed, night and day, by the troops of Gen. Colocotroni, it will prove, by

its total annihilation, that every effort will always be vain, against a People which wishes for its liberty cost what it will.

In Attica, the fortress of Athens alone is in the power of the Turks, and the bombardment of it, to which a fortunate issue is expected, commenced several days ago.

Bœotia, Phocis, and Locris, have driven out the Enemies of their beautiful Provinces. The Government is very seriously occupied with the means of possessing itself of Zitonny, where there is still a body of the Turkish Army, in order to enable it to cause the troops in Thessaly to advance simultaneously with the general movement of the inhabitants of Mount Olympus, a bold and warlike people, and render the position of the Enemy more critical.

The defiles of Pindus being in our possession, all communication between the rest of Turkey and Thessaly, and all retreat for the Enemy's army, that shall then be in this Province, will be immediately, from that time, impossible. All Etolia, Epirus, and almost all Acarnania, are in the power of the Government, with the exception of some Places which are under a rigorous blockade.

I have now to speak of Albania. What will be its relations with us? The future alone can resolve this important question; and the well-known character of this People does not permit the calculation of events from probabilities; sometimes neuter and sometimes partisans, by turns our Allies and our Enemies, which they have practised to the present time, passing in appearance from one party to another, without really serving the interests of that which they had adopted. The death of Ali Pacha has produced little effect. The Turks, proud of this success, which they only owe to the treachery of the very soldiers of this Pacha, have appeared to take courage; but, being repulsed at Wonnizza, they appeared to have almost abandoned their attempts. Such is the situation of affairs in the Peloponnesus and on the Continent.

Almost all the Islands being free, have submitted to the Government, and cause the Greek Flag to be respected in the Archipelago. At Chios, six thousand Samiotes have landed, to favour the Independence of that Island, and have shut up the Turks in the fortress. Mitylene, in a short time, will have shaken off its yoke, and Candia still combats, with advantage, against superior forces; but the known valour of

its inhabitants, and the justice of their cause, will make up for number.

At the moment I am writing, the news of the victory obtained over the Turks at Riguassa, comes to be communicated to the Government; four hundred of the Enemy remain upon the field of battle, and the rest of their army has been put to flight. The Suliotes, by their accustomed bravery, have covered themselves with glory.

More recent news come to inform us of more new successes; Colonel Ulysses, with fifteen hundred men, landed on the 1st of April at Helisa; after an obstinate battle against forces superior in number, he became master of that village, as, also, of the port of St. Marine, pursued the Enemy to Zitonni, killed three hundred men, and made some prisoners. General Niketa, Commander of the Peloponnesian Troops, joined his operations to those of Colonel Ulysses, and, from every thing, it is believed they have already entered Zittoni. Colonels Mitzi, Kondojanni, and Skalzodini advance upon Patradjik, and have gained some advantages. Of the body of the Greek Army, composed of ten thousand men, who act from this side to the centre, commanded by Colonel Panvurja, supported by Miezatis, the right wing is formed by the troops of General Eritika and of Colonel Ulysses, and its left wing by those of Colonels Kondojanni and Skalzodini.

A new fleet is just gone from Constantinople; it is composed of vessels of different sizes; it has attempted a landing on the Island of Chios, but, repulsed with loss at that point, it has retired.

The Secretary of State and Minister of Foreign Affairs,
TH. NEGRIS.

The Secretary General,
V. GALLIVA.

Corinth, the 8*th* [20*th*] *April*, 1822.

Note of Mr. Luriottis, Agent of the Greeks, at Madrid, to His Excellency Evaristo San Miguel, Secretary of the Despatch of State of His Catholic Majesty.

MAY IT PLEASE YOUR EXCELLENCY: *(Translation.)*

If there is a time when the principles ought to be revived, which an unfortunate, but very celebrated philosopher of France, published in 1793, "That the men of all Countries are

brothers, and the different Nations ought mutually to assist each other according to their power, as Citizens of the same State:"

"That those who make war on a People for the purpose of arresting the progress of liberty, and destroying the rights of man, ought to be every where pursued, not as ordinary enemies, but as assassins, and rebellious robbers:"

"That tyrants, whoever they may be, are slaves revolted against mankind, the sovereign of the earth; and against nature, the legislator of the universe:"

And if there is a Nation, in whose favour these principles ought to be applied, it is, doubtless, Greece, at the present time. It is not intended, here, to press the rights which the Greeks have to the being recognized by the civilized Nations of Europe, for the lights which their ancestors have given them in liberal sciences, arts, legislations, and in true models of men, illustrious for their love of Country; and still less the most evident rights which they will now have to shake off the Mussulman yoke, with which any of the despotisms, against which the other Nations of Europe contend, could not be compared. It will be sufficient only to remark, that Greece, victorious and free, is the most certain security of the liberties of the Spanish Peninsula:

Because, from the certain liberty in Greece, necessarily flows that of Italy, which is enslaved, if I may be allowed the expression, between the Peninsula and the New Grecian States:

Because, the establishment of a free State, raised in Greece, upon the ruins of the legitimate Ottoman Power, at the time when open war has been declared between the people and the despots, as between the principles of light and the principles of darkness, ought to result in the annihilation of this Empire of the Crescent, and, consequently, that of its accessaries, Tunis, Tripoli, and Algiers; and, the Greeks being once masters of the Egean Sea, these three pirates will be no more able to recruit their bands of assassins in Albania, at Smyrna, and at Constantinople; and they will there lose their forces, which have been always restless; and even now, Spain, and the increase of this moral fire, which the legitimates call pest, which ought to deliver Germany from despotism, and encourage the French to resume their ancient post in the career of liberty; and because, in fine, this will only be after the accomplishment of

these prophecies, that this Peninsula will be left sufficiently tranquil at home and abroad to be able to reckon upon the consolidation of its liberty, which has cost, and does every day cost, it so many sacrifices of every kind.

Spain has no real need of succour from any other Nation, for maintaining itself a State free and independent

The courage, the heroism of her children, are, in every respect, a proof; but the despotism, to succeed in its liberticidal projects, does not always please to excite to irritate this valor. It is sure of its triumph, provided that it should succeed in keeping alive the fire of civil discord. Even the most courageous people feel themselves fatigued of so trifling, yet continued a war, and often, after the torments of despotism, they have recourse to this as to a guardian angel; preferring the future, but little felt, evil, to the present; and tranquillity, although cadaverous, to a struggle which leaves them no repose—at this very moment, Spain makes trial of a part of this sad truth. The insulating, therefore, of a Nation which wishes to be free, is, in the times wherein we live, the most impolitic measure which she can adopt.

Despotism has formed and published its alliance; and has, if I may be allowed the expression, hurled a formal defiance at the Nations that wish to maintain or to recover their liberties. It insults them all, because it is conscious of its power to vanquish them, either by the force of hireling bayonets, with which it inundates them, or by the silent manœuvres which organize civil war, the division and quarrels of parties with which it harasses them. It is, therefore, necessary to oppose to this alliance of tyrants, that of the Nations who have achieved their liberty.

If, for a Nation to be free, the will of being so were sufficient; if, what gives the disposition, ensured equally success; if, in fine, the valor of a people were a sure guarantee of success, Greece and the Greeks would not this day doubt of their triumph. The modern Greeks have already, in more than one engagement with the Turks, shown themselves worthy successors of the Greeks of Marathon, of Thermopylæ, of Salamis, of Strimon, of Cnidus, &c. but they want men, for frightful despotism capriciously destroyed them, and of it population has never been an accompaniment. They want money; because it would have been the price of their head to have been rich. They want arms, powder, lead; because no des-

potic Government leaves these at the mercy of Slaves; and, because, the struggle which the Greeks have so long maintained, has consumed the provisions which their bravery and the small succours brought by the foreigner had procured them. Yet, they still continue, in more than one place, to fight, and defend themselves against the Turks, with inferior weapons.

They have abundance of lands and national property; for three-fifths of the territory belonged to the Mussulmans, as the price of confiscations made after cutting off the heads of opulent Greeks; but these lands, this property, are nothing at the present moment, when the Greeks ought to handle the musket instead of the plough; when money is wanting, and when the public credit is not yet established.

The Greeks will never return under the Ottoman yoke. But, in continuing a struggle so unequal, without other support, without other succour, they will all perish. What is the use of liberty in the tomb? What the advantages which Spain, Italy, and Europe, panting after liberty, can expect from a triumph over the Greeks?

The United States of America, after having sustained, with equal courage, and at equal sacrifices, their cause of Independence, against a despotism much less dreadful, owed their triumph to the protection of a European Power. Why should not Greece rely upon some Protector among the free States of that same part of the world to which she belongs? By what fatality is she persecuted by the Government of England, which ought to be the father of free Nations, and forgotten by those Governments which profess the same principles which she has just proclaimed?

The Greeks have till now been flattered by a number of private Associations who came to their aid; but no Government has, as yet, partaken of this generous enthusiasm; and yet, the succours, as well moral as physical, which are necessary for them, cannot be afforded them, but by Governments.

There is some reason to believe, that the Government of Corinth has opened some negotiation with the said United States of America. May these States pay, in favor of Greece, the tribute of recognition which they owe to Europe, for the liberty which they know so well how to enjoy.

The same Government, which leaves nothing untried which may conduce to the triumph of the holy cause which it directs,

cannot forget to address itself to magnanimous Spain; to a Nation which, more than every other, shows to the universe, that she feels all the value of liberty and independence; to a Government, which, each day, ought to be more persuaded, that the allied despotism aims, and will aim, more or less, openly, but always obstinately enough, at the consolidation of its present system. As to politics, the before cited Wicquefort says, that the infallible means of vanquishing one's rivals in diplomacy, is to be frank, because he is sure of not meeting them in his way.

If, then, Spain can believe it to be to her advantage to recognize, and to protect, and to succour the Government of Corinth, what measure, what conduct, has she to pursue towards the other Governments, which have never openly pronounced against the Hellenic Revolution?

The Undersigned is not authorized to speak upon this article. He is only commissioned, in general, to solicit every species of succour which the Spaniards can send to the Greeks, either in money, or arms, powder, lead, men, ships, frigates, brigs, &c. of war.

But he knows how far, among the generous succours, the article of a like moral aid would preponderate. Interested for his Country, he confines himself to the making the rough draft, and to offer up prayers that the Spanish Government would be pleased to send some one to Greece, to treat upon this important subject, and upon all the others which might be necessary, and of great utility to Spain.

In the meantime, upon the point of physical succour, the Undersigned has the honour to observe to your Excellency, that the question is not respecting a donation, but only respecting a loan; and that the responsibility of a free Government in Greece, is beyond all the wants and those which it will have to fulfil to arrive at its consolidation.

That small succours are also useful to the Greeks in their present situation; because every little thing becomes a great deal to one who is pressed by want.

That the manner of carrying them into Greece, and securing the reimbursement, is left to the will of the Spanish Government.

That the greatest secrecy ought to be observed in all that Spain wishes to do, as a Government, in favour of the Greeks, in order that the diplomatic spies may not try to perplex it, and may not succeed in rendering it abortive.

That, finally, in the absence of the persons to whom the Undersigned had letters to deliver here at Madrid, on the part of Prince Mavrocordato, of the Minister of Foreign Affairs, Negri, and of the Bishop Ignatius of Pisa, that they would be pleased to support their requests as well before the Government as before the brave Spanish Patriots, it was, doubtless, a happiness for the Undersigned to have met here a Ministry so eminently well affected, and a Minister of Foreign Relations so liberal as your Excellency, to whom he can directly address himself in the two-fold aim mentioned, and in the accomplishment of his mission.

Your Excellency's most obedient and most humble Servant,

LURIOTTIS.

Madrid, 21st November, 1822.

Extract of a Letter from Mr. Rush to Mr. Adams, dated London, February 24, 1823.

"I received, the day before yesterday, a Paper, of which a copy is enclosed, addressed to you, by Andreas Luriottis, an agent or deputy from Corinth, on behalf of the cause of the Greeks.

It will be perceived that, after describing the general nature of the Revolution now going on in Greece, the object of the Paper is, to solicit aid of The United States, and the establishment of diplomatic connexions with them.

This Gentleman, who has recently arrived in London, brought me a letter of introduction from General Dearborn, at Lisbon, and I received him in a manner due to the interesting character which he bears. I assured him that the fortunes of his Country were dear to the people of The United States, who, cherishing the freedom which they themselves inherited and enjoyed, looked with the warmest sympathy upon the struggle of the Greeks for their National Liberties; and that the Government of The United States participated in this feeling. Of the latter, I considered the late mention of the subject by The President, in his Message to Congress, at the opening of the Session, as the authentic proof.

To the inquiries of Mr. Luriottis, whether my Government would open political or diplomatic relations with his, at the present day, I replied, that this formed a point on which I was wholly uninformed, and could not undertake to give my

opinion. That it involved considerations of expediency, as applicable to The United States, as well as of advantage, or otherwise, as applicable to the Greek cause itself, that would be maturely weighed at Washington, before any decision could be pronounced. All that I could say was, to reiterate the assurance of the friendly interest that was felt amongst us, for the success of the cause in which his Country was embarked; and I adverted to the part which my Government had acted, in relation to the South American struggle—a part so much in advance of that of any other Government—as a sure indication that it could feel no backwardness in welcoming, when the proper day arrived, the new-born freedom of Greece, into the family of Nations. In the end, I informed him, that I would gladly become the organ of transmitting to my Government whatever distinctive overtures, or communication he might determine to make to it—a request which, in the course of our conversation, he had himself made of me. These overtures he has set forth in the Paper enclosed.

Mr. Luriottis dwelt with confidence upon the advances which his Country has made in the career of her Independence —advances the more solid and encouraging, as they have been won amidst formidable difficulties, by the mere unassisted efforts of her own valour and constancy. Since the capture of Napoli de Romania, the strongest fortress which the Turks had in the Morea, he seemed to consider that the cause of Independence was placed upon a sure basis. The Greeks, since this event, have removed the seat of their Government from Corinth, where it was fixed at first, to Napoli."

Andreas Luriottis, Envoy of the Provisional Government of Greece, to The Honorable John Quincy Adams, Secretary of State to The United States of America.

Sir,—I feel no slight emotion, while, in behalf of Greece, my Country struggling for Independence and Liberty, I address myself to The United States of America.

The Independence for which we combat you have achieved. The Liberty to which we look, with anxious solicitude, you have obtained, and consolidated in peace and in glory.

Yet Greece, old Greece, the seat of early civilization and freedom, stretches out her hands, imploringly, to a land which sprung into being (as it were) ages after her own lustre had

been extinguished; and ventures to hope, that the youngest and most vigorous sons of liberty, will regard, with no common sympathy, the efforts of the descendants of the heir and the elder born, whose precepts and whose example have served, though insufficient hitherto, for our complete regeneration—to regenerate half a world.

I know, Sir, that the sympathies of the generous People of The United States have been extensively directed towards us; and since I have reached this Country, an interview with their Minister, Mr. Rush, has served to convince me, more strongly, how great their claim is on our gratitude and our affection. May I hope that some means may be found to communicate these our feelings, of which I am so proud to be the organ? We still venture to rely on their friendship; we would look to their individual, if not to their national, co-operation. Every the slightest assistance, under present circumstances, will aid the progress of the great work of liberty; and if, standing, as we have stood, alone and unsupported, with every thing opposed to us, and nothing to encourage us but patriotism, enthusiasm, and, sometimes, even despair; if, thus, we have gone forward, liberating our Provinces, one after another, and subduing every Force which has been directed against us, what may we not do with the assistance for which we venture to appeal to the generous and the free?

Precipitated, by circumstances, into that struggle for Independence which, ever since the domination of our cruel, and reckless tyrants, had never ceased to be the object of our vows and prayers, we have, by the blessing of God, freed a considerable part of Greece from the ruthless invaders. The Peloponnesus, Etolia, Carmania, Attica, Phocida, Bœotia, and the Islands of the Archipelago and Candia, are nearly free.—The armies and the fleets which have been sent against us have been subdued by the valour of our troops and our marine. Meanwhile, we have organized a Government, founded upon popular suffrages; and you will probably have seen how closely our Organic Law assimilates to that Constitution under which your Nation so happily and so securely lives.

I have been sent hither by the Government of Greece, to obtain assistance in our determined enterprize, on which we, like you, have staked our lives, our fortunes, and our sacred honour; and I believe my journey has not been wholly without success. I should have been wanting to my duty had I

not addressed you; supplicating the earliest display of your amicable purposes; entreating that diplomatic relations may be established between us; communicating the most earnest desire of my Government, that we may be allowed to call you Allies as well as Friends; and stating that we shall rejoice to enter upon discussions which may lead to immediate, and advantageous Treaties, and to receive as well as to expedite diplomatic Agents without delay. Both at Madrid and at Lisbon I have been received with great kindness by the American Representative, and am pleased to record the expression of my gratitude.

Though fortunately you are so far removed, and raised so much above the narrow politics of Europe, as to be little influenced by their vicissitudes, I venture to believe that Mr. Rush will explain to you the changes which have taken place, and are still in action around us in our favour; and I conclude, rejoicing in the hope that North America and Greece may be united in the bonds of long-enduring and unbroken concord; and have the honour to be,

With every sentiment of respect, &c.

London, February 20, 1823. AND. LURIOTTIS.

Mr. Adams to Mr. Rush.

Department of State, Washington, August 18, 1823.

Sir,—I have the honour of enclosing, herewith, an answer to the letter from Mr. Luriottis, the Agent of the Greeks, addressed to me, and a copy of which was transmitted with your Despatch, No. 295.

If, upon the receipt of this letter, Mr. Luriottis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations, as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian Emancipation, the Executive Government of The United States has been governed, not by its inclinations, or a sentiment of indifference to the Cause, but, by its Constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks, only by the application of some portion of their Public Force or of their Public Revenue in their favor, and it would constitute them in a state of War with the Ottoman Porte, and perhaps

with all the Barbary Powers. To make this disposal either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an Act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of The United States, with reference to Foreign Nations, has always been founded upon the moral principle of natural law—*Peace* with all mankind. From whatever cause war between other Nations, whether foreign or domestic, has arisen, the unvarying Law of The United States has been *Peace* with both Belligerents. From the first war of the French Revolution, to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which, *one* of the Parties was contending for Liberty, or Independence. To the first revolutionary war, a strong impulse of feeling urged the people of The United States to take side, with the Party which, at its commencement, was *contending*, apparently, at least, for both. Had the policy of The United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle, then deliberately settled, has been invariably adhered to ever since.

With regard to the recognition of Sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every Nation must exercise some latitude of discretion. Precluded by their neutral position, from interfering in the question of Right, The United States have recognized the fact of Foreign Sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of Government in many of the European States, and the Revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, po-

litical and military. Should Mr. Luriottis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that Quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

Richard Rush, Envoy, &c. at London.

Mr. Adams to Mr. Luriottis.

Department of State, Washington, August 18, 1823.

Sir,—A copy of the letter which you did me the honor of addressing to me on the 20th of February last, has been transmitted to me by the Minister of The United States at London, and has received the deliberate consideration of The President of The United States.

The sentiments with which he has witnessed the struggles of your Countrymen for their National Emancipation and Independence, had been made manifest to the World in a public Message to the Congress of The United States. They are cordially felt by the People of this Union; who, sympathising with the cause of Freedom and Independence, wherever its standard is unfurled, behold, with peculiar interest, the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time, with the proudest glories of former ages, in the land of Epaminondas and of Philopœmen.

But, while cheering with their best wishes the Cause of the Greeks, The United States are forbidden, by the duties of their situation, from taking part in the War, to which their relation is that of neutrality. At peace themselves with all the World, their established policy, and the obligations of the Laws of Nations, preclude them from becoming voluntary Auxiliaries to a Cause which would involve them in *War*.

If, in the progress of events, the Greeks should be enabled to establish and organize themselves as an Independent Nation, The United States will be among the first to welcome them, in that capacity, into the general family; to establish diplomatic and commercial relations with them, suited to the mutual interests of the two Countries, and to recognize, with spe-

cial satisfaction, their constituted State in the character of a Sister Republic.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

Andreas Luriottis,
Envoy of the Provisional Government of the Greeks, London.

Extract of a Letter to the Secretary of State, dated Marseilles, August 6, 1823.

"I have endeavoured to obtain accurate information relative to the actual state of the struggle between the Greeks and the Ottomans. The following particulars, I think, may be relied on. The Porte is making great preparations by land to bring the war to a successful conclusion. The Turkish Fleet has succeeded in provisioning, for a year, the garrisons of Carysto, in Negropont, Canée, the capital of Candia (or Crete), and also *Coron*, Modon, *Patras*, and Corinth, in the Morea. The two last Places have been repeatedly and incorrectly represented, in the American newspapers, as having long since surrendered. The Porte has offered the Greeks, through the mediation of Lord Strangford, to place the Morea on the same footing as the Provinces of Wallachia and Moldavia; i. e. to place it under the Government of a Greek Prince, who should have the entire Administration of the affairs of the Province, and who should annually pay a certain portion of its revenues into the Treasury of the Porte. The British Ambassador, in order to induce the Greeks to accept these terms, has dispersed among them a Declaration, that they are not to expect aid from any of the European Sovereigns. On the other hand, the Greeks do not seem as yet disposed to peace, but are making preparations to resist, as they may, the forces which are approaching them on all sides. Such was the state of things by the last advices."

Extract of a Letter to the Secretary of State, dated Marseilles, August 27, 1823.

"There is no certain intelligence from Greece later than that contained in a letter I had the honor to forward to you a fortnight since. The Turkish Admiral was, fifteen days ago, in the neighbourhood of Patras, where he had landed 5000 men. The Smyrna Gazette reports, that the main Turkish army, 60,000 strong, had obtained, after some hard fighting, possession of the Defiles of Thermopylæ, but this, as yet, is not confirmed."

Statistical Table of Greece, according to the Work of Mr. Pouqueville. Original received from Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of The United States at St. Petersburg. (Translation).

Greece may be apportioned into three Grand Divisions; Continental Greece,† the Isthmus of Peloponnesus,* and the Islands.

Continental Greece.—It contains seven Provinces, which are:—Epirus,† Macedonia,† Thessaly,† Acarnania,* Etolia,* Locris,* Phocis,* comprehending Lividia.†

Epirus,† has an extent of 1100 square leagues of 2500 toises. The population is estimated at 373,000 souls. Its principal Cities are Janina, Zagori, Conitza, Prémithy, Cleissoura, Condessi, Canina, Tebelen, Aulone (a port), Bérat (a fortress), Elbassan, Durazzo (a fort), Argyro Castron, Liboro, Delvino (fortified), Conispolis, Paramythia, Gomenitza (a port), Margariti, Parga (a fort), Regniassa (a fort),* Prevesa (a port and fort), Souli (fort),* Arta (a fort and sea-port), Calarites,* Metzowo,* Syraco, &c.

The Rivers which pass through Epirus in different ways, are the Voioussa or Aoüs, the Calamas or Thyamis, the Glykys or Acheron.

The Country generally is mountainous, intersected with large valleys; its aspect is various, and may be said to present an abridgment of all the climates; it abounds in cattle, and in rich pastures. The articles of exportation, consist of grain, of sheep and goats, of building timber, cotton, wool, pitch, wax, tobacco; and some mountains of Epirus contain mines, which the Government neglect to explore, and which the Christian inhabitants dare not discover, fearful of being themselves buried in these mines, to gratify the cupidity of their masters. (1.)

The principal Sea-ports of Epirus, are, L'Arta, Aulone, Prevesa, Vonitza, Port Palarme, Porto Raguzeo, Gomenitza, Durazzo. The value of wares, and foreign productions, imported by these Ports, was, in the year 1812, 6,590,902 piastres; the exportation, during the same year, was 7,804,063

N. B.—* This mark indicates the Cities and Provinces freed since 1821, and at present in submission to the National Congress of Corinth.
† Indicates the Countries in Insurrection.
‡ Indicates the Cities and Forts besieged by the Turks.
(1) Vid. Tom. 1. p. 279. Tom. 2. p. 247.

piastres. The Epirotes, are, in general, warlike, and of a robust constitution, impatient of the yoke, and proud, in spite of the dependence in which they live; shepherds rather than agriculturists, they almost all carry arms, and prefer to inhabit the mountains, and the situations most difficult of access.—Divided into colonies, and long governed by the feudal administration of the Beys, they have seen, too late, all these partial tyrannies, united into one only—and the most monstrous of all, that of Ali Pacha of Jannina. In the midst of the chaos of the administration of this Vizier, it may be calculated, that Epirus paid annually to the Grand Seignor, a tribute of two millions (1) of piastres, and that Ali received for himself, ten other millions, without including the revenues of his sons, the advances and spoliations of every kind, to which this Province was exposed.

Macedonia,† divided into Illyrian and Cisaxian, has an extent of 1692 square leagues. Its population may approximate to 436,000 inhabitants. Its most remarkable Cities and Towns are, Bitolia or Monastir, Prilípé, Cojani, Delvendos, Flourina, Cailary, Castoria, Greveno, Lepsini, Bichlistas, Croupitcha, Piassa, Gheortelia, Staria, Prespa, Critchowa, Ochrida, Chiatista, Veria,* or Karaveria, Jenidjé, Salonica.

The rivers which water Macedonia, are, the Vardar or Axius, and the Bichlista or Haliæmon. This Province abounds in small cattle, corn, wines, cotton, and tobacco.

The Macedonians are agriculturists and merchants. The merchants of Bitolia, of Castoria, of Chatista, and of Salonica, have frequent correspondence with the commercial places of Europe; they send caravans to Bosnia and Hungary. The Macedonians, as well as the other Nations of Greece, partake of their Hellenic origin; they are brave and considerate. (2)—Numerous Bulgarian and Albanian colonies, are established in this Province, actually divided into Cantons, and subject to the destructive administration of the Pachas of Romelia and their subordinates.

Thessaly† contains, within an extent of 516 square leagues 275,000 inhabitants; there are reckoned 962 villages, and the following Cities: Tricala (the chief place and residence of a Pacha), Klinoro, Stagous, Pharsalia, Larissa, Alasson, Rapchana, Tournóvo, Platamon (a fort), Caterin, Agia, Velestina, Dechani, Volo (a port), Armyros, Thuamaco. Thessa-

(1) Vid. Tom. 3. p. 432. (2) Vid. Tom. 4. p. 405.

ly, watered by the Peneus, and by several other rivers, tributaries of that river, is one of the most fertile countries of European Turkey; it produces corn, silk, cotton, tobacco, and, until the year 1810, the manufactories of Tournovo, of Ambelakia, and of Agia, sent abroad dyed cottons, stuffs, and woollens, to the amount of several millions (1); the Greek merchants of these Cities, had factories in Germany. The sea-port of Volo, situated on the gulf of the same name, favored the exportation of the grain which the sailors of Idra, and of other Islands, came there to load. The natives of Thessaly vary in their character, and their occupations, according to the places which they inhabit; industrious and submissive in the Cities, laborious and peaceful husbandmen in the Country, intrepid sailors in the cantons situated near the sea, they are bold and independent in the mountainous regions. Numerous bands of these mountaineers go from Olympus, from Ossa, and from Mount Pelion, and having, at their head, enterprising Chiefs, sometimes contend with the Forces of the Pacha of Epirus, and of Romelia (2); they have even possessed themselves of several Cities of Thessaly, and defended them for years. Worn out with efforts, disappointed in their hopes, and deprived of their brave Chiefs, they retired to their mountains, where they still form a population, warlike and independent.

Acarnania* has an extent of 92 square leagues, and 8,635 inhabitants; the remains of a population formerly flourishing. There are still reckoned there 16 Cities and Villages, the most remarkable of which are, Vonitza, Catona, Dragomestre, and Catochi (a sea-port). This Province, which made a part of the government of Ali Pacha, and which has undergone all the torments of his administration, presents only ruins and solitude. It, nevertheless, carries on a feeble commerce with the Ionian Islands and the Ambracian or Artan Gulf; its inhabitants keep up the fisheries in the same Gulf, as well as on the numerous Lakes in the interior of the Country.

In this Province, as in all the Continent of Greece, there are found, in the declivities of mountains (3), hamlets and villages inhabited by men, who, flying from oppression, are striving to insulate themselves wherever they find a savage nature. Masters of the defiles which form the passage between Epirus and the southern Provinces of Greece, the

(1) Vid. Tom. 3. p. 49. (2) Vid. Tom 3. p. 16. (3) Vid. Tom. 3. p. 159.

mountaineers of Acarnania can interrupt the communication between these two Provinces, and oppose, with success, the movements of an army which might try to advance from this side towards Etolia and the Morea. Some cantons of this Province are, at this day, entirely uncultivated and depeopled; others are covered with forests and barren grounds, which only want strength to be converted into productive lands.

Etolia,* separated from Acarnania by the river Aspropotamos or Achelöus, contains, in its present subdivisions, four cantons, and 83,455 inhabitants, distributed among 236 Towns and Villages; the principal of which are, Vrachori, Carpenitze, Agrapha, Missolongi (a port), Lepante‡ or Naupacte (a fort and residence of a Pacha). This Province produces grain, rice, oil, silk, and wine. These productions, added to the revenue of the fisheries and customs, give an annual produce of 3,293,700 piastres. (1)

The cantons of Etolia, annexed, according to the register of the Ottoman Government, to the Pachalik of Negropont, had been successively seized upon by Ali Pacha, who entrusted the administration of them to his Lieutenants. The pure blood of the ancient Etolians, their carelessness, their contempt of death, is still found among the colonies of Agrapha and of Carpenitze (2). Animated with the energy which the vital air of the mountains of these cantons gives them, they are always induced to repel the attacks of tyranny. In this part of Etolia, the league of the *armatolis* was formed.

These bands, reinforced by all the discontented of Greece, have sometimes opposed force to force, fanaticism to fanaticism, and have caused the Satraps of Thessaly and of Epirus to make satisfaction for the unjust enterprizes formed against their liberty.

The Country comprehending Locris,* Phocis,* Livadia,‡ and Attica, contains, by an approximating calculation, 450 square leagues, and a population of about 140,000 souls. Salone, Thebes, Livadia, and Athens,‡ are the principal Cities of this Country; the face and resources of which are, with some variations, nearly the same as in the Countries which have been just above delineated in the Table. It may be affirmed, that, in all these Provinces, forming Continental Greece, the number of Christian inhabitants is, to that of Mahometans, in the proportion of five to one (3); which would give to all this

(1) Vid. T. 3. pp. 183,202,217. (2) Vid. T. 3. p. 233. (3) Vid. T. 3. p. 441.

Region a total of 1,316,080 inhabitants, of which there are more than a million of Christians, dispersed over an extent of Country which could abundantly contain and support upwards of thrice that population.

Peloponnesus.

Peloponnesus,* or the Morea, has a surface of 840 square leagues. Its population is 240,000 Christian inhabitants, distributed in 1,421 Villages, Towns, and Cities, the principal of which are, Corinth (a fort), Argos, Naupli (a fort and port‡), St. Pierre, Mistra, or Sparta, Monembossie (a fort), Calamate, Androussa, Coron (a fort and road for shipping‡), Modon (a fort and road‡), Navarin (a fort and port), Arcadia, Gastonni, Lala, Patras (a fort and port‡), Vostitza, Calavryta, Tripolitza (a fort), Caritene, Leondari.

Its rivers are the Rofia or the Alpheus, the Vossili-Potamos, or the Eurotas, and several others of a shorter course.—The mountains of Arcadia, those of Lala, or the ancient Pholöe, Mount Olenos and the Taygete, connect the Country in different ways. Notwithstanding the catastrophies which the Peloponnesus has experienced, and notwithstanding the ruinous administration of the Pachas, this Province still preserves immense resources, owing to its fertility as well as to its topographical situation: its agricultural productions are numerous and various; and, according to a calculation made upon the places, the different cantons of the Peloponnesus produce, one year with another, 820,000 kilos. of corn, (wheat), which fetches 6,560,000 piastres, reckoning the kilo. at 8 piastres, the selling price upon the places; 1,169,000 kilos. of maize, barley, and dry vegetables, making 7,402,000 piastres, according to the ordinary sale price; 63,000 barrels of oil, making 2,790,200 piastres, reckoning the barrel at from 40 to 45 piastres; 227,550 pounds of silk, making 3,738,500 piastres; 278,000 quintals of cotton and raw wool, making 1,388,800 piastres. The other revenues of agriculture and of industry, such as wine, cheese, butter, cattle, currants, honey, cotton thread, and stuffs of wool, produce, annually, in cash, the sum of 8,818,500 piastres, which gives a total of 30,698,000 (1).—The different imposts and ground rents of the Province amounted, in the year 1814, to 12,816,241 piastres, which left in favor of the managers a difference of 17,881,759 piastres.—With this excess, of which the seventeenth went into the trea-

(1) Vid. T. 5. p. 176.

suries of the Beys, the Agas, and the great proprietors, the inhabitants pay their individual expences, and the cantons buy in the markets of the Province the provisions of the first necessity which they do not grow, and the articles coming from abroad.

In the above extract of revenues and of ground rents of the Peninsula, the country of Magna,* or ancient Laconia is not included. This canton, placed upon the declivities of Mount Taygete from the City of Calamata to Cape Matapan, is divided into twelve Captaincies, and forms a particular species of Government, subject to the authority of a native Bey or Prince, held of the Grand Admiral of the Porte. The Magnates, poor, and naturally ferocious, know no other business but that of arms and piracy: in 1813 there were reckoned 10,000 men capable of bearing arms, in a population of 30,000 inhabitants, Christians and Aborigines, who depended only nominally on the Ottoman Porte.

Islands of Greece. (1).

The Islands of Greece, according to their geographical order, from South to North, and from are:—

Candia, (†) or Crete. It is 60 leagues long, and 20 broad. The ports are, the City of Candia, (‡) Rethymo, (*) Canca, (‡) Kissamos. Its population is 240,000 inhabitants.

Milo, (*) or Melos, 12 leagues in circuit, and 7,000 inhabitants.

Santorin (*), 9 leagues in circuit; 12,000 inhabitants.

Siphanto, or Syphnos (*), 9 leagues long, and 2 broad; 7,000 inhabitants.

Nio, or Ios (*), 12 leagues in circuit; 2,700 inhabitants. It has a good harbour.

Amargos (*), 12 leagues in circuit; 6,000 inhabitants, and a good harbour.

Paros (*), 4 leagues long, and 3 broad; 2,000 inhabiants.

Naxos (*), 30 leagues in circuit; 10,000 inhabitants.

Serpho (*), 4 leagues long, and 2 broad, with a good harbour, and 2,000 inhabitants.

Thermia, or Cythnos (*), 5 leagues long, and 2 broad, with a good harbour, and 4,000 inhabitants.

(1) Vid. Abridgment of Geography, by l'Anglois, T. 2. pp. 24, 320.

Engia, or Egyne (*), near the Morea, 5 leagues long, and 3 broad; 5,000 inhabitants.

Coloury, or Salamine (*), 20 leagues in circuit, with a good harbour, and 8,000 inhabitants.

Zea, or Ceos (*), 6 leagues long, and 3 broad; 6,000 inhabitants.

Syra, or Syros ( ), 15 leagues in circuit, with a harbour, and 5,000 inhabitants.

Dili, or Delos, not inhabited.

Myconi (*), 12 leagues in circuit, with a good harbour, and 4,000 inhabitants.

Tine, or Tenos (*), 7 leagues long, and 3 broad, and 9,000, inhabitants.

Andros (*), 30 leagues in circuit, a harbour, and 12,000 inhabitants.

Negropont, or Eubea (†), 4 leagues long, and 10 broad; 25,000 inhabitants.

Skiros, 6 leagues long, and 3 broad; 6,000 inhabitants.

Scopelos, 8 leagues long, and 4 broad; 7,000 inhabitants.

Thassos, 30 leagues in circuit, with a good harbour, and 8,000 inhabitants.

Samandraky, or Samothrace, 8 leagues in circuit, and 2,000 inhabitants.

Imbros, 10 leagues in circuit, with a fortified harbour, and 3000 inhabitants.

Stalimène, or Lemnos (*), 10 leagues long, and 8 broad, with a fortified harbour, and 20,000 inhabitants.

Tenedos, 15 leagues in circuit, with a fortified harbour, and 5000 inhabitants.

Mitylene, or Lesbos, 20 leagues long, and 15 broad, with a fortified harbour, and 18,000 inhabitants.

Chio (†), 15 leagues in circuit (long), and 5 broad, with a large and good harbour, and 60,000 inhabitants.

Samos (*), 12 leagues long, and 6 broad, with two harbours, and 12,000 inhabitants.

Nicari, or Icaria (*), 8 leagues long, and 3 broad; 2000 inhabitants.

Patmos (*), few inhabitants.

Leros (*), with a large harbour, and few inhabitants.

Calimne, or Claros (*), 6 leagues in circuit, with a good harbour, and 3000 inhabitants.

Stanco, or Cos (*), 10 leagues long, and 4 broad, with a fortified harbour, and 5000 inhabitants.

Stimpalie, or Astipaloe (*), 7 leagues long, and 3 broad, with a good harbour, and 6000 inhabitants.

Carpathos (*), 12 leagues in circuit, with a harbour, and 4000 inhabitants.

Rhodes, 25 leagues long, and 20 broad; 150,000 inhabitants. The City of Rhodes is fortified; it has a large and good harbour.

Cyprus, 130 leagues long, and 60 at its greatest breadth. Its population is 83,000. The Cities are, Nicosia, Cerina (a large harbour), Paphos, Limassal, Famagouste, and Lamaca.

The Islands of Idra (*), Spetzia (*), and Ipsara (*), very important for their marine, reckon a population of 58,000 souls, or thereby.

The sum total of the population of the Islands of Greece, may be estimated at 830,000 inhabitants, among which are included about 160,000 Mahometans, and 770,000 Christians. Add 270,000 for the Morea, and 1,000,000 for Continental Greece, and there is 2,040,000 for the Greek population of these Countries.

The Greek inhabitants of Thrace, of Bulgaria, of Constantinople, of Smyrna, and of all Asia-minor, are not included in this number.

According to a detailed Table, digested in the Year 1813, the Greek Marine of the Islands and of different Ports of Greece, amounted to 615 Merchant Vessels, 5878 cannons, and 17,526 sailors; of which, 240 Vessels, 4320 cannons, and 9900 sailors, belong to the three Islands alone of Idra, Spetzia, and Ipsara.—*(Vide Pouqueville, T. 5. page 68.)*

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*TREATY of Friendship and Alliance between the Republic of Colombia and the State of Buenos Ayres.**

(Translation.)

Habiendo el Gobierno del Estado de Buenos Aires reconocido y hecho reconocer, en virtud de Credenciales presentadas y legalizadas en com-

The Government of the State of Buenos Ayres having recognized, and caused to be recognized, in virtue of Credentials presented and pro-

* Registro Oficial, Buenos Aires, 28th June, 1823.

petente forma, por Enviado Extraordinario y Ministro Plenipotenciario de la República de Colómbia Al Honorable Joaquin Mosquera y Arboleda, Miembro del Senado de la citida República; hizo este presente al Ministro de Relaciones Exteriores en dicho Estado, Don Bernardino Rivadavia, los deseos de su Gobierno; y habiendo ambos conferenciado y expuestose reciprocamente cuanto consideraron conducir al mejor arreglo de las Relaciones de los Estados expresados: usando de la Representacion que revisten y de los Plenos-poderes que les autorizan, han convenido y ajustado definitivamente el Tratado que determinan los Artículos siguientes:

1. La República de Colómbia y el Estado de Buenos Aires ratifican de un modo solemne y á perpetuidad, por el presente Tratado, la amistad y buena intelígencia que naturalmente ha existido entre Ellos, por la identidad de Sus principios y comunidad de Sus intereses.

2. Una reciprocidad perfecta entre los Gobiernos y Ciudadanos de uno y otro Estado reglará las relaciones de amistad que solemniza el Artículo anterior.

3. La República de Colómbia y el Estado de Buenos Aires contrahen á perpetuidad Alianza Defensiva en sosten de

perly authenticated, as Envoy Extraordinary and Minister Plenipotentiary, from the Republic of Colombia, The Honourable Joaquin Mosquera y Arboleda, Member of the Senate of the said Republic, the latter, in the presence of Don Bernardino Rivadavia, Minister of Foreign Affairs, communicated the wishes of his Government, and both having conferred and mutually explained themselves on all points conducive to the better regulation of the Relations between the said States, in virtue of the Full Powers with which they are invested, agreed upon and settled definitively the Treaty composed of the following Articles:

1. The Republic of Colombia and the State of Buenos Ayres ratify, in a solemn manner and for ever, by the present Treaty, the friendship and good understanding which has naturally subsisted betweenThem, on account of the identity of their principles and the similarity of their interests.

2. A perfect reciprocity between the Governments and Citizens of both States shall regulate the friendly Relations which the foregoing Article establishes.

3. The Republic of Colombia and the State of Buenos Ayres contract for ever a Defensive Alliance, in support

su independencia de la Nacion Española, y de cualquiera otra Dominacion Extrangera.

4. Todo caso de esta Alianza será reglado por Tratado Especial, conforme á las circunstancias y recursos de cada uno de los Estados.

5. Este Tratado será ratificado por el Gobierno de Colómbia tan prontamente como pueda obtener la aprobacion del Congreso, en virtud de lo dispuesto por la Constitucion de la República en el Artículo 55, Parágrafo 18, y por el Gobierno del Estado de Buenos Aires, con arreglo á la sancion del Cuerpo Legislativo en la Sesion que debe abrirse en el proximo Mes de Mayo.

6. Para el debido efecto y validacion del presente Tratado, se firman dos de un mismo tenor, sellados, por parte del Ministro de Colómbia, con el Sello de la Legacion, y por el de Buenos Aires, con el de Relaciones Exteriores.

Buenos Aires, 8 de Marzo, de 1823.

(L. S.)
JOAQUIN MOSQUERA.
(L. S.)
BERNARDINO RIVADAVIA.

of their independence of the Spanish Nation, and of any other Foreign Domination.

4. Every thing relative to this Alliance shall be regulated by an Especial Treaty, conformably to the circumstances and resources of the Two States.

5. This Treaty shall be ratified by the Government of Colombia, as soon as it shall have obtained the sanction of Congress, in virtue of the enactments of the Constitution of the Republic in Article 55, Paragraph 18, and by the Government of the State of Buenos Ayres, as shall be regulated by the Legislative Body in the Session which is to open in the ensuing Month of May.

6. For the due effect and validity of the present Treaty, Duplicate Copies of the same are signed and sealed, by the Colombian Minister with the Seal of his Legation, and on the part of Buenos Ayres with that of the Foreign Department.

Buenos Ayres, 8 March, 1823.

(L. S.)
JOAQUIN MOSQUERA.
(L. S.)
BERNARDINO RIVADAVIA.

REPORT of the Secretary of the Treasury, of the Commerce and Navigation of The United States, for the Year ending on the 30th September, 1823.

TREASURY DEPARTMENT, *February 11th* 1824.

In conformity with the Provisions of the Act of the 10th of February, 1820, entitled "An Act to provide for obtaining accurate Statements of the Foreign Commerce of The United States," the Secretary of the Treasury has the honor to submit the following Statements of the Commerce and Navigation of The United States, during the Year ending on the 30th September, 1823, viz:—

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1st. A general statement of the quantity and value of the Merchandise imported into The United States.
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3d. A general statement of the quantity and value of Domestic articles exported.
4th. A general statement of the quantity and value of Foreign articles exported.
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7th. A general statement of the amount of American and Foreign Tonnage employed in the Foreign Trade of The United States.. 318
8th. A general statistical view of the Commerce and Navigation of The United States; 320
9th. A statement of the Commerce of each State and Territory, from the 1st of October, 1820, to the 30th of September, 1823.

From these Statements, it appears that the Imports during the Year ending on the 30th of September, 1823, have amounted to 77,579,267 dollars, of which amount 71,511,541 dollars were imported in American Vessels, and 6,067,726 dollars in Foreign Vessels: that the Exports have, during the same period, amounted to 74,699,030 dollars, of which 47,155,408 dollars were Domestic, and 27,543,622 dollars were Foreign articles: that, of the Domestic articles, 39,074,562 dollars were exported in American Vessels, and 8,080,846 dollars in Foreign Vessels: and, of the Foreign articles, 26,241,004 dollars were exported in American Vessels, and 1,302,618 in Foreign Vessels: that 775,271 tons of American Shipping entered, and 810,761 cleared from the Ports of The United States: and that 119,468 tons of Foreign Shipping entered, and 119,740 cleared from the Ports of The United States, during the same period.

The Hon. the SPEAKER *of the House of Representatives.*

No. 2.—A summary Statement of the quantity and value of Goods, Wares, and Merchandise, imported into The United States in American and Foreign Vessels, commencing on the 1st day of October, 1822, and ending on the 30th day of September, 1823.

SPECIES OF MERCHANDISE.	In American Vessels.	In Foreign Vessels.	Total.
Value of Merchandise free of Duty:			
Copper, brass, and tin, in pigs or bars -	543,212	4,794	548,006
Bullion - - - - -	225,431	5,340	230,771
Gold and silver coin - - -	4,415,139	451,986	4,867,125
Dye woods - - - -	406,297	35,058	441,355
Raw hides - - - -	2,071,447	12,635	2,084,082
Brimstone and sulphur - - -	21,999	685	22,684
Furs, undressed - - - -	252,330	17,758	273,088
Plaster of Paris - - - -	39,842	3,072	42,914
Burr stones, unwrought - - -	15,367	646	16,013
All other articles free of Duty - -	514,440	7,810	522,250
Total, - -	8,508,504	539,784	9,048,288
Value of Merchandise paying Duties ad valorem:			
Manufactures of woollen piece goods, cloths, and cassimeres - - -	5,539,830	304,238	5,844,068
Worsted and stuffs - - -	1,453,598	50,871	1,504,469
Blankets and rugs - - -	512,319	92,577	604,896
Cotton, piece goods, printed and coloured	4,564,000	335,499	4,899,499
White - - - -	2,419,736	217,077	2,636,813
Nankeens - - - -	600,700	-	600,700
Woollen and cotton hose - -	565,200	64,011	629,211
Cotton, twist, yarn, and thread -	94,696	8,563	103,259
Linens, bleached and unbleached -	2,626,511	1,176,496	3,803,007
Silk goods - - - -	6,587,974	125,797	6,713,771
Hempen goods - - -	246,374	226,452	472,826
Brass - - - - -	242,978	16,236	259,214
Copper, or of which copper is the material of chief value - -	85,523	6,087	91,610
Iron and steel, other than that paying a specific rate of Duty - -	2,320,089	248,753	2,568,842
Wares, glass do. do. -	254,206	176,321	430,527
China - - - -	42,524	5,765	48,289
Earthen and stone - - -	814,882	280,244	1,095,126
Tin and pewter - - -	15,104	1,268	16,372
Paper, writing and wrapping -	109,603	2,290	111,893
Gold, silver, and precious stones -	227,702	35,965	263,667
Hats, caps, and bonnets - -	801,945	11,449	813,394
Unmanufactured Copper, subject to a duty of 15 per cent. - -	35,378	5,768	41,146
Tin, in sheets or plates - -	283,634	102,906	386,540
Raw wool - - - -	312,279	28,677	340,956
Raw silk - - - -	4,673	-	4,673
All other articles paying an ad valorem rate of Duty - - - -	5,749,887	586,897	6,336,684
Total, - -	36,511,345	4,110,207	40,621,552

STATEMENT—*Continued.*

SPECIES OF MERCHANDISE.	In American Vessels.		In Foreign Vessels.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Quantity and Value of Merchandise paying specific rates of Duty, namely:—						
Duck & sheetings *pieces*	96,004	1,016,455	652	7,725	96,656	1,024,180
Wines .....*gallons*	2,453,233	1,205,819	222,011	85,723	2,675,244	1,291,542
Spirits, from grain ..*do*	298,270	128,803	11,417	6,489	309,687	135,292
other materials*do*	3,394,598	1,534,126	241,939	122,001	3,636,537	1,656,127
Molasses .....*do*	12,873,332	2,597,081	145,996	37,141	13,019,328	2,634,222
Beer, ale, & porter..*do*	67,539	55,252	47,623	39,385	115,162	94,637
Oil, fish and olive, in casks .....*do*	12,008	8,919	26,075	8,913	38,083	17,832
Teas .....*lbs*	8,210,010	2,361,245	-	-	8,210,010	2,361,245
Coffee .....*do*	37,185,854	6,949,051	151,878	149,068	37,337,732	7,098,119
Cocoa.....*do*	1,956,268	318,065	146,645	31,168	2,102,913	349,233
Chocolate .....*do*	1,572	636	42	10	1,614	646
Sugar, brown & white *do*	59,201,860	3,172,227	1,587,350	86,462	60,789,210	3,258,689
candy, loaf & lump *do*	2,260	342	-	-	2,260	342
Fruits .....*do*	6,006,658	392,047	71,869	8,476	6,078,527	400,523
Candles, cheese, soap & tallow ..... *do*	1,784,208	124,808	68,558	6,573	1,852,766	131,381
Spices .....*do*	4,415,771	550,248	164,866	30,708	4,580,637	580,956
Indigo .....*do*	882,806	1,739,271	10,501	12,695	893,307	1,751,966
Cotton .....*do*	325,424	58,198	-	-	325,424	58,198
Tobacco & Snuff....*do*	20,385	4,843	1,213	210	21,598	5,053
Gunpowder .....*do*	90,619	16,258	25,250	4,098	115,869	20,356
Bristles & Glue ....*do*	139,128	39,305	15,413	3,557	154,541	42,862
Paints, ochre, &c....*do*	3,911,760	197,896	1,760,400	68,740	5,672,160	266,636
Lead, pig, bar, & shot *do*	2,563,701	111,436	858,642	43,739	3,422,343	155,175
Cordage.....*do*	1,348,448	109,239	76,452	13,038	1,424,900	122,277
Copper and composition rods and spikes ....*do*	30,989	6,906	11,521	2,402	42,510	9,308
Iron & steel wire....*do*	573,416	69,510	45,506	7,627	618,922	77,137
Iron tacks, nails, anchors, & sheet.....*do*	4,411,405	172,039	855,264	31,407	5,266,669	203,446
Iron in bars and bolts, rolled .....*cwt*	98,245	1,632,429	18,688	259,206	106,933	1,891,635
Do. hammered *do*	524,041		67,839		591,880	
in pigs .....*do*	24,250	68,909	25,357	48,787	49,607	117,696
castings .....*do*	10,641		3,580		14,221	
Steel .....*do*	18,015	202,481	2,536	22,114	20,551	224,595
Hemp .....*do*	107,959	627,338	7,776	47,116	115,735	674,454
Alum.....*do*	1,902	5,640	204	556	2,106	6,196
Copperas .....*do*	7,710	7,822	9,263	9,460	16,973	17,282
Salt.....*bushels*	4,594,929	652,925	532,728	87,941	5,127,657	740,866
Coal .....*do*	503,947	76,255	351,036	35,384	854,983	111,639
Fish, dried ....*quintals*	2,555	30,066	414	1,848	2,969	31,914
pickled ....*barrels*	1,735		107		1,842	
Glass, black quart bottles .....*gross*	3,415	60,206	8,721	89,001	12,136	149,207
window 100 *sq. feet*	10,847		3,603		14,450	
Boots & shoes ....*pairs*	7,457	5,373	4,160	1,941	11,617	7,314
Cigars .....*M.*	17,440	182,219	870	6,991	18,310	189,210
Playing cards....*packs*	12	4	432	35	444	39
Value of Merchandise paying specific rates of Duty		26,491,692		1,417,735		27,909,427
free of Duty		8,508,504		539,784		9,048,288
paying ad valorem rates of Duty....		36,511,345		4,110,207		40,621,552
Total value in dollars..		71,511,541		6,067,726		77,579,267

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *February* 9, 1824.
JOSEPH NOURSE, *Register.*

No. 5.—Summary Statement of the Value of the Exports of the growth, produce, and manufacture, of The United States, during the year ending on the 30th day of September, 1823.

THE SEA, - -	1,658,224		
Fisheries:			
Dried fish, or cod fisheries - - -		-	734,024
Pickled fish, or river fishery, (herring, shad, salmon, mackerel) - -		-	270,776
Whale (common) oil and bone - -		432,115	
Spermaceti oil and candles - -		221,309	
			653,424
THE FOREST, -	4,498,911		1,658,224
Skins and furs - - - - -		-	672,917
Ginseng - - - - - -		-	150,976
Product of Wood:			
Lumber, boards, staves, shingles, hewn timber, &c. - - - -		1,335,600	
Oak bark and other dye - - -		111,333	
Naval stores (tar, pitch, rosin, and turpentine)		457,562	
Ashes, pot and pearl - - -		1,770,523	
			3,675,018
AGRICULTURE, -	37,646,726		4,498,911
Product of animals:			
Beef, tallow, hides, live cattle - -		739,461	
Butter and cheese - - - -		192,778	
Pork, (pickled) bacon, lard, live hogs -		1,291,322	932,239
Horses and mules - - -		123,373	
Sheep - - - - -		15,029	
			1,429,724
Vegetable food:			
Wheat, flour, and biscuit - - -		-	5,151,437
Indian corn and meal - - -		-	930,489
Rice - - - - -		-	1,820,985
All other, rye, oats, pulse, potatoes, &c. -		-	248,981
			10,513,855
Tobacco - - - - -		-	- 6,232,672
Cotton - - - - -		-	- 20,445,520
All other agricultural products:			
Indigo - - - - -		-	2,314
Flaxseed - - - - -		-	262,314
Hops - - - - -		-	27,124
Wax - - - - -		-	112,574
Brown sugar - - - -		-	353
MANUFACTURES, -	2,357,527		404,679
Domestic materials:			
Soap and tallow candles - - -		664,807	
Leather, boots, shoes, sadlery - -		566,489	
Hats - - - - -		115,168	
Grain, spirits, beer - - - -		89,615	
Wood (including coaches and other carriages, &c.) - - - -		421,633	
Cordage - - - - -		22,659	
Iron - - - - -		97,271	
Various items, (snuff, tobacco, lead, linseed oil, &c.) - - -		175,245	
			2,152,887
Foreign materials,			
Spirits from molasses - - -		37,807	
Sugar refined, chocolate - - -		9,249	
Gunpowder - - - -		66,326	
Brass and copper - - - -		16,768	
Medicinal drugs - - - -		74,490	
			204,640
UNCERTAIN, -	994,020		2,357,527
Articles not distinguished in returns,			
Manufactured - - - -		-	782,071
Raw produce - - - -		-	211,949
			994,020
			47,155,408

No. 6.—Summary Statement of the Value of the Exports of the Growth, Produce, and Manufacture of Foreign Countries, during the Year ending on the 30th Day of September, 1823.

Value of Merchandise free of Duty.	
Copper, brass, and tin, in pigs or bars	76,783
Bullion	1,800
Gold & silver coin	6,371,187
Dye Woods	537,560
Raw Hides	630,261
Brimstone and Sulphur	2,684
Furs undressed	5,414
All other articles free of Duty	71,060
Total, dollars	7,696,749

Value of Merchandise paying Duties ad valorem.	
Manufactures of Woollen, piece goods :	
cloths & cassimeres	314,657
worsted & stuff goods	131,722
blankets & rugs	16,692
Cotton, piece goods, printed & coloured	1,206,502
white	520,506
nankeens	865,518
woollen & cotton hose	36,881
cotton twist, yarn, and thread	24,767
linens, bleached and unbleached	1,450,795
silk goods	1,512,449
hempen goods	14,090
brass	3,307
copper, or of which copper is the material of chief value	500
iron & steel, (other than that paying a specific rate of Duty)	136,824
Ware, glass, (do. do.)	43,991
china,	4,321
earthen & stone	47,418
tin & pewter	738
paper, writing & wrapping	28,938
gold, silver, & precious stones	23,613
hats, caps, & bonnets	11,528
Unmanufactured. tin, in sheets or plates	7,666
All other articles paying an ad valorem rate of Duty	2,097,906
Total, dollars	8,502,329

Value of Merchandise paying specific rates of Duty.	
Duck & sheetings	435,069
Wines	379,908
Spirits from grain	22,488
other materials	214,463
Molasses	994
Beer, ale, and porter	2,001
Oil, olive, in casks	15,056
Teas	813,550
Coffee	4,262,699
Cocoa	298,892
Sugar, brown & white	1,479,025
candy, loaf & lump	125
Fruits	73,754
Cheese, soap, candles, & tallow	78,591
Spices	825,343
Indigo	2,141,881
Cotton	42,089
Snuff & tobacco	3,665
Gunpowder	10,755
Paints	6,455
Lead	19,839
Cordage	43,874
Copper & composition, nails and spikes	1,633
Iron, nails, spikes, anchors, & sheet	13,111
in bars and bolts, rolled and hammered	73,994
pig & castings	1,032
Steel	5,414
Hemp	21,863
Salt	17,330
Coal	1,105
Fish, salmon	260
Glass	4,477
Boots and shoes	2,511
Cigars	30,482

Value of Merchandise paying specific rates of Duty	11,344,544
Do. do. free of Duty	7,696,749
Do. do. paying ad valorem rates of Duty	8,502,329
Total value of Foreign produce	27,543,622
Do. Domestic do.	47,155,409
Total, dollars	74,699,030

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *February* 9, 1824.
JOSEPH NOURSE, Register.

No. 7.—General Statement, exhibiting the quantity of Ame- The United States, commencing on the 1st day of Octo-

FROM	TONNAGE ENTERED INTO THE UNITED STATES.													
	AMERICAN.	FOREIGN.												Total Foreign Tonnage.
		British.	French.	Spanish.	Portuguese	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Hayti.	Mexican.	Uncertain	
	TONS.													
1 Russia	15,142	-	-	-	-	-	361	-	-	554	-	-	-	915
2 Prussia	119													
3 Sweden	20,510	-	-	-	-	-	-	2,469	-	-	-	-	-	2,469
4 Swedish West Indies	5,046	-	-	-	-	-	-	162	-	-	-	-	-	162
5 Denmark and Norway	499	-	-	-	-	-	-	-	368	-	-	-	-	368
6 Danish West Indies	18,694	117	-	-	-	-	-	-	100	-	-	-	-	217
7 Danish East Indies														
8 Holland	19,274	352	-	-	-	994	-	-	-	-	-	-	-	1,346
9 Dutch West Indies and American Colonies	15,998	-	-	-	-	856	-	-	-	-	-	-	-	856
10 Dutch East Indies	2,349													
11 England, Man, & Berwick	140,913	56,828	-	-	-	-	-	82	-		-	-	-	56,910
12 Scotland	3,060	12,112	-	-	-	-	-	-	-	-	-	-	-	12,112
13 Ireland	9,747	3,388	-	-	-	-	-	-	-	-	-	-	-	3,388
14 Guernsey, Jersey, Sark, and Alderney														
15 Gibraltar	7,220													
16 British African Ports	364													
17 Do. East Indies	5,779													
18 Do. West Indies	71,346	9,520	-	-	-	-	-	-	-	-	-	-	-	9,520
19 Newfoundland & British Fisheries	521	32	-	-	-	-	-	-	-	-	-	-	-	32
20 British Amer. Colonies	42,178	4,848	-	-	-	-	-	-	-	-	-	-	-	4,848
21 Other British Colonies	1,667	192	-	-	-	-	-	-	-	-	-	-	-	192
22 The Hanse Towns and Ports of Germany	12,101	-	-	-	-	-	6,504	-	-	-	-	-	-	6,504
23 French European Ports on the Atlantic	35,296	676	3,363	-	-	115	-	641	-	-	-	-	-	4,795
24 Do. do. do. Mediterranean	7,641	-	524	-	-	-	-	-	310	-	-	-	-	834
25 French West Indies and American Colonies	32,973	-	928	-	-	-	-	-	-	-	-	-	-	928
26 French East Indies	648													
27 Bourbon and Mauritius														
28 Other French African Ports														
29 Hayti	32,292	211	-	-	-	-	-	-	-	381	419	-	-	1,011
30 Spanish European Ports on the Atlantic	4,885	-	-	357	-	-	-	-	-	-	-	-	-	357
31 Do. do. do. Mediterranean	5,804													
32 Teneriffe and the other Canaries	1,935													
33 Manilla and Philippine Islands	1,054													
34 Honduras, Campeachy, and Musquito shore	8,377	-	-	263	-	-	-	-	66	-	-	522	-	851
35 Cuba	109,058	432	557	3,556	142	-	-	-	-	-	-	-	80	4,767
36 Other Spanish W. Indies	11,944	-	322	306	-	-	-	-	247	-	-	-	-	875
37 Spanish South America, and Mexico	27,565	845	1,114	128	-	230	-	-	136	-	-	1,473	207	4,133
38 Portugal	29,525	-	-	-	-	-	744	-	-	-	-	-	-	744
39 Madeira	3,183													
40 Fayal & the other Azores	1,759													
41 Cape de Verd Islands	2,189	-	-	-	94	-	-	-	-	-	-	-	139	233
42 Other Portuguese African Ports														
43 Coast of Brazil and other Portuguese American Colonies	14,622	-	-	-	101	-	-	-	-	-	-	-	-	101
44 Italy and Malta	10,023													
45 Trieste & other Austrian Ports on the Adriatic	2,035													
46 Turkey, Levant, Egypt, Mocha and Aden	3,155													
47 Morocco & Barbary States														
48 Cape of Good Hope														
49 China	13,067													
50 Asia, generally	3,047													
51 West Indies, do	444													
52 Europe, do	779													
53 Africa do	2,321													
54 South Seas	17,123													
55 North West Coast of America														
Total,	775,271	89,553	6,808	4,610	337	2,195	7,609	3,354	1,227	935	419	1,995	426	119,468

rican and Foreign Tonnage employed in the Foreign Trade of ber, 1822, and ending on the 30th of September, 1823.

TO	TONNAGE DEPARTING FROM THE UNITED STATES.														
	AMERICAN.	FOREIGN.												Total Foreign Tonnage.	
		British.	French.	Spanish.	Portuguese	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Prussian.	Hayti.	Mexican.		
	TONS.														
Russia	2,771														1
Prussia															2
Sweden	3,050	-	-	-	-	-	-	880	-	-	-	-	-	880	3
Swedish West Indies	8,174	-	-	-	-	-	-	354	-	-	-	-	-	354	4
Denmark and Norway	908	-	-	-	-	-	-	257	-	-	-	-	-	257	5
Danish West Indies	32,932	-	-	-	-	115	-	-	369	-	-	85	-	569	6
Danish East Indies															7
Holland	53,346	5,552	-	-	-	682	273	-	-	-	262	-	-	6,769	8
Dutch West Indies and American Colonies	16,783	63	-	-	-	1,181	-	-	-	-	-	-	-	1,244	9
Dutch East Indies	4,990														10
England, Man, & Berwick	132,042	50,587	-	-	-	197	-	-	-	-	-	-	-	50,784	11
Scotland	4,517	8,220	-	-	-	-	-	-	-	-	-	-	-	8,220	12
Ireland	12,932	2,479	-	-	-	-	-	-	-	-	-	-	-	2,479	13
Guernsey, Jersey, Sark, and Alderney															14
Gibraltar	22,985														15
British African Ports															16
Do. East Indies	895														17
Do. West Indies	68,350	8,654	-	-	-	-	-	-	-	-	-	-	-	8,654	18
Newfoundland & British Fisheries	243														19
British Amer. Colonies	52,776	12,023	-	-	-	-	-	-	-	-	-	-	-	12,023	20
Other British Colonies	543														21
The Hanse Towns & Ports of Germany	19,504	1,087	-	-	-	313	8,643	797	312	290	305	-	-	11,747	22
French European Ports on the Atlantic	44,401	412	2,387	-	-	-	-	434	310	-	-	-	-	3,545	23
Do do do Mediterranean	10,267	-	331	-	-	-	-	-	-	-	-	-	-	331	24
Do West Indies and American Colonies	30,112	-	2, 49	-	-	-	-		-	177	-	-	-	2,326	25
Do East Indies															26
Bourbon and Mauritius															27
Other French African Ports															28
Hayti	37,480	-	-	41	-	-	-	-	-	184	-	605	-	830	29
Spanish European Ports on the Atlantic	4,628														30
Do do do Mediterranean	874														31
Teneriffe and the other Canaries	2,296														32
Manilla and the Phillippine Islands	370														33
Honduras, Campeachy, and Musquito shore	7,570	-	-	263	-	-	-	-	-	-	-	-	324	587	34
Cuba	105,886	62	-	4,326	-	-	-	-	368	-	-	-	-	4,756	35
Other Spanish W. Indies	8,409	-	-	881	-	-	-	-	247	-	-	-	-	1,128	36
Spanish South America and Mexico	33,112	220	-	272	-	-	-	-	-	-	-	-	589	1,081	37
Portugal	1,470														38
Madeira	4,793														39
Fayal & the other Azores	1,562	-	-	-	261	-	-	-	-	-	-	-	-	261	40
Cape de Verd Islands	689														41
Other Portuguese African Ports															42
Coast of Brazil & other Portuguese American Colonies	22,616	142	-	457	-	-	-	-	-	-	-	-	-	599	43
Italy and Malta	6,057														44
Trieste & other Austrian Ports on the Adriatic	3,818														45
Turkey, Levant, Egypt, Mocha, and Aden	1,876														46
Morocco & Barbary States															47
Cape of Good Hope	330														48
China	9,478														49
Asia, generally	3,464														50
West Indies, do	17,363	318	-	-	-	-	-	-	-	-	-	-	-	318	51
Europe do	433														52
Africa, do	2,329														53
South Seas	10,379														54
Northwest Coast of America	828														55
Total,	810,761	89,819	4,867	6,240	261	2,488	8,916	2,722	1,606	651	567	690	913	119,740	

TREASURY DEPARTMENT, *Register's Office, February 9, 1824,*
JOSEPH NOURSE *Register.*

No. 8.—Statistical View of the Commerce of The United Imports from, and the value of Articles of every descrip- of American and Foreign Vessels arriving from, and de- ing to each Foreign Power employed in the Commerce of ber, 1823.

	COMMERCE.					
	VALUE OF IMPORTS.			VALUE OF DOMESTIC EXPORTS.		
	In American Vessels.	In Foreign Vessels.	Total.	In American Vessels.	In Foreign Vessels.	Total.
1 Russia	2,195,870	62,907	2,258,777	51,635	-	51,635
2 Prussia	-	-	-	7,268	-	7,268
3 Sweden	1,138,943	178,299	1,317,242	125,039	25,998	151,037
4 Swedish West Indies	183,556	2,252	185,808	239,767	1,934	241,701
5 Denmark and Norway	-	24,028	24,028	34,503	5,280	39,783
6 Danish West Indies	1,300,504	-	1,300,504	1,219,479	11,673	1,231,152
7 Danish East Indies	-	-	-	-	-	-
8 Holland	724,819	30,131	754,950	2,472,088	170,842	2,642,930
9 Dutch West Indies and American Colonies	918,930	32,027	950,957	630,367	25,396	655,763
10 Dutch East Indies	419,680	-	419,680	151,120	-	151,120
11 England, Man, and Berwick	23,646,861	2,654,409	26,301,270	13,423,452	5,544,733	18,968,185
12 Scotland	384,654	701,479	1,086,133	284,082	874,413	1,158,495
13 Ireland	404,996	142,742	547,738	596,232	117,805	714,037
14 Guernsey, Jersey, Sark, & Alderney	-	-	-	-	-	-
15 Gibraltar	477,769	-	477,769	875,604	-	875,604
16 British African Ports	-	-	-	-	-	-
17 Do. East Indies	3,265,961	-	3,265,961	10,642	-	10,642
18 Do. West Indies	1,592,168	252,763	1,844,931	1,452,535	165,310	1,617,845
19 Newfoundland and British Fisheries	405	-	405	3,183	-	3,183
20 British American Colonies	435,758	27,616	463,374	1,777,656	40,457	1,818,113
21 Other British Colonies	84,997	-	84,977	26,232	-	26,232
22 The Hanse Towns and other Ports of Germany	1,077,491	903,535	1,981,026	1,016,881	565,473	1,582,354
23 French European Ports on the Atlantic	4,867,038	298,235	5,165,273	4,488,653	189,261	4,677,914
24 Do. do. do. Mediterranean	473,232	28,225	501,457	286,424	37,437	323,861
25 Do. West Indies and American Colonies	926,534	12,079	938,613	773,313	30,905	804,218
26 Do. East Indies	-	-	-	-	-	-
27 Bourbon and Mauritius	-	-	-	-	-	-
28 Other French African Ports						
29 Hayti	2,331,049	21,684	2,352,733	1,633,979	36,161	1,670,140
30 Spanish European Ports on the Atlantic	495,703	12,784	508,487	127,859	3,107	130,966
31 Do. do. do. Mediterranean	460,933	12,606	473,539	20,876	-	20,876
32 Teneriffe and the other Canaries	203,484	-	203,484	58,002	-	58,002
33 Manilla and the Philippine Islands	158,285	-	158,285	5,449	-	5,449
34 Honduras, Campeachy, and Musquito Shore	281,108	727	281,835	192,101	19,282	211,383
35 Cuba	6,697,902	254,479	6,952,381	3,126,964	144,306	3,271,270
36 Other Spanish West Indies	786,641	26,435	813,076	226,875	29,158	256,033
37 Spanish South America and Mexico	4,477,322	365,181	4,842,503	1,357,227	15,299	1,372,526
38 Portugal	171,417	9,677	181,094	48,077	-	48,077
39 Madeira	244,263	-	244,263	117,685	-	117,685
40 Fayal and the other Azores	51,429	-	51,429	26,623	1,218	27,841
41 Cape de Verd Islands	54,400	2,449	56,849	22,055	-	22,055
42 Other Portuguese African Ports	-	-	-	-	-	-
43 Coast of Brazil and other Portuguese American Colonies	1,214,785	25	1,214,810	1,044,997	17,212	1,062,209
44 Italy and Malta	1,369,440	-	1,369,440	115,994	-	115,994
45 Trieste and other Austrian Ports on the Adriatic	189,137	-	189,137	25,697	-	25,697
46 Turkey, Levant, Egypt, Mocha, and Aden	703,761	-	703,761	4,877	-	4,877
47 Morocco and Barbary States	-	-	-	-	-	-
48 Cape of Good Hope	-	-	-	-	-	-
49 China	6,511,425	-	6,511,425	288,375	-	288,375
50 Asia	337,566	-	337,566	55,902	-	55,902
51 West Indies	7,123	-	7,123	546,087	8,186	554,273
52 Europe	8,604	-	8,604	10,994	-	10,994
53 Africa	168,157	-	168,157	49,971	-	49,971
54 South Seas	63,922	8,400	72,322	21,741	-	21,741
55 Northwest coast of America	-	-	-	-	-	-
56 Uncertain	3,519	2,552	6,071	-	-	-
Total	71,511,541	6,067,726	77,579,267	39,074,562	8,080,846	47,155,408

States, exhibiting the value of Articles of every description of tion of Exports to, each Foreign Country; also, the Tonnage parting to, each Foreign Country, and the Tonnage belong- The United States, for the Year ending on the 30th Septem-

COMMERCE.				NAVIGATION						
VALUE OF FOREIGN EXPORTS.			Total value of domestic and foreign produce exported.	AMERICAN TONNAGE.		FOREIGN TONNAGE.		Foreign tonnage entered into the United States belonging to each Power.	Foreign tonnage departing from the U. States belonging to each Power.	
In American Vessels.	In Foreign Vessels.	Total.		Entered into the United States.	Departing from the U. States.	Entered into the United States.	Departing from the U. States.			
597,099	-	597,099	648,734	15,142	2,771	915	-	-	651	1
568	-	568	7,836	119	-	-	-	935	567	2
76,091	71,100	147,191	298,228	20,510	3,050	2,469	880	3,354	2,722	3
15,600	2,762	18,362	260,063	5,046	8,174	162	354			4
46,156	6,778	53,134	92,917	499	908	368	257	1,227	1,606	5
631,002	-	631,002	1,862,154	18,694	32,932	217	569			6
										7
2,309,554	99,662	2,409,216	5,052,146	19,274	53,346	1,346	6,769	2,195	2,488	8
										9
148,295	8,770	157,065	812,828	15,998	16,783	856	1,244			
1,750,981	-	1,750,981	1,902,101	2,349	4,990					10
579,735	398,739	978,474	19,946,659	140,913	132,042	56,910	50,784	89,553	89,819	11
2,486	7,618	10,104	1,168,599	3,060	4,517	12,112	8,220			12
-	37,644	37,644	751,681	9,747	12,932	3,388	2,479			13
										14
1,028,272	-	1,028,272	1,903,876	7,220	22,985					15
-	-	-	-	364						16
307,738	-	307,738	318,380	5,779	895					17
10,122	-	10,122	1,627,967	71,346	68,350	9,520	8,654			18
2,560	-	2,560	5,743	521	243	32				19
1,989	1,358	3,347	1,821,460	42,178	52,776	4,848	12,023			20
463	-	463	26,695	1,667	543	192				21
										22
1,213,488	373,597	1,587,085	3,169,439	12,101	19,504	6,504	11,747	7,609	8,916	
										23
2,486,720	40,936	2,527,656	7,205,570	35,296	44,401	4,795	3,543	6,808	4,867	
1,170,342	1,556	1,171,898	1,495,759	7,641	10,267	834	331			24
										25
60,053	3,324	63,377	867,595	32,973	30,112	928	2,326			
-	-	-	-	648		-				26
										27
										28
661,293	47,349	708,642	2,378,782	32,292	37,480	1,011	830	419	690	29
										30
65,966	-	65,966	196,932	4,885	4,628	357	-	4,610	6,240	
19,447	-	19,447	40,323	5,804	874					31
21,216	-	21,216	79,218	1,935	2,296					32
41,275	-	41,275	46,724	1,054	370					33
										34
77,607	22,445	100,052	311,435	8,377	7,570	851	587			
2,120,909	13,186	2,134,095	5,405,365	109,058	105,836	4,767	4,756			35
24,736	759	25,495	281,528	11,944	8,409	875	1,128			36
3,064,512	164,835	3,229,347	4,601,873	27,565	33,112	-	-	1,995	913	37
300	-	300	48,377	29,525	1,470	4,133	1,081	337	261	38
3,976	-	3,976	121,661	3,183	4,973	744				39
15,704	-	15,704	43,545	1,759	1,562	-	261			40
11,010	-	11,010	33,065	2,189	689					41
-	-	-	-	-	-	233				42
										43
279,181	-	279,181	1,341,390	14,622	22,616	-	599			
951,911	-	951,911	1,067,905	10,023	6,057	101				44
										45
919,618	-	919,618	945,315	2,035	3,818					
										46
559,783	-	559,783	564,660	3,155	1,876					
										47
-	-	-	-	-	330					48
4,347,686	-	4,347,686	4,636,061	13,067	9,478					49
436,759	-	436,759	492,661	3,047	3,464					50
59,417	-	59,417	613,690	444	17,363	-	318			51
17,956	-	17,956	28,950	779	433					52
55,999	-	55,999	105,970	2,321	2,329					53
45,429	-	45,429	67,170	17,123	10,379					54
-	-	-	-	-	828					55
-	-	-	-	-	-		-	426		56
26,241,004	1,302,618	27,543,622	74,699,030	775,271	810,761	119,468	119,740	119,468	119,740	

TREASURY DEPARTMENT, *Register's Office, February* 9, 1824.
JOSEPH NOURSE, *Register.*

*CONVENTION between France and Spain, relative to the Stay of the French Troops in Spain.—Signed at Madrid, 9th February, 1824.**

CONVENTION conclue entre l'Ambassadeur de Sa Majesté Très-Chrétienne, et le Ministre-d'Etat de Sa Majesté Catholique, pour le Séjour des Troupes Françaises en Espagne.

S. M. C. Le Roi d'Espagne et des Indes, ayant jugé nécessaire de demander à S. M. T. C. Le Roi de France et de Navarre, qu'une partie de l'Armée Française restât encore en Espagne, afin d'assurer le repos et le bien-être de Ses Etats, d'avoir le tems de recomposer Son Armée sur les bases de l'ordre et de la discipline, et de consolider Son Gouvernement de manière à contenir la malveillance et les factions qui tenteraient d'en troubler la tranquillité;

Et S. M. T. C. ayant à cœur de prouver à S. M. C. la tendre affection qu'Elle Lui porte, l'intérêt qu'Elle porte à la prospérité de l'Espagne, et desirant contribuer de tout Son pouvoir à l'affermissement de la Monarchie Espagnole:

CONVENIO concluido entre el Sr. Secretario de Estado de S. M. Católica, y el Embajador de S. M. Cristianísima, relativo á la Permanencia de las Tropas Francesas en España.

Habiendo juzgado necesario S. M. Católica El Rey de España y de las Indias, pedir á S. M. Cristianísima El Rey de Francia y de Navarra, que una parte del Ejército Frances permanezca todavía en España, con el objeto de asegurar el bienester y el sosiego de Sus Estados, de tener tiempo para reorganizar Su Ejército sobre las bases del orden y de la disciplina, y afianzar Su Gobierno hasta el punto de poder contener los esfuerzos de la malevolencia y de las facciones capaces de intentar la alteracion de la tranquillidad;

Y vivamente decidida S. M. Cristianísima á dar pruebas del tierno afecto que profesa á S. M. Católica, del interes que toma por la prosperidad de la España, y del deseo que tiene de contribuir con todo Su poder á la consolidacion de la Monarquia Española:

* Moniteur, 9th. September, and Gaceta de Madrid, 12th. October, 1824.

Leurs Majestés ont arrêté de faire choix de Plénipotentiaires pour discuter et signer une Convention, qui pût remplir l'objet de Leur commune sollicitude;

En conséquence Elles ont nommé, savoir:

S. M. T. C. le Sieur Louis Justin Marie, Marquis de Talaru, Pair de France, Maréchal de Ses Camps et Armées, Chevalier de l'Ordre Royal et Militaire de Saint Louis, et de l'Insigne Ordre de la Toison-d'Or, Son Ambassadeur près de S. M. C.;

S. M. C. Don Narcisse de Heredia Begines de Los Rios, Comte d'Ofalia, Chevalier Grand'croix de l'Ordre Américain d'Isabelle la Catholique, Numéraire de l'Ordre Royal et Distingué de Charles III.: Conseiller-d'Etat, Surintendant-Général de Courriers et Postes d'Espagne et des Indes;

Lesquels, munis de leurs Pleins Pouvoirs, sont convenus des Stipulations suivantes:

Art. 1. S. A. R. Le Duc d'Angoulême, Généralissime de l'Armée Française, laissera en Espagne un Corps d'Armée de quarante-cinq mille hommes, qui séjournera jusqu'au 1er. Juillet, 1824.

Ce Corps sera sous les ordres de son Général Commandant en Chef, qui s'entendra avec le Gouvernement de

Los Infrascritos, autorizados al efecto, han convenido en los Artículos siguientes:

Art. 1. S. A. R. El Señor Duque de Angulema, Generalísimo del Ejército Frances, dejará en España un Cuerpo de Ejército de quarenta-cinco mil hombres, que permanecerá hasta el 1° de Julio de 1824.

Este Cuerpo estará bajo las órdenes inmediatas de Su General Comandante en Gefe, quien estará de inteligencia

S. M. C. et dont le Quartier Général sera établi à Madrid ou dans les environs. Les Troupes qui le composeront ne reconnaîtront que les ordres qui leur seront transmis par leurs Généraux et Officiers, sauf le cas où il en serait autrement ordonné par des instructions spéciales à l'égard des détachemens combinés avec des Troupes Espagnoles.

2. A moins de dispositions contraires du Commandant en Chef, les Troupes Françaises restant en Espagne, fourniront habituellement les Garnisons des Villes et Places suivantes :

Cadix.	*Vittoria.*
Ile de Léon et	*Tolosa.*
Dépendances.	*Pamplona*
Burgos.	*San Fernando*
Aranda del	*de Figueras.*
Duero.	*Gerona.*
Badajoz.	*Hostalrich.*
La Corogne.	*Barcelonne.*
Santona.	*La Seu d'Ur-*
Bilbao.	*gel.*
St. Sébastien.	*Lerida.*

Le Commandement Militaire de chacune de ces Villes et Places appartiendra à l'Officier Français pourvu de lettres de service pour y commander. Il sera investi, sous le rapport de Police Militaire, de mêmes Pouvoirs qui sont attribués aux Gouverneurs Espagnols.

con el Gobierno de S. M. Católica, estableciendo su Cuartel General en Madrid ó en sus inmediaciones. Las Tropas de dicho Ejército no reconocerán otras órdenes que las comunicadas por sus Generales y Oficiales, salvo el caso en que se dispusiese otra cosa en virtud de instrucciones especiales, con respecto á los destacamentos combinados con Tropas Españolas.

2. No disponiendo cosa en contrario el Comandante en Gefe, las Tropas que permanecerán en España, darán ordinariamente la Guarnicion á las Ciudades y Plazas siguientes:

Cádiz.	*Vitoria.*
Isla de Leon y	*Tolosa.*
sus Dependen-	*Pamplona.*
cias.	*San Fernando*
Búrgos.	*de Figueras.*
Aranda de Du-	*Gerona.*
ero.	*Hostalrich.*
Badajoz.	*Barcelona.*
La Çoruña.	*La Seu d'Ur-*
Santoña.	*gel.*
Bilbao.	*Lerida.*
San Sebastian.	

El Mando Militar de cada una de estas Ciudades y Plazas corresponderá á un Oficial Frances autorizado con letras de servicio correspondientes, y con las mismas Facultades señaladas á los Gobernadores Españoles por lo respectivo á la Policía Militar.

3. Les Arsenaux et Etablissemens d'Artillerie et du Génie situés dans les Places ci-dessus mentionnées, ainsi que tous les objets qui pourraient s'y trouver, serviront sous la direction des Commandans Français à l'armement de Places, aux travaux et à y exécuter; aux réparations d'armes et autres besoins de service. Les Officiers Espagnols de l'Artillerie et du Génie qui seront chargés desdits Arsenaux et Etablissemens, devront obtempérer aux demandes qui leur seront faites à cet égard par les Commandans Français.

4. Lorsque l'état des Villes ou Places dénommées dans l'Article 2, ou des Pays environnans, exigera la réunion d'une Junte Sanitaire, elle sera présidée par le Commandant Français. Un Officier de Santé de l'Armée Française y sera admis à l'effet de provoquer toutes les mesures curatives et préservatrices qui seraient jugés nécessaires. Le Commandant Français ordonnera et fera exécuter toutes les dispositions qu'exigeraient les circonstances. Dans les Places où réside un Capitaine-Général, il présidera la Junte, et le Commandant Français en sera le Vice-Président.

5. La Gendarmerie Française pouvant exercer sa sur-

3. Los Almacenes y Parques de Artillería é Ingenieros existentes en las Plazas arriba mencionadas, asi como todos los objetos que se hallasen en aquellos, servirán, bajo la direccion del Comandante Frances, para el armamento de las Plazas, para los trabajos que en ellas se ejecuten, para reparaciones de armas y otras necesidades del servicio. Los Oficiales Españoles de Artillería é Ingenieros, á cuyo cargo esten los dichos Almacenes y Parques, deberán satisfacer los pedidos que se les hagan por los Comandantes Franceses para los objetos indicados.

4. Cuando el estado de las Ciudades ó Plazas expresadas en el Art. 2, ó el de los Paises cercanos, exigiere la reunion de una Junta de Sanidad, será esta presidida por el Comandante Frances, y se admitirá tambien en ella un facultativo del Ejército Frances, con el objeto de proponer, todas las medidas curativas y preservativas que juzgue necesarias. El Comandante Frances tomará y hará ejecutar las disposiciones que exigiesen las circunstancias. En las Plazas donde resida un Capitan General presidirá este la Junta, y el Comandante Frances será el Vice-Presidente.

5. Pudiendo la Gendarmería Francesa ejercer su

veillance, non-seulement dans les Places et cantonnemens où résident les Troupes Françaises, mais aussi dans les pays adjacens, et dans diverses lignes de communication, les Autorités Civiles et Militaires Espagnoles devront lui prêter main-forte et assistance au besoin.

Elle pourra arrêter les individus des deux Nations ou Etrangers, sauf à remettre entre les mains de l'Autorité Espagnole, ceux qui n'appartiennent pas à la juridiction de l'Armée Française.

6. Les Militaires Français, les employés de l'Armée et les individus à sa suite, étant justiciables des seuls Tribunaux Militaires Français, ceux d'entre eux qui seraient arrêtés par les Autorités Espagnoles, seront rémis immédiatement aux Commandans Français les plus voisins du lieu de l'arrestation.

7. Le Gouvernement Espagnol fera juger par des Tribunaux Spéciaux ou Commissions Militaires, les individus ou bandes arrêtés les armes à la main, qui troubleraient la sûreté des communications, et qui seraient prévenus de brigandage et d'attaques contre des Français appartenant à l'Armée, ainsi que tous ceux

vigilancia, no solamente en las Plazas y acantonamientos donde residan las Tropas Francesas, sino tambien en los paises adyacentes, y en las direcciones de las diversas líneas de comunicacion, las Autoridades Militares y Civiles Españolas deberán prestarles vigoroso auxilio y asistencia en caso necesario.

Podrá la Gendarmería Francesa arrestar los individuos de ambas Naciones ó Extrangeros, sin perjuicio de entregar á las Autoridades Españolas los que no perteneciesen á la jurisdiccion del Ejército Frances.

6. Los Militares Franceses, los empleados del Ejército, y los individuos de su séquito, solo podrán ser juzgados por los Tribunales Militares Franceses; y en el caso de que fuesen arrestados por las Autoridades Españolas, serán inmediatamente entregados al Comandante Frances mas próximo al lugar del arresto.

7. El Gobierno Español hará juzgar por Tribunales Especiales ó Comisiones Militares á los individuos ó cuadrillas que fuesen aprehendidos con las armas en la mano, turbando la seguridad de las Comunicaciones, y acusados como Bandidos, ó de haber atacado á los Franceses pertenecientes al Ejér-

qui porteraient des Armes défendues par les Loix, dans les Lieux où seront les Troupes Françaises.

8. Dans le cas d'accusation pour crime contre la sûreté publique, commis de complicité par des individus Français et Espagnols, tout les prévenus seront remis à l'Autorité Française pour l'instruction de l'affaire, et jugés en suite par leurs Tribunaux respectifs.

9. Les Déserteurs des Troupes des deux Nations seront réciproquement remis.

10. S. M. T. C. prenant en considération les malheurs qu'a éprouvés l'Espagne, Se charge de subvenir aux dépenses ordinaires de solde, nourriture, équipement et entretien de Ses Troupes, seulement le Gouvernement Espagnol s'engage à payer la différence du pied de paix au pied de guerre, ce qui est fixé pour abonnement définitif, pour les Corps d'Armée Française qui reste en Espagne, à la somme de deux millions de Francs par mois, qui sera comptée à dater du 1er. Décembre, 1823, et due le dernier jour de chaque mois.

11. S. M. C. se chargera en outre de pourvoir, conformément au Réglement an-

ecito, y asimismo á todos los que llevasen armas prohibidas por las Leyes en los Puntos donde existiesen Tropas Francesas.

8. En caso de acusacion por crímenes contra la seguridad pública, cometidos por complicidad de individuos Franceses y Españoles, todos los acusados se entregarán á la Autoridad Francesa para la instruccion del asunto, siendo en seguida juzgados por sus Tribunales respectivos.

9. Los Desertores de las Tropas de ambas Naciones serán recíprocamente entregados.

10. Teniendo en consideracion S. M. Cristianísima las desgracias que ha sufrido la España, Se encarga de pagar los gastos ordinarios de sueldo, alimento, equipo y entretenimiento de Sus Tropas: el Gobierno Español se compromete solo á pagar la diferencia del pie de paz al de guerra, lo que se ha fijado como abono definitivo, al Cuerpo de Ejército Frances que queda en España, en la suma de dos millones de Francos cada mes, que comenzará á contarse desde el 1° de Diciembre de 1823, y se adeudará en el último dia de cada mes.

11. S. M. Católica se encarga ademas de proveer con arreglo al Reglamento anejo

nexé à la présente Convention, à l'établissement des Troupes en Garnisons, au Casernement, Magasins, matériel des Hôpitaux, Transports à la Suite, Etappes Militaires, Approvisionnemens de Siége dans les Places, aux réparations et autres objets reconnus nécessaires.

12. Les effets d'habillement et d'équipement, vivres, et autres objets nécessaires à la consommation ou à l'usage des Troupes Françaises, entreront et circuleront en Espagne francs de tous droits. Mais pour prévenir les abus qui pourraient porter atteinte au maintien des réglemens de douane, il est convenu que ces objets ne pourront être introduits que munis de certificats authentiques, qui constateront leur origine et leur destination, et en se conformant aux formalités qui seront déterminées à cet égard.

13. Les Militaires et Employées de l'Armée qui rejoindront leur Corps ou quitteront l'Espagne, seront exempts de tous paiemens aux douanes, servant à leur usage personnel.

14. Toutes les lettres de service de l'Armée Française qui seront contresignées, seront reçues aux Bureaux or-

al presente Convenio, al establecimiento de las Tropas y Guarniciones, al Acuartelamiento, Almacenes, material de Hospitales, Trasportes del Servicio del Ejército, Alojamientos Militares, repuestos de Sitio en las Plazas, al armamento de estas, á su reparacion y otros objetos reconocidos por necesarios.

12. Los efectos de vestuario y equipo, víveres, y otros efectos necesarios al consumo ó para el uso de las Tropas Francesas, entrarán y circularán en España francos de todos derechos. Pero para prevenir los abusos que pudieran originar infracciones contra la conservacion de los reglamentos de aduanas, se ha convenido que estos objetos no podrán introducirse, no llevando certificados auténticos, que comprueben su origen y destino, y sujetándose á las formalidades que se determinarán respecto á esto.

13. Los Militares y Empleados del Ejército que se incorporasen en sus Cuerpos, ó saliesen de España, serán exentos de cualquier pago á las aduanas por los objetos que sirvan á su respectivo uso personal.

14. Todos los pliegos de servicio del Ejército Frances que estuviesen sellados, serán recibidos en las oficinas ordi-

dinaires de Poste, et remises franches de port.

Les Estafettes, Courriers, et Voyageurs Militaires, paieront les chevaux et autres rétributions de poste sur le même pied que les Courriers du Gouvernement Espagnol ; ils seront, ainsi que les convois militaires, transport de vivres, équipemens et munitions, exempts des droits de chaine établis pour l'entretien des routes.

15. Pour la sûreté des communications et de la correspondance, le Gouvernement Espagnol fera placer des Postes, qui seront disposés de manière à pourvoir au service des escortes pour les convois, expéditions d'effets ou approvisionnemens, Officiers en Mission et Courriers de l'Armée Française.

16. S. M. T. C. ne laissant des Troupes en Espagne que sur la demande qui Lui en a été faite par S. M. C. il demeure convenu, que nonobstant la fixation du terme porté en l'Article premier, ces Troupes seront rappelées aussitôt que Le Roi d'Espagne, ne croyant plus leur présence nécessaire, en aura fait la demande. De Son côté, S. M. Le Roi de France se reserve le droit de les retirer avant ce terme, si quelque circonstance imprévue le Lui faisait juger nécessaire.

narias de Correos, y remitidos francos de porte.

Las Estafetas, Correos y los Militares que viajen, pagarán los caballos y demas retribuciones de las postas al mismo precio que los Correos del Gobierno Español ; y serán como los convoyes militares, trasportes de víveres, equipo y municiones, exceptuados de derechos de portazgos establecidos para la conservacion de los caminos.

15. Para la seguridad de las comunicaciones y de la correspondencia, el Gobierno Español hará situar destacamentos, de modo que puedan escoltar los convoyes, remesas de efectos ó de provisiones, y á los Oficiales en Comision y Correos del Ejército Frances.

16. No dejando S. M. Cristianísima Tropas en España sino en virtud de la peticion hecha por S. M. Católica, se conviene que no obstante la fijacion del término prevenido en el Art. 1°, dichas Tropas serán llamadas á Francia luego que S. M. El Rey de España no las creyese ya necesarias, y asi lo hubiere manifestado. S. M. El Rey de Francia se reserva por su parte el derecho de hacerlas retirar antes de dicho término, si por alguna circunstancia imprevista lo juzgase preciso.

17. Les Hautes Parties Contractantes se réservent aussi d'examiner d'un commun accord, si à l'époque fixée par l'Art. 1er. de la présente Convention, il sera convenable de la prolonger suivant les mêmes bases.

18. La présente Convention, à laquelle sera annexé un Réglement relatif à son exécution, sera ratifiée, et les Ratifications échangées dans le plus court délai.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le Cachet de leurs Armes.

Fait double à Madrid, le 9me. Février, 1824.

L'Ambassadeur de S. M. T. C.

(L. S.)
LE MARQUIS DE TALARU.

17. Las Altas Partes Contratantes se reservan tambien el examinar, de comun acuerdo, si en la época prefijada por el Art. 1° del presente Convenio, será oportuno prorogarla sobre las mismas bases.

18. El presente Convenio, al cual se unirá un Reglamento relativo á su ejecucion, será ratificado, y las Ratificaciones cangeadas en el mas corto plazo.

En fe de lo cual, los Plenipotenciarios respectivos han firmado el presente Convenio, y estampado el Sello de sus Armas.

Fecho por duplicado en Madrid, à 9 de Febrero de 1824.

El Primer Secretario de Estado de S. M. Católica.

(L. S.)
EL CONDE DE OFALIA.

RÉGLEMENT *annexé à la Convention pour le Séjour des Troupes Françaises en Espagne.*

Casernement.

Art. 1er. Dans toutes les Places occupées par les Troupes Françaises, le Gouvernement de S. M. C. fournira:

1° Les Locaux appropriés au Casernement des Troupes, et Il les entretiendra en bon

REGLAMENTO *adjunto al Convenio relativo á la Permanencia de las Tropas Francesas en España.*

Acuartelamiento.

Art. 1°. En todas las Plazas ocupadas por las Tropas Francesas, el Gobierno de S. M. Católica proveerá:

1°. De los Edificios propios para Cuarteles de Tropas, y los mantendrá en buen

état de réparations de toute nature.

2° Les effets de coucher, meubles, et ustensiles, d'après les Réglemens Français, sont affectés à l'usage des Troupes, et Il entretiendra ces objets en bon état de service.

II. Il sera dressé un inventaire de tous les effets de coucher, meubles et ustensiles, actuellement en service dans les Casernes, et qui ne sont pas la propriété d'un Entrepreneur; ces objets seront classés dans l'inventaire par bons, à réparer et hors de service, et la reprise en sera immédiatement faite par le Gouvernement Espagnol.

Quant aux effets en service qui seraient la propriété d'un Entrepreneur; le Gouvernement Espagnol s'en arrangerait avec le propriétaire, soit en les prenant à son compte, soit en lui payant le loyer.

III. Dans le cas où le Casernement ne serait pas établi ainsi qu'il est réglé par l'Article 1, le Commandant Français pourra faire loger la Troupe chez l'habitant, et cela provisoirement et jusqu'à ce que le Casernement soit mis en état de la recevoir.

IV. S'il arrivait que, par un empêchement quelconque, le Casernement ne fût pas convenablement établi pour y re-

estado de reparacion bajo todos aspectos.

2°. Los efectos de camas, muebles y utensilios, que segun los Reglamentos Franceses corresponden al uso de las Tropas; y mantendrá estos objetos en buen estado de servicio.

II. Se formará un inventario de todos los efectos de camas, muebles y utensilios que actualmente haya en los Cuarteles, y que no sean de la propiedad de ningun Asentista: estos objetos se clasificarán en el inventario por buenos, que deben repararse, é inútiles; y se hará inmediatamente la entrega al Gobierno Español.

III. En el caso de que el Acuartelamiento no se establezca como queda prevenido en el Art. 1°, podrá el Comandante Frances hacer alojar la Tropa en las casas de los vecinos; pero será provisionalmente, y hasta tanto que el Acuartelamiento se ponga en estado de servicio.

IV. Si sucediese que por cualquier accidente no se dispusiese el Acuartelamiento como conviene para que en el

cevoir la Troupe, et que le Commandant Français jugeât qu'il y aurait de l'inconvénient à la loger chez l'habitant, l'Administration Française, après avoir fait préalablement constater cet état de choses, sera autorisé à y pourvoir au défaut du Gouvernement Espagnol, et à la charge par lui de faire raison au Gouvernement Français des avances qui auraient été faites pour son compte.

V. Si dans les Casernes il existait des pavillons propres à loger des Officiers, ils devront être pourvus de meubles et ustensiles spécifiés dans les Réglemens Français.

VI. Les Corps seront responsables des dégradations provenant de leur fait dans les bâtimens comme dans le mobilier des Casernes; ces dégradations seront constatées et évaluées par une Expertise, et le montant en sera retenu sur la solde des Corps, et immédiatement remis aux Agens du Gouvernement Espagnol.

VII. Les Officiers, les Fonctionnaires, les Employés des différens services, seront logés chez l'habitant, suivant les attributions de leur grade et de leur emploi, sauf à l'Administration Espagnole à indemniser les propriétaires

exista la Tropa, y que el Comandante Frances juzgase que habria inconvenientes en alojarla en las casas de los vecinos, la Administracion Francesa, despues de acreditar estas circunstancias, estará autorizada para dar providencia, no haciendolo el Gobierno Español; siendo de cuenta de este el satisfacer las anticipaciones que se hubieren hecho por cuenta del Gobierno Frances.

V. Si en los Cuarteles hubiese pabellones propios para el alojamiento de los Oficiales, se proveerán de los muebles y utensilios especificados en las Reglamentos Franceses.

VI. Serán responsables los Cuerpos de las desmejoras de hecho propio que hagan, asi en el edificio como en el mueblage de los Cuarteles: estas desmejoras serán justificadas, y valuadas por un Perito, y la cantidad á que asciendan se descontará del sueldo de las Tropas de los Cuerpos, y se entregará inmediatamente á los Agentes del Gobierno Español.

VII. Los Oficiales, los Funcionarios y Empleados de todos los servicios, estarán alojados en las casas de los vecinos, segun les corresponda por su grado y empleo; y pertenecerá á la Administracion Española el indemnizar

s'il y a lieu.

VIII. L'Administration Espagnole fournira et tiendra en bon état d'entretien de reparations :

1°. Les locaux et emplacemens propres à l'établissement des Corps-de-Garde.

2°. Les meubles et ustensiles à l'usage de ce service, et qui sont spécifiés dans les Réglemens Français.

IX. Le chauffage et l'éclairage des Casernes et des Corps-de-garde seront également fournis par l'Administration Espagnole, et cela dans les proportions voulues par les Réglemens Français.

Hôpitaux.

X. Le Gouvernement de S. M. C. fournira :

1°. Les locaux, bâtimens et emplacemens appropriés à l'exploitation du service des Hôpitaux Militaires, et il les entretiendra en bon état de réparation.

2°. Les effets de coucher, linge de corps et de lit, meubles et ustensiles à l'usage de ce service, tels que ces objets sont spécifiés dans les Réglemens Français, et il les entretiendra en bon état de service.

XI. Il sera dressé un inventaire des effets de toute nature actuellement en service dans les Hôpitaux existans, qui appartiennent *en propriété* à la Couronne d'Espagne, et il en sera remis une copie au Commissaire des Guerres Français.

á los dueños de las casas, si á ello hubiese lugar.

VIII. La Administracion Española proveerá y mantendrá en buen estado de servicio:

1°. Los edificios y sitios propios para el establecimiento de los Cuerpos de Guardia.

2°. Los muebles y utensilios para el uso de este servicio, y que se señalan en los Reglamentos Franceses.

IX. El combustible y alumbrado de los Cuarteles y Cuerpos de Guardia se dará igualmente por la Administracion Española en las cantidades determinadas por los Reglamentos Franceses.

Hospitales.

X. El Gobierno de S. M. Católica proveerá:

1°. Los edificios propios para Hospitales Militares, y los mantendrá en buen estado de reparacion.

2°. Las camas con todas sus prendas, camisas y efectos de lienzo para los enfermos, los muebles y utensilios que para este servicio estan señalados en los Reglamentos Franceses, y los deberá mantener en buen estado.

XI. Se hará un inventario de los efectos de toda clase que se hallan actualmente en los Hospitales que existen, y pertenezcan en propiedad á la

té à l'Administration Française : la remise de ces effets sera faite à l'Administration Espagnole, sur estimation contradictoire, et elle tiendra compte à l'Administration Française du montant de leur évaluation.

Quant aux effets actuellement en service qui n'appartiennent pas en *propre* à l'Administration Française, l'Administration Espagnole s'en arrangera avec les propriétaires, soit en les prenant pour son compte, soit en payant le loyer.

XII. L'Administration Espagnole pourra commettre des Agens à la surveillance et à l'entretien du mobilier, dont elle aura la propriété ; mais ces Agens seront soumis aux réglemens de Police Intérieure de l'Etablissement.

XIII. A défaut d'Hôpitaux Français, ou en cas d'insuffisance des Hôpitaux existans, les Militaires Français seront admis dans les Hôpitaux Espagnols, à la charge par l'Intendance Française, d'acquitter le prix de la journée, tel qu'il sera réglé entre elle et l'Administration Locale.

Magasins.

XIV. Indépendamment de la fourniture des locaux à l'usage du Casernement et des Hôpi-

Administracion Francesa. Se hará entrega de estos efectos á la Administracion Española, valuándolos por peritos de ambas Partes, debiendo el Gobierno Español satisfacer á la Administracion Francesa la cantidad á que ascienda el avalúo.

En cuanto á los efectos de que actualmente se sirvan las Tropas Francesas, y que no sean de la propiedad de su administracion, se arreglará el Gobierno Español con sus dueños, pagándole su valor, ó el alquiler que convengan.

XII. La Administracion Española podrá nombrar Agentes que vigilen en la conservacion de efectos moviliarios que le pertenezcan en propiedad ; pero estos Agentes estarán sujetos á los Reglamentos de la Policia Interior del Establecimiento.

XIII. A falta de Hospitales Franceses, ó en el caso de que los que existan no sean suficientes, los Militares Franceses serán admitidos en los Hospitales Españoles, siendo de cargo de la Intendencia Francesa el satisfacer el precio de la estancia, segun lo hubiese arreglado dicha Intendencia con la Administracion Local.

Almacenes.

XIV. Ademas de los edificios para Cuarteles y Hospitales, el Gobierno Español pro-

taux, le Gouvernement Espagnol fournira et entretiendra en bon état de réparation les bâtimens, emplacemens et hangards nécessaires à l'exploitation des différens services administratifs, tels que manutention, magazin de vivres et fourrages, effets militaires.

Transports.

XV. Le Gouvernement Espagnol pourvoira :

1°. Aux moyens de transports qui sont dûs aux troupes en marche pour le transport de leurs bagages et des militaires éclopés.

2°. Au transport des magazins et des gros effets des Corps passant d'une Garnison à une autre.

3°. Aux moyens de transports par terre ou par mer, pour les malades et effets à évacuer sur la France.

XVI. Les denrées nécessaires à la consommation des Troupes Françaises, les effets d'habillement, d'équipement et tous autres affectés à l'usage des troupes, devant, aux termes de l'Art. 12 de la Convention, entrer en Espagne et y circuler exempts de tous droits de douanes et autres, les conducteurs ou chefs de convois devront justifier aux Agens des douanes de l'expédition légale de ces denrées ou effets, en exhibant leur feuille de route ou lettre de voiture

veerá y mantendrá en buen estado de reparacion todos los locales, ó tinglados que sean necesarios para los diferentes servicios administrativos, como son las fabricas de pan, almacenes de víveres y forrages, efectos militares y vestuarios.

Trasportes.

XV. El Gobierno Español proveerá :

1°. Los medios de Trasporte que deben darse á las tropas en marcha para la conduccion de sus bagages y militares imposibilitados.

2°. Para el trasporte de los efectos de los Cuerpos que pasen de una á otra Guarnicion.

3°. Los medios de Trasporte por tierra ó por mar para los enfermos ó efectos que deban volver á Francia.

XVI. Los géneros necesarios para el consumo de las Tropas Francesas, los efectos de vestuario, de equipo, y los demas del uso de las tropas, debiendo con arreglo al Art. 12 del Convenio, entrar y circular en España libres de todos los derechos de aduanas, y cualesquiera otros ; los conductores que manden los convoyes deberán acreditar á los Empleados de las aduanas, la legal expedicion de estos géneros ó efectos, exhibiendo su hoja de ruta, ó carta de remesa visada

duement visée par un Sous-Intendant Militaire, et a son défaut, par un Agent du Gouvernement Français.

Tous les colis, caisses et tonneaux, seront plombés au lieu du départ, et marqués de l'empreinte du magasin d'expédition.

XVII. Les Transports Militaires et généralement tous les charrois de l'Armée seront exempt des droits de chaine, barrières et passages d'eau, établis ou à établir pour l'entretien des routes.

XVIII. Des escortes devront être fournies par les Garnisons Espagnoles, pour la sûreté des convois et des transports de fonds, qui ne seraient point accompagnés par des Troupes Françaises, ou qui ne le seraient pas suffisamment.

XIX. A l'égard des Transports d'argent pour la solde des troupes dans les villes éloignées du Quartier Général, le Payeur Principal de l'Armée pourra se concerter avec M. le Trésorier-Général du Royaume pour faire faire les fonds dans les provinces contre remboursement à Madrid.

XX. Les Commandans Militaires dans les ports où il y aura des Troupes Françaises, pourront disposer, selon le besoin, d'un certain nombre de trincadoures et autres bâtimens légers et armés pour les com-

por un Sub-Intendente militar, y en su falta por un Agente del Gobierno Frances.

Todos los fardos, cajas y toneles se sellerán y marcarán en el sitio de la salida con el sello del almacen de donde se hayan expedido.

XVII. Los Trasportes Militares, y en general todos los carros del Ejército, serán libres de los derechos de puentes, barcas, portazgos, y demas establecidos ó que se establezcan para el mantenimiento de los caminos.

XVIII. Los convoyes y Trasportes de fondos que no vayan acompañados por Tropas Francesas, ó que no lo sean suficientemente, deberán escoltarse por Tropas de las Guarniciones Españolas.

XIX. Con respecto á los Trasportes de dinero para el sueldo de las tropas en las plazas distantes del Cuartel General, el Pagador Principal del Ejército podrá convenirse con el Tesorero General del Reino, para girar los fondos sobre las provincias, reembolsándose en Madrid.

XX. Los Comandantes Militares en los puertos en que haya Tropas Francesas podrán disponer, si necesario fuese, de un cierto número de trincaduras y barcos armados para establecer la comunica-

munications à établir par mer, et la police des ports et rades de leur Commandement.

Etapes.

XXI. Les corps et détachemens en marche, ainsi que les militaires isolés, ont droit au logement chez l'habitant, qui comprend le droit au feu et à la chandelle et à la cuisson des alimens, aux moyens de transport, aux vivres de campagne et aux fourrages en nature, le Gouvernement Espagnol pourvoira aux deux premières prestations, ainsi qu'il est réglé par les Articles précédens.

Quant aux subsistances en vivres et fourrages dans les lieux d'étape où l'Administration Française n'aurait pas un service établi, les Alcades seront tenus d'y pourvoir d'après l'invitation qui leur en sera faite, à la charge par l'Administration Française, d'opérer chaque mois, le retrait des bons de distributions, et d'acquitter le prix des fournitures au taux des mercuriales.

Approvisionnemens de Siége.

XXII. Le Gouvernement Espagnol fournira les approvisionnemens de siége dans les Places où il en sera entretenu, d'après les fixations arrêtées par le Commandant-en-Chef des Troupes Françaises. Il préposera des Employés à leur

cion por mar, y mantener la policía en los puertos y radas de su Mando.

Etapas.

XXI. Los cuerpos y destacamentos en sus marchas, como tambien los militares que marchen separados de sus banderas, tienen derecho á ser alojados en las casas de los vecinos con derecho de fuego y luz; y se les debe proveer de los medios de trasporte, los víveres de campaña y los forrages en especie. El Gobierno Español proveerá los dos primeros Artículos como ya queda determinado.

En cuanto á las subsistencias de víveres y forrages en los pueblos de etapa, en que la Administracion Francesa no tenga establecida administracion, los Alcaldes estarán obligados á proveer luego que sean requeridos, y serán satisfechos por la Administracion Francesa, luego que haya presentado mensualmente los bonos de los suministros que hayan hecho, arreglándose los precios segun los que hayan sido en los mercados públicos.

Provisiones de Sitio.

XXII. El Gobierno Español proveerá los acopios de sitio en las Plazas, manteniendolos segun los señalamientos determinados por el Comandante en Gefe de las Tropas Francesas: nombrará Empleados para su custodia y conserva-

garde et à leur conservation ; mais ils seront sous les ordres de l'Administration Française, qui conservera la police et la surveillance des Magasins.

XXIII. Il sera dressé un inventaire des denrées existantes et formant les approvisionnemens de siége de chaque Place : ces denrées y seront évaluées par expertise contradictoire, et la remise en sera immédiatement fait aux Agens désignés à cet effet par l'Administration Espagnole qui fera compte de la valeur de ces denrées à l'Administration Française.

XXIV. S'il arrivait qu'il fallût pourvoir inopinément et par mesure d'urgence à l'approvisionnement de siège d'une Place, cet approvisionnement pourra être fait par voie d'appel aux Autorités Civiles des Communes environnantes, sauf paiement aux prix moyens des mercuriales.

Armement des Places.

XXV. Le Gouvernement Espagnol, dans les Places où il y aura Garnison Française, pourvoira :

1°. A l'armement et à l'approvisionnement des arsenaux, des magasins d'artillerie et du génie, d'après les fixations faites par les Officiers de l'Armée, et approuvées par le Commandant-en-Chef des Troupes Françaises.

cion ; pero estarán bajo las órdenes de la Administracion Francesa, á la que pertenecerá la policía y vigilancia de los Almacenes.

XXIII. Se hará un inventario de los géneros que actualmente existan y formen las provisiones de sitio de cada Plaza : estos géneros serán valuados á juicio de peritos de ambas partes, y se hará la entrega de ellos inmediatamente á los Agentes que nombre la Administracion Española, debiendo esta pasar en cuenta su valor á la Francesa.

XXIV. Si fuere necesario proveer repentinamente por causas urgentes los Almacenes de sitio de una Plaza, podrán hacerse estas provisiones por medio de requerimientos á las justicias de los pueblos inmediatos, á las que se les satisfará su valor por el precio medio de los mercados.

Armamento de las Plazas.

XXV. El Gobierno Español en las Plazas en que haya Guarnicion Francesa proveerá :

1°. Al armamento y provisiones de arsenales, de almacenes de artillería é ingenieros, con arreglo á los señalamientos hechos por los Oficiales del Arma, y aprobados por el Comandante en Gefe de las Tropas Francesas.

2°. Aux travaux de constructions et de réparations à exécuter pour l'armement et la défense de ces Places.

Postes.

XXVI. Ainsi qu'il est réglé par l'Art. 14 de la Convention, les Courriers, Estafettes, et les Officiers en Mission, obtiendront dans les relais de poste du Royaume d'Espagne, des chevaux aux prix des tarifs réglés pour le propre service de S. M. C.

XXVII. Les employés des postes de l'Armée Française seront chargés de la réception et de l'expédition de la correspondance Française, le transport des dépêches closes sera exécuté par les Courriers ordinaires du service Espagnol sur toutes les routes où il n'y aura point de malle Française établie. Il sera ouvert un livret d'émargement pour constater la remise qui sera faite des dépêches, tant pour le départ, que pour l'arrivée, entre les deux Offices Français et Espagnol.

XXVIII. Dans les petites Garnisons et Cantonnemens où il n'y aurait pas d'employés de la Poste Française, la correspondance pour le service arrivera contresignée, et elle sera remise franche de port par le Directeur de la Poste Civile.

XXIX. M. le Général Commandant-en-Chef des Troupes

2°. A los trabajos de construccion y reparaciones que deban ejecutarse para el armamento y defensa de estas Plazas.

Correos.

XXVI. Como queda prevenido por el Art. 14 del Convenio, los Correos, Estafetas y Oficiales en Comision obtendrán en las casas de postas de España los caballos por el precio que en las tarifas está señalado para el mismo servicio de S. M. Católica.

XXVII. Los empleados de correos del Ejército Frances estarán encargados de recibir y expedir la correspondencia Francesa; el trasporte de los despachos cerrados se hará por los Correos ordinarios del Gobierno Español en todas las carreras en que no haya establecida mala Francesa: se abrirá un libro de asientos para acreditar la remesa que se haga de los despachos, asi para la salida como para la entrada entre las dos dependencias Francesa y Española.

XXVIII. En las pequeñas Guarniciones y Acantonamientos en que no haya empleados de los Correos Franceses, se recibirá la correspondencia para el servicio sellada; y se entregará, franca de porte por el Director de los Correos Españoles.

XXIX y ùltimo. El General Comandante en Gefe de las

Françaises en Espagne, portera à la connaissance de S. Exc. le Ministre de la Guerre, toutes les dispositions des Réglemens Français applicables aux différentes parties du service qui sont mises à la charge du Gouvernement Espagnol par le présent Réglement, et toutes les mesures d'ordre et les détails d'exécution seront réglés de concert entre eux.

Fait double à Madrid, le 9 Février, 1824.

L'Ambassadeur de S. M. T. C.

(L. S.)

LE MARQUIS DE TALARU.

Tropas Francesas en España pondrá en conocimiento de S. E. el Ministro de la Guerra todas las disposiciones de los reglamentos Franceses aplicables á las diferentes partes de servicio que por este reglamento se ponen á cargo del Gobierno Español; y todas las medidas de orden, y los pormenores para su ejecucion se arreglarán de comun acuerdo.

Hecho por duplicado en Madrid á 9 de Febrero de 1824.

El Primer Secretario de Estado de S. M. Católica,

(L. S.)

'EL CONDE DE OFALIA.

*CONVENTION between France and Spain, for prolonging the Stay of the French Army in Spain.—Signed at Madrid 30th June, 1824.**

CONVENTION pour la prolongation du séjour de l'Armée Française en Espagne.

Sa Majesté Très-Chrétienne Le Roi de France et de Navarre, et Sa Majesté Catholique Le Roi d'Espagne et des Indes, s'étant réservé par l'Art. 17 de la Convention du 9 Février dernier, d'examiner s'il serait convenable de prolonger le séjour de l'Armée

CONVENIO para prolongar la permanencia del Ejército Frances en España.

Habiendose reservado S. M. Católica El Rey de España y de las Indias, y S. M. Cristianísima El Rey de Francia y de Navarra por el Art. 17 del Convenio de 9 de Febrero anterior el examinar si seria conveniente prolongar la permanencia del Ejército Frances

* Moniteur 9th Sept. and Gaceta de Madrid, 12th Oct. 1824.

Française en Espagne au-delà de 1er Juillet prochain, terme fixé par ladite Convention, S. M. C. a jugé que pour avoir le tems de completter l'organization de Son Armée, une prolongation de séjour des Troupes Françaises serait utile, et en a formé la demande:

Et S. M. T. C., pour donner une nouvelle preuve de l'intérêt constant qu'Elle prend à la prospérité de l'Espagne, ayant accédé au désir de S. M. C;

LL. MM. ont arrêté de faire choix de Plénipotentiaires pour discuter et signer les Articles d'une nouvelle Convention.

En conséquence Elles ont nommé, savoir:

S. M. Très-Chrétienne, Le Sieur Louis-Justin-Marie, Marquis de Talaru, Pair de France, Maréchal de Ses Camps et Armées, Chevalier des Ordres du Roi et de l'Ordre de Saint-Louis, Chevalier de l'Insigne Ordre de la Toison-d'Or, Grand-Croix de l'Ordre Royal de Charles III, et Son Ambassadeur près S. M. C.;

Et S. M. Catholique, Don Narcisse de Heredia Begines de los Rios, Comte d'Ofalia, Chevalier Grand-Croix de l'Ordre Americain

en España mas allá del 1 de Julio próximo, que fue el termino fijado por el expresado Convenio; S. M. Católica ha juzgado que para tener tiempo de completar la organizacion de Su Ejército, seria útil una prolongacion de la permanencia de las Tropas Francesas, y al efecto ha hecho formal peticion:

Y habiendo S. M. Cristianísima, para dar una nueva prueba del interes constante que toma en la prosperidad de la España, accedido á los deseos de S. M. Católica;

SS. MM. han determinado hacer eleccion de Plenipotenciarios para discutir y firmar los Artículos de un nuevo Convenio.

En su consecuencia han nombrado; á saber:

S. M. Cristianísima al Exmo. Sr. Luis Justino María, Marques de Talaru, Par de Francia, Mariscal de Campo de los Ejércitos de S. M. Cristianísima, Caballero de las Ordenes de S. M. y de S. Luis, Caballero de la Insigne Orden del Toison de Oro, Gran Cruz de la Real Orden de Carlos III, y Su Embajador cerca de S. M. Católica;

Y S. M. Católica al Exmo. Sr. D. Narciso de Heredia, Conde de Ofalia, Caballero Gran Cruz de la Orden Americana de Isabel la Católica,

d'Isabelle-la-Catholique, Numéraire de l'Ordre Royal et Distingué de Charles III. Grand-Croix de l'Ordre Royal de la Légion-d'Honneur de France, Conseiller-d'Etat, Son Premier Secrétaire-d'Etat, Surintendant-Général des Courriers et Postes d'Espagne et des Indes;

Lesquels munis de Pleins Pouvoirs sont convenus des Stipulations suivantes:

1. Le Corps d'Armée Française actuellement en Espagne, y séjournera jusqu'au premier Janvier mil huit cent vingt-cinq, sous les réserves stipulées en l'Article 16 de la Convention du neuf Février. Une division de ce Corps sera cantonnée à Madrid et environs, pour, conjointement avec les Troupes de S. M. C., maintenir l'ordre et la tranquillité dans la Capitale. Le Quartier Général de l'Armée pourra être transféré partout où le Général en Chef le jugera utile au bien du service.

2. Outre les Places mentionnées en l'Article second de la Convention du 9 Février, l'Armée Française fournira les Garnisons des Villes de Saragosse et de Cardona.

3. L'armement et l'approvisionnement des Places oc-

Caballero de Número de la Real y Distinguida Orden de de Cárlos III. Gran Cruz de la Real Orden de la Legion de Honor de Francia, Consejero de Estado, y Primer Secretario de Estado y del Despacho Universal de S. M. Católica, Superintendente de Correos de España y de Indias;

Los cuales, provistos de Plenos Poderes, han convenido en las Estipulaciones siguientes:

1. El Cuerpo de Tropas Francesas que actualmente existe en España permanecerá en ella hasta 1° de Enero de 1825, bajo las mismas reservas expresadas en el Art. 16 del Convenio de 9 de Febrero. Una division de este Cuerpo se acantonará en Madrid y sus inmediaciones, para conservar en union con las Tropas de S. M. Católica, el orden y la tranquilidad en la Capital. El Cuartel General del Ejército podrá ser trasladado adonde el General en Gefe juzgue útil para el bien del servicio.

2. Ademas de las Plazas mencionadas en el Art. 2 del Convenio de 9 de Febrero, anterior, el Ejército Frances dará la Guarnicion de las Ciudades de Zaragoza y Cardona.

3. El armamento y provision de las Plazas ocupadas

cupées par l'Armée Française seront réglés de concert par le Général en Chef et le Gouvernement de S. M. C.; aucunes armes et munitions ne pourront être retirées desdites Places, que lorsque le quantité excédera celle fixée par le Réglement qui sera fait entre eux.

4. Les Commissions Militaires établies par l'Article 7e. de la Convention du 9 Février seront tenus de juger, dans le délai de deux mois au plus, les individus prévenus de délits qui, aux termes dudit Article, les rendent justiciables de ces Commissions.

5. Il sera établi dans la Navarre et dans les Provinces Basques, un Délégué du Gouvernement de S. M. C. pour s'entendre avec les Commandans Français, et assurer dans ces Provinces le casernement des Troupes Françaises, les transports et le service des hôpitaux. Ce Délégué sera investi de pouvoirs suffisans pour faire exécuter les Conventions et Réglemens relatifs à l'Armée Française.

6. Dans le délai de deux mois après la Ratification de la présente Convention, seront liquidées et réglées toutes les dépenses qui, aux termes de la Convention du 9 Février et du Réglement y-

por el Ejército Frances se arreglarán de concierto por el General en Gefe y el Gobierno de S. M. Católica. No podrán extraerse armas ni municiones de las indicadas Plazas, sino cuando la cantidad exceda de la fijada por el reglamento que se hará entre ellos.

4. Las Comisiones Militares establecidas por el Art. 7° del Convenio de 9 de Febrero, deberán juzgar en el término de dos meses á mas tardar á los individuos acusados de delitos, que segun el texto del indicado Artículo los somitan á la Jurisdiccion de estas Comisiones.

5. Se establecerá en Navarra y Provincias Vascongadas un Comisionado del Gobierno Español para entenderse con los Comandantes Franceses, y asegurar en aquellas Provincias el alojamiento de las Tropas Francesas, los Trasportes y el servicio, de los Hospitales. Tendrá el Comisionado las facultades suficientes para hacer ejecutar los Convenios y el Reglamento concerniente al Ejército Frances.

6. A los dos meses de la Ratificacion del presente Convenio se ajustarán y liquidarán los desembolsos, que segun el texto del Convenio de 9 de Febrero y Reglamento adjunto eran de cuenta de Es-

annexé, étaient à la charge de l'Espagne, et que la France a été dans le cas d'avancer depuis le 1er de Décembre mil huit cent vingt-trois, pour les services qui, étant au compte du Gouvernement Espagnol, n'ont pas été remplis par lui.

7. La Convention du 9 Février, le Réglement qui y est annexé dans tout ce qui n'est pas modifié par les précédens Articles, ainsi que la Convention du 10 Février suivant relative au service des postes pour la correspondance de l'Armée Française, continueront à avoir leur plein et entier effet pendant la durée de la présente Convention.

8. La présente Convention sera ratifiée, et les Ratifications seront échangées dans le plus bref délai.

En foi de quoi les Plénipotentiaires soussignés, en vertu de leurs Pouvoirs respectifs, ont signé la présente Convention, et y ont apposé les Cachets de leur Armes.

Fait double à Madrid le 30 Juin 1824.

L'Ambassadeur de S. M. T. C.

(L. S.)
LE MARQUIS DE TALARU.

paña, y que la Francia ha adelantado desde 1° de Diciembre de 1823, para los objetos del servicio, que debiendose cubrir por el Gobierno Español no lo haya verificado este.

7. El Convenio de 9 de Febrero y el Reglamento adjunto, como tambien el de 10 del mismo Febrero, relativo al servicio de la correspondencia del Ejército Frances, quedan en su fuerza y vigor mientras dure el presente Convenio en todo lo que no esté modificado por los Artículos precedentes.

8. El presente Convenio será ratificado, y las Ratificaciones cangeadas en el término mas breve.

En fe de lo cual los Plenipotenciarios respectivos han firmado el presente Convenio, y estampado el Sello de sus Armas.

Fecho por duplicado en Madrid á 30 de Junio de 1824.

El Ministro de Estado de S. M. Católica.

(L. S.)
EL CONDE DE OFALIA.

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CORRESPONDENCE
WITH FOREIGN POWERS.

SPAIN.

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

SIR, *Foreign Office, May* 23, 1823.

I transmit to you the Copy of a Letter from the Colonial Department to this Office, in which are inclosed Communications from the Governor of the Bahama Islands, representing the circumstances under which a considerable number of Negroes have been clandestinely conveyed from those Islands to Cuba:—and I am to signify to you His Majesty's Commands, to represent this matter to the Spanish Government, and to request that Instructions may be given to the proper Authorities in the Island of Cuba, to cause the Negroes so carried off, to be sent back to the Bahamas, and to put a stop to the reception of Negroes under similar circumstances in that Island.

For this purpose, it may be desirable that the Spanish Authorities at Cuba should be instructed to enter into Communications with the Governor of the Bahamas.

I am, &c. GEORGE CANNING

The Right Hon. Sir W. à Court.

No. 2.—*Mr. Secretary Canning to the British Ambassadors and Ministers at Foreign Courts.*

(Circular.) *Foreign Office, July* 28, 1823.

I send you a printed Copy of the Correspondence, relative to the Slave-trade, which was laid before Parliament during the last Session. I am, &c.

GEORGE CANNING.

His Majesty's Ambassadors and Ministers at Foreign Courts.

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

SIR, *Foeign Office, October* 24, 1823.

The inclosed Papers, forwarded to me from the Colonial Office, are Letters from Major Moodie, Commissioner for enquiring into the condition of apprenticed Africans in the West Indies: they contain details of a practice, which is stated to be frequent, of enticing away those Apprentices, and

selling them as Slaves in Porto Rico, where several, who are therein described, are stated to be now kept in slavery.

You will take an early opportunity of representing these facts to the Government of Spain; and you will express the confidence of His Majesty's Government, that they will send out Orders to the Governor of Porto Rico, to release these Persons, and to deliver them over to the nearest British Authority competent to receive them; and also to issue such general directions throughout their Settlements, as shall appear to be best adapted to prevent the continuance at those Places of a practice so repugnant to humanity, and to the Treaty against illegal Slave-trade, as that complained of in the inclosed Papers. I am, &c.

GEORGE CANNING.

The Right Hon Sir W. à Court.

No. 4.—Mr. Secretary Canning to the British Ambassadors and Ministers, at Madrid, Lisbon and The Hague, and Consul General at Rio de Janeiro.

(Circular.) *Foreign Office, November* 6, 1823.

I transmit to you the Copy of an Instruction which I have this day addressed to His Majesty's Commissioners at Sierra Leone, Surinam, The Havannah, and Rio de Janeiro, upon the subject of the Charges which are rendered in by the Marshal of the Mixed Commission Court at those Places, for Articles necessary to the due and decent subsistence of Slaves prior to emancipation, and for personal services performed by the Marshal of the Court, and by other Persons under his superintendence, and under the directions of the Court, in regard to ships and to their cargoes, brought in for adjudication under the Treaties for preventing illegal Slave-trade.

As these charges involve no other expences than what are absolutely necessary, for the bringing to proper adjudication the captured Vessels and their cargoes, they are justly chargeable upon the proceeds of such as are condemned, so far as they have been incurred in each particular Case. His Majesty's Commissioners have, therefore, been authorised to deduct their amount, in each Case of a condemned Vessel, from the proceeds of that Vessel and her cargo, before these proceeds are divided into moieties; and they have been instructed to invite the Foreign Commissioners to concur in this arrange-

ment, if not at the moment definitively, at least provisionally, until they can receive further directions from their own Government.

The Principle is so simple and so just, and its establishment provides for an object so evidently common to both Great Britain and the Foreign Government,—that of the due execution of the Treaty between them,—that I do not hesitate to instruct you to urge the.....Government to issue directions to their Commissioners, under the Slave-trade Restriction Treaties, to conform to the arrangement here suggested, as the best method of insuring the due execution of those Treaties.

You will communicate to me, at the earliest period, the result of your Application upon this point.

I am, &c. GEORGE CANNING.

His Majesty's Ambassadors and Ministers, &c.

No. 5.—Joseph Planta, jun. Esq. to Sir William à Court.

Sir, *Foreign Office, November* 20, 1823.

I am directed by Mr. Secretary Canning to state to you, that, in the Article signed at Madrid, on the 10th December, 1822, additional to the Treaty of the 23d of September, 1817, between His Majesty and The Catholick King, there is a Clerical Error, inasmuch as a reference is made to the 14th instead of to the 13th Article of the Original Treaty:—And I am to desire that you will have the goodness to cause this Error to be rectified, by some Declaration between you and the Spanish Minister, which shall be equal in form and substance to the end proposed. I am, &c.

J. PLANTA, Jun.

The Right Hon. Sir. W. à Court.

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

(Received December 6.)

(Extract.) *Madrid, November* 23, 1823.

In consequence of your Despatch of the 24th. October, I addressed the Note, a Copy of which I have the honour to inclose, to the Spanish Minister of State, and I shall follow it up by such verbal remonstrances as I conceive most likely to hasten the transmission of the necessary orders.

I have the honour &c. WILLIAM à COURT.

The Right Hon. George Canning.

Sir William à Court to Don Victor Saez.

(*Inclosure.*) *Madrid, November* 23, 1823.

The Undersigned, &c. has received orders to bring to the knowledge of the Spanish Government, that a practice has been discovered to exist in the West Indies of decoying away the young Negro Apprentices from the several British Islands, and selling them afterwards as Slaves. This inhuman practice has been carried on, principally, by Spanish Subjects, from the Island of Puerto Rico, to which Place several young Negroes have lately been conveyed, and sold, after having been decoyed away from the British Island of Tortola.

The Undersigned is instructed to request, that orders may instantly be sent out to the Governor of Puerto Rico, to cause all Negro Apprentices, thus carried away, to be given up upon an application from the proper Authorities, and to take measures for putting an end to a practice so revolting to humanity.

The Undersigned, &c.

His Excellency Don Victor Saez. WILLIAM à COURT.

No. 7.—Sir William à Court to Mr. Secretary Canning.

(Received Jan. 5, 1824.*)*

Sir, *Madrid, December* 18, 1823.

I have the honour to inclose the Translation of a Note I have received from M. Casa Irujo, in answer to mine, complaining of the enticing away Negro Apprentices from the Island of Tortola, which was inclosed in my Despatch of the 23d. ultimo. I have the honour tobe, &c.

WILLIAM à COURT.

The Right Hon. George Canning.

(Inclosure.) The Marquess de Casa Irujo to Sir W. à Court. (Translation.)

Sir, *Palace, December* 16, 1823.

I have laid before The King, my august Master, the Note you did me the honour of addressing to me on the 23d ultimo, informing me that you had received orders from your Government to state, that a practice had been discovered in the West Indies of enticing the young Negro Apprentices from the different British Islands, and selling them afterwards as Slaves;—and that this practice had been fomented by Spaniards from the Island of PuertoRico, to which place several Negroes, enticed from the British Island of Tortola, had lately been conveyed and sold;—and to request that proper orders might be sent to the Authorities of Puerto Rico, to give up those Negroes.

His Majesty being apprized of the contents of this Note, has commanded me to inform you that, although it is for the Authorities of the British Islands to remedy this abuse, as you are aware, since they ought to adopt every necessary measure to avoid the enticement of the young Negroes, and to take every step their prudence may suggest to prevent it within their jurisdiction; nevertheless, His Majesty, willing to accede to the desires of the British Government has commanded the proper orders to be issued to the Governor

of Puerto Rico, to use his endeavours that no such causes of complaint may exist in future, and I have this day made a Communication to that effect to the Minister of War. I profit, &c.

EL MARQUES DE CASA IRUJO.

His Britannick Majesty's Minister Plenipotentiary.

No. 8.—Sir William à Court to Joseph Planta, Jun. Esq. (Received Jan. 5, 1824.)

(Extract.) *Madrid December 21, 1823.*

In consequence of your Letter of the 20th November, I addressed a note to M. Casa Irujo, proposing the signature of a Joint Declaration, correcting the Clerical Error in the Additional Article to the Slave-trade Treaty.

M. Casa Irujo informed me, verbally, that this matter would easily be arranged; but that nothing could be done till he received the original documents from Cadiz, which were on the road.

I beg to suggest whether it may not be expedient to send me out a certified Copy of the Additional Article, and its Ratification, in order to prevent any unnecessary delay.

I have the honour to be, &c.

WILLIAM à COURT.

Joseph Planta, Jun. Esq.

No. 9.—Sir W. à Court to Mr. Secy. Canning. (Rec. Feb. 7.)

Sir, *Madrid, January 21, 1824.*

I have the honour to inclose the Copy of a Note I have addressed to the Spanish Government, in consequence of the Instructions contained in your Despatch of the 6th November, 1823. I have the honour to be, &c.

WILLIAM à COURT.

The Rt. Hon. George Canning.

Sir William à Court to The Conde de Ofalia.

(Inclosure.) *Madrid, January 17, 1824.*

The Undersigned has the honour to inclose the Copy of certain Instructions which the British Government has forwarded to its Commissioners at Sierra Leone, Surinam, The Havannah, and Rio Janeiro, in the full persuasion that the Government of His Catholick Majesty will see the expediency of forwarding similar Instructions to the Spanish Commissioners at the first and third Places.

The object of these Instructions is to authorize the Commissioners to withhold from the proceeds of the condemned Ships, before these proceeds are divided into moieties, the amount of the charges of the Marshal of the Mixed Commission, and of the articles necessary to the decent subsistence of the Slaves, prior to emancipation.

As the Marshal's charges involve no other expences than what are absolutely necessary, for bringing to proper adjudication the captured Vessels and their Cargoes, they are justly chargeable upon the proceeds of such as are condemned, so far as they have been incurred in each particular Case. The British Commissioners have, therefore, been authorized to deduct this amount in each Case of a condemned Vessel, and the Undersigned has been instructed to urge the Spanish Government to issue directions to their Commissioners, under the Slave-trade Restriction Treaties, to conform to the arrangement here suggested, as the best method of ensuring the due execution of those Treaties. The Undersigned, &c.

WILLIAM à COURT.

His Excellency The Conde de Ofalia.

No. 10—*Sir W. à Court to Mr. Secy Canning. (Rec. Feb.* 28.)

(Extract.) *Madrid, February* 14, 1824.

I have the honour to inclose the Original of the Declaration signed by The Conde de Ofalia and myself, on the 2nd instant, correcting the Error which had accidentally occurred in transcribing the Additional Article for the regulation of the Mixed Commission under the Treaty for preventing a Commerce in Slaves. I have the honour to be, &c.

WILLIAM à COURT.

The Right Hon. George Canning.

(Inclosure.)—Declaration, *explanatory of the Additional Article between Great Britain and Spain, signed at Madrid, December* 10, 1822.

Whereas in the Additional Article to the Treaty for preventing an illegal Commerce in Slaves, signed at Madrid the 10th of December 1822, a reference is made by a mistake of the Copyist, to the 14th, instead of the 13th, Article of the Regulations for the Mixed Commissions. We, the Undersigned, fully authorized to that effect, do hereby agree and declare, that the reference aforesaid, shall be considered as applying to the 13th Article, according to the evident intention of the High Contracting Parties.

Done at Madrid, this 2d. day of February 1824.

(L. S.) WILLIAM à COURT. (L. S.) EL CONDE DE OFALIA.

No. 11.—*Joseph Planta, Jun. Esq. to Sir William à Court.*

Sir, *Foreign Office, February* 24, 1824.

In compliance with the suggestion contained in your Letter to me of the 21st of December, 1823, I transmit to you,

herewith, a certified Copy of the Ratification by The Catholick King, of the explanatory and additional Articles of the 10th of December 1822, to the Treaty concluded at Madrid on the 23rd of September 1817, between His Majesty and The Catholick King, for preventing illegal Traffick in Slaves.

I am, &c.

JOSEPH PLANTA, Jun.

The Right Hon. Sir W. à Court.

No. 12.—*Mr. Secretary Canning to Sir William à Court.*

SIR, *Foreign Office, March* 31, 1824.

I furnish you with a Copy of a Communication received by the Admiralty, from Captain Sir Thomas Cochrane, giving an account of importations of Slaves taking place in the Spanish Colony of Porto Rico, to the extent of from eight to ten cargoes in the course of the Year.

You will take an early opportunity of bringing the attention of the Government of His Catholick Majesty, to this glaring infraction of the Engagements which His Majesty has solemnly contracted for the abolition of the Slave-trade throughout His Dominions.

You will urge that such orders shall be sent out, without delay, to the Colonial Authorities of Spain, in the West Indies, as shall be calculated to put down, effectually, the practice which is detailed in the accompanying Papers.

I am, &c.

GEORGE CANNING.

The Right Hon. Sir William à Court.

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

SIR, *Foreign Office, April* 5, 1824.

I furnish you with the Copy of a Letter, dated the 12th of January last, which I have received from Mr. Kilbee, His Majesty's Commissioner at the Havannah, under the Treaty with Spain for the abolition of the Slave trade.

Mr. Kilbee apprehends, that, under the Regulations now renewed by The King of Spain, respecting the Slave-trade, which Regulations rest only on the vague and loose Decree of His Catholick Majesty, of December 1817, there will not be a sufficient preventive against the exercise of that Traffick in Cuba; and he recommends strongly, as a measure of prevention, the expediency of granting to any Person who shall denounce such illicit Trade, a liberal reward, to be recovered by summary means from the property of the Importer and

Possessor of Negroes illegally obtained; the *onus probandi* of the legal importation, if it be one, to rest with the Possessor of the Negroes.

A measure of this nature appears unobjectionable, so far as respects the Government, and likely to be effective in deterring Persons from purchasing Negroes illegally imported; and I have, therefore, to desire, that you will urge its adoption by the Government of His Catholick Majesty, and the more particularly, as it may in some degree counterbalance the abolition of those penal Laws affecting Slave-trade, which were framed by the Cortes, and have since been declared by His Catholick Majesty to be null and void.

I am, &c.

GEORGE CANNING.

The Right Hon. Sir William à Court.

No. 14.—Mr. Secretary Canning to the British Ambassadors, and Ministers at Foreign Courts, and Consuls Abroad.

(Circular.) *Foreign Office, April* 30, 1824.

I herewith transmit to , by The King's Command, for your information and guidance, Copies of the Act of the Legislature,* providing that British Subjects, and Persons residing within the British Dominions, who shall be concerned in the Trade in Slaves, contrary to the Statutes now in force, shall be adjudged to be guilty of Piracy, and be subject to the penalties which are visited upon that crime, according to the Laws of England.

I am, &c.

GEORGE CANNING.

His Majesty's Ambassadors, Ministers and Consuls.

PORTUGAL and BRAZILS.

PORTUGAL.

No. 15.-E. M. Ward, Esq. to Mr. Secy. Canning. (Rec. Aug. 16.)

Sir, *Lisbon, July* 29, 1823.

I beg to acquaint you, that having addressed a Representation to this Government, on the subject of the complaint made by the Commissioners at Sierra Leone, transmitted in your Despatch of the 24th May last, The Marquess Palmella, under date of the 23d instant, acquaints me that, in conse-

*5 Geo. 4th Cap. 17. p. 122.

quence of the actual state of Brazil, it is only to the Authorities at Maranham and Pará that he can send fresh Instructions, with the view of causing the practice complained of to cease. I have the honour to be, &c.

E. M. WARD.

The Right Hon. George Canning.

No. 16.—*E. M. Ward, Esq. to Mr. Secy. Canning. (Rec. Sep.* 16.)

SIR, *Lisbon, August* 26, 1823.

I have the satisfaction of acquainting you, that, on the 19th instant, I exchanged Ratifications of the Slave-trade Explanatory Articles, signed in March last, with the Portuguese Plenipotentiary; and I forward them by this Night's Mail.

I have the honour to be, &c.

E. M. WARD.

The Right Hon. George Canning.

No 17.—*Mr. Secretary Canning to Sir Edward Thornton*

SIR, *Foreign Office October* 25, 1823.

I furnish you with the Copies of Two Despatches, dated the 22d April and 6th June last, and of their Inclosures, from His Majesty's Commissioners at Sierra Leone, relating to the Case of the *Sinceridade*, Portuguese Slave-ship.

This Vessel, while engaged in the Traffick in Slaves, was captured by His Majesty's Ship Bann. Her voyage was doubly illegal; first, because the Vessel was not provided with the Passport which the Treaty demands, for the legal prosecution of the Trade; and, secondly, because she had embarked her Slave-cargo at Fetish Point, which is a Place, though South of the Line, yet not within the Dominions of Portugal, nor reserved by the Treaty for the Trade in Slaves.

The spot, however, on which she was captured was a few minutes South of the Boundary, within which the Cruisers of either Power were, in strictness, authorized to make captures:—and, on that account the Commissioners under the Treaty, properly restored the Vessel to the Owners.

It then became a question, whether indemnification was or was not due to the Owners for the Slaves captured, or for incidental damages; and the Commissioners, feeling this to be a point, the decision of which the Treaty had not clearly or sufficiently provided for, left it for the future consideration of the Two Governments; having, in the mean time, induced the Captors and the captured, to enter into a provisional agree-

ment as to the sum which should be held to be sufficient compensation for the Slaves, and for the demurrage; in case the Two Governments should decide, that compensation was due on either or both these points.

His Majesty's Government do not hesitate to declare their opinion, that, in point of equity, no compensation whatever can be due to Traders, in Cases of traffick carried on under circumstances which constitute illicit trade: and, doubtless, on the other hand, no condemnation of a Vessel ought to take place, when the capture is made at a Spot, not absolutely within the bounds prescribed for capture by the Treaty.

His Majesty's Government believe that the Portuguese Government will agree with them, that such is the spirit of the Treaty, particularly of the ninth Article of the Instructions for the Mixed Commissions.

I have to instruct you, to state to the Government of Portugal, the fact of this irregularity in the Trade in Slaves, and the frequency of its recurrence; to endeavour to obtain their sanction to the decision, in the immediate Case of the Sinceridade, that no compensation shall be allowed to the illegal Trader, further than the restoration of his Vessel; and, in reference to the seeming ambiguity in the terms of the Treaty, and Convention, as compared with each other, that you will endeavour to induce the Portuguese Government to extend, by an Explanatory Article or Declaration, the penalty of confiscation to all Vessels found trading in Slaves, elsewhere than between the fifth and eighteenth degrees of South Latitude; since, in this latter Territory alone, the traffick is distinctly permitted by the Law of Portugal, according to the second Article of the Treaty. I am, &c.

GEORGE CANNING.

The Right Hon. Sir Edward Thornton.

BRAZILS.

No. 18.—*Mr. Consul Hesketh to Mr. Secretary Canning.*—*(Received April* 19.*)*

SIR, *Consul's Office, Maranhao, Feb.* 18, 1823.

Referring to my former Communications respecting the two Portuguese Slave-vessels, viz:—the Brig *Apollo*, which arrived from Cacheu, and the Schooner *Maria*, which arrived from the Island of St. Jago; I have now the honour to inclose the Documents I obtained from the Government of this Pro-

vince, explanatory of the permission allowed to the above-mentioned Vessels on their arrival at this Port.

I have the honour to be, &c.

ROBERT HESKETH.

The Right Hon. George Canning.

(Inclosure 1.)—Documents relating to the Brig Apollo.—(Translation.)

The Provisional and Administrative Junta of the Government of this Province, directs the Superintendent of the Custom-house of this City, to have copied at the foot of the present Order, any Documents deposited in the Archives of the said Custom-house, that authorised the landing of the Slaves belonging to John Pereira Barreto, and proceeding from Cape Verd on board the Brig *Apollo*, which entered this Port October 5, 1821, and, after procuring the Copy to be signed by the proper Clerk, to transmit it to the Office of this Junta.

JOHN FRANCISCO LEAL, Secretary, *ad interim.*

Maranham, Palace of the Government, Feb. 19, 1823.

Let it be carried into execution.

JOAO JOZE DE MORAES CID, Administrator.

Custom-house, 19th February, 1823.

I Luiz Franco Pereira de Marcedo, Clerk to the Superior Tribunal of the Custom-house of this City, by order of the Junta of the National Revenue of this Province, &c. certify that, on looking for the Documents, in consequence of which permission for landing was granted to the Slaves owned by John Pereira Barreto, and imported from Cape Verd and Cacheu, in the Brig Apollo, which entered this Port on the 5th of October 1821, I only found one Document of the following tenour:

Most Illustrious, and Most Excellent Sir, Major John Pereira Barreto says, through the medium of his authorised Agent in this City, that, pursuant to the Royal Notification of His Majesty, inclosed, and to the Passports from the Government of Cape Verd and Cacheu, he caused to be embarked in the latter Port, on board the Brig Apollo, Antonio Daniel Baptista de Barros, Master, 236 Slaves of his family, which likewise appears from the inclosed list, and that they were accompanied by his Son, Antonio Pereira Barreto, and as the said Slaves are now in this Port, it is necessary for your Excellency to have the goodness to give directions for them to be admitted at this Custom-house, that they may obtain the necessary permission to land. He, therefore, requests Your Excellency to be pleased to give such order, and receive his thanks.——As Agent, Antonio Joze Pinto.——Let the Administrator of the Custom-house admit, for the purpose of their being allowed to land, the above-mentioned Slaves, belonging to the family of the Memorialist.

SILVEIRA.

Maranham, Palace of the Government, October 6, 1821.

Thus much, and nothing further is contained in the Document just mentioned.

LUIZ F. P. DE MARCEDO.

Custom-house of Maranham, February 20, 1823.

(Inclosure 2.)—Documents relating to the Schooner Maria.—(Translation.)

MOST ILLUSTRIOUS, AND MOST EXCELLENT SIR,

Joaquim Antonio de Mattos, Lieutenant-Colonel of the Regiment of Infantry of the Forces stationed at the Town of Praia, in this Island of St. Jago, says, that, having obtained from His Majesty leave to retire to Portugal to recruit his health, and to go by the way of the Town of Maranham, taking along with him his family, he, on account of a recent illness, is unable to undertake that voyage. It is, therefore, necessary for him, that Your Excellency should direct to be issued to him, by way of certificate, the Order of His Majesty, in which He grants to Memorialist the said leave; and also the requisite Passport for his family, to enable them to proceed to the Town of Maranham, accompanied by his brother-in-law, Jeronimo Antonio Puisch, Commander of the *Maria* Schooner. He accordingly requests your Excellency to have the goodness to give such directions. And he will ever pray.

By his Agent, JACINTO ANTONIO PINHEL.

Permission.—Let this be made out that it may be known, as likewise the necessary Passport; and let the list of the said family be, as usual, signed by the Secretary of the Government.

PEREIRA.
VASCONCELLOS.
SILVA.

Done in the Junta, Nov. 5, 1821.

Certificate.—In virtue of the above Permission, I do certify, that, upon referring to the Register of Notifications transmitted to this Government, by the Office of the Secretary of State for the Marine and the affairs beyond Sea, there is at page 15, an entry to the following effect:—"It is His Majesty's pleasure that you should give leave to the Lieutenant-Colonel of the Regiment of Infantry of the Forces stationed at the Town of Praia, J. A. de Mattos, to proceed to Portugal, together with his family, by the way of the Port of Maranham." God preserve you.

JOAQUIM JOZE MONTEIRO TORRES.

Palace of Rio de Janeiro, April 24, 1822.

M. Antonio Puisch.—The said Register to which I refer, contains nothing further on this subject. That it might be known, I issued the present, to which I sign my name.

LUIS ANTONIO DE ARANJO.

Office of Secretary of the Government, November 6, 1821.

No. 19.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received June* 24.)

SIR, *Rio de Janeiro, March* 18, 1823.

I have the honour to transmit herewith, for the information of His Majesty's Government, the Copy of a Letter, dated the 12th October, lately received from Mr. Consul Hesketh in reply to Instructions sent to him from hence, respecting the Slave-vessels in question: the information this Letter promises, has not yet reached me.

I have the honour to be, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

(Inclosure.)—Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.

SIR, *Maranham, October* 12, 1822.

I have the honour to acknowledge the receipt of your Letter, dated 12th August, together with the Circular, dated 15th of same month.

In compliance with the directions contained in the former, respecting the two Slave-vessels, viz;—the Brig *Apollo*, and the Schooner *Maria*, I have made every enquiry to ascertain the Parties interested in the cargoes, but regret that I have not yet succeeded in obtaining satisfactory information on this point.

Both these Vessels were allowed to land their cargoes at this Port in consequence of Decretos or Licences, (I am told granted by the late Government at Rio de Janeiro) permitting certain individuals to remove from some Parts of the Coast of Africa with their families and Slave domestics.

These Decretos are deposited in the Government Secretary's Office, and I hope to be allowed Copies of them, for the purpose of forwarding them to you, together with what other information I may in the interim be able to collect.

I feel confident that these Decretos or Licences are abused, and that they are in fact only covers for an illicit trade.

I am creditably informed that two or three small Vessels have at different periods landed clandestinely along this Coast, Slaves which had been illicitly obtained from Africa. I have the honour to be, &c.

ROBERT HESKETH.

Henry Chamberlain, Esq.

No. 20.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received June 24.)

SIR, *Rio de Janeiro, April* 8, 1823.

I feel it to be my duty to acquaint you, that the Ship *Camillus*, George Marcus, Master, under Dutch, or *Netherlands* Colours, arrived here on the 18th ultimo from Bahia, having on board about 400 Slaves for sale. The Owners of this cargo are Brazilian Subjects, who, unable to dispose of their Negroes there, freighted the Camillus and came down with them to this Port.

There has been some difficulty about landing them, owing to Custom-House Forms, and I believe they will be considered liable to the payment of full duties, as if imported direct from Africa. They are stated to be all Natives of Countries South of the Line.

I thought it right to draw the attention of the Minister to the circumstance of its being unlawful for a Netherlands Vessel to be concerned in the Slave-trade, and waited upon him for that purpose: but he was not inclined to direct any proceedings to be instituted against her.

I have the honour to be, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

No. 21.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received July 11.)

SIR, *Rio de Janeiro, May 14, 1823.*

I beg leave to transmit herewith, Extract, and Copy, of two Communications from Mr. Consul Parkinson, at Pernambuco, and from Mr. Vice-Consul Follett, at Bahia, respecting the conveyance of some Slaves from the latter to the former Port, in the British Brig *Christopher*; together with Copies of my Replies thereto; in order that His Majesty's Government may be fully apprized of the circumstances of the Case, and of the Instructions I have given on the subject, generally, to Mr. Vice-Consul Follett, in compliance with his request to that effect.

Some weeks ago I heard from Mr. Parkinson, that a French Vessel from the River Bonny had arrived at Pernambuco, and been permitted to dispose of some of her cargo of Negroes, but the Despatch containing the particulars not having reached me, I hesitated to apply formally to the Minister, until these should be in my possession. I took, however, an opportunity to mention the circumstance to him, and learnt that no intelligence respecting it had been received from the Provisional Government: and that, even if there had, little good could be expected to result from any orders this Government might send on the subject, owing to the disordered and uncertain state of affairs there.

Later advices having brought accounts of the restoration of tranquillity, I resolved not to delay making the facts officially known to the Minister, and I addressed to him, on the 10th instant, accordingly, the Note of which I have the honour to send herewith a Copy, reciting the Stipulation for the renewal of the prohibition contained in the third Article of the Additional Convention to the Treaty of Vienna, signed at London on the 28th July 1817, and urging the immediate enforcement of the latter. I have the honour to be, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

(Inclosure 1.)—Mr. Vice-Consul Follett to Mr. Consul-Gen. Chamberlain.

SIR, *Bahia, March 25, 1823.*

The question respecting the legality of conveying Slaves from one Port of Brazil to another, in British Vessels, having been agitated here, in consequence of a Mr. Hadwinckle, a German, intending to ship fifty-two Slaves on

board the Brig *Christopher*, to be conveyed to Pernambuco; but which intention he abandoned, as doubts were raised as to the propriety and safety of such shipments, and he ultimately took with him twelve, whom he represented as domestic Slaves; I have the honour to request your advice and Instructions on this subject, as a guide for my conduct in the event of transactions, similar to the one contemplated above, actually occurring.

If, in parallel Cases, the Slave Treaty of 22d January, 1815, has the same force and validity in this Country as on the Coast of Africa, the transport of Slaves for the purposes of traffick, under the British Flag, is prohibited in the most unqualified and explicit terms, in the first Article of the Additional Convention to that Treaty; and although the ninth Article of the Instructions for British and Portuguese Ships-of-War, licences the conveyance of Slaves as objects of Commerce from one Part of Brazil to another, accompanied with regular Passports from the Portuguese Government, could it have been contemplated that this permission should be exended to any other than Portuguese Vessels?

It is probable, owing to the stagnation of trade, and the high price of provisions, that great numbers of Slaves will be conveyed from this City to the neighbouring Provinces, from the separate and united motives, of subsisting them more cheaply, and of traffick; and if British Vessels be allowed to convey them, the inducement will be much strengthened, as an additional security to the property is thereby afforded.

It will be so extremely difficult to distinguish between those who convey Slaves, either as domestics, or for the *bona fide* purpose of procuring better and cheaper subsistence for them, and those whose object is to dispose of them for a pecuniary advantage, that if it once be admitted that British Vessels may become the channel of transport for Slaves, an opening is made for the traffick to be carried on, which may be cloaked and disguised so completely as to baffle all attempts to discover it.

It appears that British Subjects and British Vessels are restrained from being employed in the transport of Slaves by the British Legislature, as the Act 47 Geo. III. cap. 36, sections 1, 2, 3, forbids and prohibits their conveyance, by heavy penalties, and I am not aware that this prohibition has been removed by any subsequent Act of Parliament.

I have the honour to be, &c.

Henry Chamberlain, Esq. WM. FOLLETT.

(Inclosure 2.)—Mr. Consul-Gen. Chamberlain to Mr. Vice-Consul Follett.

SIR, *Rio de Janeiro, April* 30, 1823.

With reference to your Letter, dated 25th March, on the subject of the conveyance of Slaves in British Vessels from one part of Brazil to another, and requesting Instructions in such Cases, I have to inform you, that, independent of the Stipulation by Treaty with this Country, the Law of Great Britain strictly prohibiting British Subjects from any participation whatever in the Slave-trade, or the removal of Slaves in British Vessels (with some exceptions in the British West Indies) I have little doubt but that the Master and crew of the *Christopher* have rendered themselves liable to criminal prosecution, by conveying the 12 Slaves belonging to Mr. Hadwinckle, from Bahia to Pernambuco.

It may be, that the carrying of Slaves, *bona fide* domesticks, from one Part to another of this Country, might not be considered a breach of the Laws for the Abolition of the Slave-trade; though I do not assert that this supposition is correct. But, granting that it be so, no one can have believed for a moment that those Mr. Hadwinckle had selected out of fifty-two, to carry to Pernambuco, were domesticks, when it is notorious that he would have embarked the whole if he had dared: and it is not likely that this gross subterfuge, if it can be called one, would be permitted to cloak the transaction, and protect the Parties from the operation of the Law; if, as I presume to be the case, they have infringed them.

With respect to your future conduct, in the event of such transactions recurring, I conceive it will be your duty to caution all Masters of Vessels not to be concerned in the removal of Slaves, and to let it be known that if any infraction of the Abolition Acts takes place, it will be your duty to tansmit the facts to His Majesty's Government, and to me, without delay.

I am, Sir, &c.

William Follett, Esq. H. CHAMBERLAIN.

(Inclosure 3.)—Mr. Consul Parkinson to Mr. Consul-Gen. Chamberlain.

(Extract.) *Pernambuco, April* 16, 1823.

The *Christopher*, Doyle, took a cargo at Bahia for Pernambuco. She was about to take, likewise, 40 new Slaves belonging to a German removing to Pernambuco, and having received the Blacks in payment of a doubtful debt.

Four Officers, invalided out of the Doris, had engaged a passage hither in the Christopher. They had their doubts and misgivings as to proceeding in a Vessel with Slaves. Their doubt was suggested to the Commodore, and according to the assertion of the German Merchant in question, he treated the doubt as perfectly idle. Other Persons were consulted, and, in short, the opinion at Bahia seems to have been, that there was nothing irregular or illegal in a British Merchantman carrying Slaves from one Port of the Brazils to another. However, to obviate risk, it was determined that twelve only, of the Blacks, should be brought here, under the qualifying designation of servants to M. Von Hadwinckle. They accordingly arrived, and as you will readily conjecture, 'ere many days had elapsed, the circumstance came to my knowledge. I called for Captain Doyle, who bears a respectable character, and is sole Owner of the Christopher, and explained to him more than doubts of the legality of his proceeding, candidly telling him that I should submit the Case to His Majesty's Government, and was most ready to transmit on his behalf, any Documents or Evidence that might extenuate, or if possible, justify the act.

Both *Captain Doyle* and *Mr. Hadwinckle* have desired to make Oath before me, that they had the sanction of the Commodore, as well as of the Vice Consul, to the shipment of the twelve Blacks.

I am, &c.

Henry Chamberlain, Esq, JOHN PARKINSON.

(Inclosure 4.)—Mr. Consul-Gen. Chamberlain to Mr. Consul Parkinson.

Sir, *Rio de Janeiro, May* 10, 1823.

I had the pleasure to receive by Mons. L'Ainé, on the 3d instant, your letter dated the 16th of April.

I perfectly coincide with you in opinion, respecting the illegality of conveying Slaves from one Port of Brazil to another, in British Shipping; unless perhaps (but I speak doubtingly), when they are *bona fide* domesticks, and consequently I consider that you were bound to report to His Majesty's Government that the Brig Christopher had been so employed.

Had the Case been one which left no doubt in your mind of a wilful participation on the part of the Master and Crew, in the Slave-trade, or, in other words, in the conveyance of Slaves for Sale, it would have been your duty to seize the Parties concerned, and send them to England for trial.

With respect to the asserted sanction of Sir Thomas Hardy, and of Mr. Follett to the transaction, I incline to believe that Mr. Doyle and Mr. Hadwinckle must have misunderstood what passed; for I feel perfectly sure that neither the Commodore, nor His Majesty's Vice Consul, can have sanctioned the proceeding. I am, &c.

H. CHAMBERLAIN.

John Parkinson, Esq.

(Inclosure 5.)—Mr. Consul-Gen. Chamberlain to M. de Andrada e Silva.

Rio de Janeiro, May 10, 1823.

The Undersigned, His Britannick Majesty's Consul General, begs leave to make known to His Excellency, M. de Andrada e Silva, Councillor, Minister, and Secretary of State for the Affairs of the Empire, and for Foreign Affairs, (should His Excellency not have already learnt the fact,) that a French Vessel, from the River Bonny, laden with Slaves, has put into Pernambuco, where she has disposed of several Negroes; it is stated, of as many as twenty.

The prohibition to import Slaves into Brazil, under any Flag, other than that of Portugal, being stipulated to be renewed, by the third Article of the Additional Convention of London, of the 28th July 1817, viz: "And, at the same time, to renew the prohibition which already exists, to import Slaves into the Brazils, under any Flag, other than that of Portugal;" The Undersigned feels persuaded, that he has only to draw His Excellency's attention to the circumstance, to ensure an immediate enquiry into the facts; and a prompt and effectual enforcement of the prohibition thus stated to be already part of the Law of the Land: and become doubly so, if the expression may be used, by the Stipulation just cited.

He profits with great pleasure of the opportunity, &c.

H. CHAMBERLAIN.

His Excellency M. de Andrada e Silva.

No. 22.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received July 21.*)*

Sir, *Rio de Janeiro, May* 24, 1823.

With reference to my Despatch, dated the 14th instant, I have the honour to transmit herewith a translation of the Note this day received from M. de Andrada e Silva, in reply to that which I had addressed to him on the 10th instant, (of which a Copy was sent in the before-mentioned Despatch), pressing

for the enforcement of the prohibition to import Slaves into the Brazils under any other Flag than that of Portugal.

The French Vessel from the Bonny, whose arrival at Pernambuco has given rise to this Correspondence, having, as I have learnt within these two days, left that Port, after being allowed to dispose of her whole Cargo of Negroes, my application will be fruitless with respect to her: but, I trust it may have the effect of causing the prohibition to be enforced hereafter. I have the honour to be, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

(Inclosure.)—M. Andrada e Silva to Mr. Consul-Gen. Chamberlain.

(Translation.) *Rio de Janeiro, May* 23, 1823.

Joze Bonifacio de Andrada e Silva presents his compliments to Mr. Henry Chamberlain, Consul-General of the British Nation, and, acknowledging the receipt of the Note he addressed to him on the 10th of the present month, with the information that a French Vessel had entered Pernambuco from the River Bonny, with Slaves, whereof several were disposed of, contrary to the Stipulation in the Additional Article to the Convention of London of the 28th July 1817; has to state in reply, that, as soon as the necessary information shall be obtained from the Government of Pernambuco, which will be immediately called upon to explain this matter, His Imperial Majesty will continue to take every measure for the execution of the respective Treaty, which it is His Imperial intention to observe religiously, Mr. Chamberlain being already aware, that though the disagreeable event to which he alludes should have happened, it would have been owing to the unsettled state of that Province, and not to any premeditated desire of infringing the Treaty.

Joze Bonifacio de Andrada e Silva renews to Mr. Chamberlain, &c.

Henry Chamberlain, Esq.

No. 23.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received Oct.* 15.*)*

Sir, *Rio de Janeiro, August* 15, 1823.

I have the honour to transmit herewith the Copy of a Statement of the number of Slaves imported into Maranham during the Year 1822.* Two of the Vessels mentioned therein, the *General Dom Antonio*, with 224 living Negroes; (23 having died during the passage,) and the *Maria*, with 130 on board, having openly come from Bissau.

* (Abstract).—Embarked - - 2,813
Died on the Passage - 165
Landed - 2,648

Mr. Consul Hesketh having mentioned, in the Despatch inclosing this Statement, that he had forwarded to your Office the Documents he had been able to obtain from the local Government respecting the Importation of Negroes by the Apollo and Maria, direct from the Cape de Verds and Cacheu in 1821, and from Bissau, by the Maria, in 1822, I have written to desire him to forward to you all the information he can procure relating to the importation of the cargo of Negroes from Bissau, last Year, by the General Dom Antonio.

The Documents that have been forwarded, carry but too convincing evidence of the readiness of the Portuguese Authorities upon the Coast, and of the Local Authorities at Maranham, to allow any pretext to be sufficient to cover the importation into the latter Port, of Negroes from the prohibited Districts, and of their want of inclination to enforce the Law passed in completion of the Treaty of Vienna.

So long as the permission of The King for the removal of a family from these Ports, is sufficient to cloak the exportation of cargoes of Negroes, there is little chance of the prohibited Trade being prevented. I have, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

No. 24.—Mr. Secretary Canning to Mr. Consul-General Chamberlain.

(Extract.) *Foreign Office, August* 25, 1823.

You are aware that a question has arisen at Rio de Janeiro, as to who should pay the expences of Slaves (captured under the Treaty) between the time of their detention, and that of the pronouncing of the Sentence, when that Sentence is condemnation.

The Brazilian Government have expressed their opinion and wish, that these expences should, in preference, be considered in the nature of Costs, and should be paid by the product of the Ship and cargo: they gave up their moiety of the proceeds of the *Emilia* for that purpose.

The proceeds not being sufficient, the British Commissioners advanced the remainder, by Bills upon His Majesty's Victualling Board.

His Majesty's Government have never hitherto called upon the Brazilian Government to pay any portion of such surplus

of expence, in the case of Slaves carried into Sierra Leone, and condemned there; and a very large sum is annually expended by this Country under that head.

You will, therefore, state to the Brazilian Minister, that His Majesty's Government are willing to accede to this principle, to be mutually carried into effect at Rio de Janeiro, and at Sierra Leone; namely, that the expences of Slaves, between the time of their detention, and of the Sentence on the Vessel bearing them, when that Sentence is a condemnation, should preferably be paid out of the proceeds of the Ship and cargo; and that when these proceeds are not sufficient, the excess of expence of the Slaves beyond that amount should be borne by the Government of that Country which will afterwards have the benefit of the free labour of the Slaves who are on board of the condemned Vessel.

I shall send to you by an early opportunity, a statement of the amount of the excess of expences in the case of the Emilia, in order to the settlement of that account by the Brazilian Government. I am, &c.

GEORGE CANNING.

Henry Chamberlain, Esq.

No. 25.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received December 20.)

(Extract.) *Rio de Janeiro, Oct. 6, 1823.*

I have the honour to acknowledge the receipt of your Despatch of the 28th July, acompanied by a printed Copy of the Correspondence on the Slave-trade, which has been laid before Parliament, for which I beg leave most respectfully to express my thanks. I have, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

No. 26.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received December 20.)

Sir, *Rio de Janeiro, Oct. 7, 1823.*

I have the honour to acquaint you that I have this day taken my Seat as His Majesty's Acting Commissary Judge of the Mixed Commission, during the absence of Mr. Hayne:—

the customary oaths having previously been administered by the Great Chancellor (Chanceler Mor) of the Empire.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. CHAMBERLAIN.

No. 27.—Mr. Secretary Canning to Mr. Consul-General Chamberlain.

SIR, *Foreign Office, Oct.* 25, 1823.

The inclosed Copy of a Communication, which I have received from His Majesty's Commissary Judge at Sierra Leone, dated the 8th of June last, will put you in possession of the particulars of a practice that prevails in the Brazils, of stating, in the Passports granted to those Vessels which are engaged in a lawful Trade in Slaves, that the Vessel is of more tonnage burthen, than, upon a *bonâ fide* admeasurement, she is found to be.

As the number of Slaves which a Vessel is allowed to carry, is regulated according to her admeasurement, the practice to which I refer, if not defeated in its object by subsequent investigation, is calculated to do away the effect of the humane intentions of the Legislature of Brazil, and to evade the Stipulations of the Treaty with Great Britain.

The liberal views which the Brazil Government are known to entertain on this subject, leave no doubt but that, upon your making to them a communication of the facts stated in these Papers, they will hasten to give effectual orders to prevent the evil complained of. I am, &c.

GEORGE CANNING.

H. Chamberlain, Esq.

No. 28.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received Jan. 24, 1824.)

SIR, *Rio de Janeiro, Nov.* 10, 1823.

I have the honour to transmit a Copy of the intimation which, in obedience to the Instructions contained in your Despatch, dated the 25th August last, I have made to the Minister, stating the accession of His Majesty's Government to the principle proposed by Snr. Pedro Alvarez Diniz, in his two Portarias to the Mixed Commission in this City, dated 28th August and 4th September 1821, for regulating the mode of payment of the excess of expence of Negroes, over the

amount of nett proceeds, in Cases where the detained Vessels are condemned by the Courts of Mixed Commission at Sierra Leone, or at Rio de Janeiro.

The present agitated state of this City, and the struggle evidently commencing between the Political Parties into which it is divided, render it unlikely that the Minister will be able to acknowledge its receipt before the Packet sails.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—Mr. Consul-Gen. Chamberlain to M. Carneiro de Campos.

Rio de Janeiro, November 8, 1823.

The Undersigned, His Britannick Majesty's Consul-General, has the honour to announce to His Excellency M. Le Commandeur Joze Joaquim Carneiro de Campos, Counsellor, Minister, and Secretary of State for the Internal and Foreign Affairs of the Empire, that he is authorized by his Government to signify its adherence to the principle proposed by M. Pedro Alvarez Diniz, in the two Portarias addressed by His Excellency to the Mixed Commission, under date the 28th August and 4th September 1821, for the payment of the expences of the Negroes, captured under the Treaty, from the moment of their detention till that of Sentence being passed, when such Sentence is a condemnation, viz: that these expences should be considered in the nature of costs, and be paid in preference out of the proceeds of the Vessel and its cargo: and that when the proceeds are not sufficient to cover the expences of the Slaves, the balance should be at the charge of the Government of the Country which profits by the free labour of the Negroes found on board of the condemned Vessel.

This principle being admitted by the British Government, will be henceforth regarded as the rule mutually established at Rio de Janeiro, as well as at Sierra Leone, where the Government annually expends very considerable sums, in payment of the excess of the expences in question, although it has not hitherto proposed that the Brazilian Government should defray a portion thereof.

When the Undersigned shall have received the exact account of the excess of expence incurred for the Slaves of the *Emilia*, condemned by the Mixed Commission at Rio de Janeiro, he will have the honour to transmit it to His Excellency M. le Commandeur Carneiro de Campos, in order that the same may be settled by the Brazilian Government.

The Undersigned, &c. H. CHAMBERLAIN.

H. E. The Commander J. J. Carneiro de Campos.

No. 29.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received March 11.)

(Extract.) *Rio de Janeiro, January* 5, 1824.

I have the honour to transmit herewith a Statement of the number of Negroes imported into Rio de Janeiro during the

Year 1823;* shewing, as far as I have been able to ascertain, the number that have died during the passage. A diminution of one-third is to be remarked in the importation, as compared with that of 1822, owing, no doubt, to the distracted state of the African Colonies of Portugal: but, from whatever cause arising, I beg leave most respectfully to offer my congratulations on the fact of so considerable a reduction having taken place.

By the accidental arrival here of His Majesty's Ship Driver, Captain Bowen, from the African Station to repair, I have become acquainted with two facts leading to the belief, or rather to the conclusion, that the Slave-traders of Rio de Janeiro are following the example of those of Bahia; and, clearing their Vessels out ostensibly for the Congo, Molembo, and the other Ports where the traffick is still permitted, make their way direct for Places North of the Line, and there take in their cargoes of Negroes.

That some of them, at least, do so, appears but too probable from the following instances:

The Driver being off Whydah on the 3d of September last, saw a Brig at anchor near that Place, which she boarded, and found completely fitted up for the Slave-trade, but without any Negroes on board. Upon examining her Papers she was ascertained to be the Brig Zefiro, of Rio de Janeiro, Joao N. da Silva, Master, from whence she had sailed, on the 11th July, with a Royal Licence to trade for Slaves at Molembo; but to which Port she had not gone, because of contrary winds and bad weather. The Master pretended that, disappointed in the first object of the voyage, he had come to Whydah to endeavour to procure a cargo of palm-oil and ivory—in which hitherto he had been unsuccessful. Having no Negroes on board, the Vessel was not liable to detention. She is not yet returned to Rio de Janeiro.

Being off the Cameroons, Captain Bowen sent his boats up to examine the River; and these, on the 12th of the same Month, at a Place called King Acqua's Town, about 50 miles from the Sea, found a Brig at anchor.

Upon examination of her Papers, this Vessel also turned out to be from Rio de Janeiro, being the Polifemo, J. C. Roiz

* (Abstract).—Embarked 20,483 in 46 Vessels.

Died	-	1,388
Landed	-	18,922
	173	having been taken from on board of one Vessel by a Spanish Pirate.

Lopes, Master, with a Royal Licence to trade for Slaves at the River Congo; for which Place she had sailed from hence on the 7th July. The Polifemo, like the Zefiro, was completely fitted for the traffick; and, like her, had been forced, by contrary winds and bad weather, (according to the Master's account) to desist from going to the Congo, and had, therefore, come to King Acqua's Town, to purchase a cargo of palm-oil and ivory.

But the Native Chiefs pointed out, to the Officer in command of the boats, two large buildings, in which they said were confined some Negroes belonging to the Supercargo, who had gone up the Country with goods to purchase more.

The Vessel having no Negroes actually embarked, the boats returned without molesting her.

She returned to Rio de Janeiro on the 22d of November (seven days before the Driver arrived) without any Negroes on board; reporting herself to have come from the River of Cameroons, where she had been robbed by the Natives; and she left this Port a second time on the 21st ultimo, outwardly destined for Ambris.

As there existed no proofs of her having been engaged in the Slave-trade, within the prohibited Districts, I have not brought the Case before the Government.

I have the honour to be, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

No. 30.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received March 11.)

SIR, *Rio de Janeiro, Jan. 7, 1824.*

In my Despatch, dated 14th of May last Year, I had the honour to forward a Copy of the Note addressed to the Minister for Foreign Affairs, respecting a French Vessel from the River Bonny, that had been allowed to land and sell her cargo of Negroes at Pernambuco, contrary to the 3d Article of the Additional Convention of London of the 28th July, 1817.

The Diario do Governo of this day, contains the first notice that has been taken of my Representation, and, as it is amongst the Official Articles, I beg leave to transmit herewith a Translation, for the information of His Majesty's Government, who will perceive therefrom, that the conduct of the Provisional Junta of Pernambuco is disapproved of, in so far

as respects the allowing the sale of the whole of the Slaves, and that they are warned not to allow such an occurrence to be repeated. I have, &c.

H. CHAMBERLAIN.

The Right Hon. George Canning.

(Inclosure.)—Extract from the Diario do Governo, Jan. 7, 1824.

(Translation.) *Department for Foreign Affairs.*

His Majesty The Emperor having seen the Office, No. 41, of the Provisional Junta of Government of Pernambuco, of the 18th of November last past, reporting, as it had been ordered to do, upon the contents of the Note of His Britannick Majesty's Consul-General at this Court, wherein he complained that there had entered into that Port, and sold some Slaves, contrary to the stipulation in the Additional Article to the Convention of London of the 28th July, 1817, a French Vessel loaded therewith, which had come from the River Bonny. And the same august Lord having taken into due consideration all that the Provisonal Government states, to secure itself against what had been agreed upon in the said Article: he is pleased to order it to be declared to the said Junta, that it acted rightly, considering the unforeseen and urgent necessity in which that Vessel appeared to be, in admitting her to entry, and in granting the permission which her Master required, to sell some of the Slaves to defray the expences of the Ship. But His Imperial Majesty cannot equally give His approbation, as respects the Government having allowed him to sell all the Slaves, as was well explained by the Dezembargador Procurator of the Crown and Revenue, in his report given to the Junta of Government, in consideration of the last Treaty with the British Crown, wherein it was agreed that even Slaves negociated from the Ports to the South of the Equator, could only be so in National Vessels; and by so much the more, as there was a suspicion that this Vessel came from Ports to the North of the Line.

By this opportunity, therefore, the Provisional Government is warned, that in every other occurrence it must refuse entry to Vessels and their cargoes that may be under similar circumstances, never granting it but in most urgent cases, after a previous and rigorous examination, whereby it may be known that the entry in distress is not a pretext, and the Vessel is in a situation to require the offices of innocent utility, prescribed by Maritime Right, and the Law of Nations; and even then the Vessel must sail, being only permitted to sell that portion of the Slaves necessary for indispensable expences, after shewing that she has no Correspondents in the Place, and having previously represented to her respective Consul that he should provide for this object. The which His Imperial Majesty orders the Secretary of State for Foreign Affairs to participate to the Provisional Junta of Government of Pernambuco, for their understanding and due execution.

LUIZ JOZE DE CARVALHO E MELLO.

Palace of Rio de Janeiro, December 29, 1823.

NETHERLANDS.

No. 31.—*Mr. Secretary Canning to The Earl of Clancarty.*

My Lord, *Foreign Office, July* 8, 1823.

The accompanying Communication, from His Majesty's Consul-General at Rio de Janeiro, dated the 8th of April last, will put your Excellency in possession of the fact, that a Vessel called the *Camillus*, under Netherlands Colours, has entered that Port with a cargo of Slaves.

The Government of The King of The Netherlands will be grieved to learn, that the humane intentions of their Sovereign are thus openly frustrated; and I am sure yourExcellency will only have to state the circumstances to the Netherlands Minister, to be submitted to The King, his Master, in order that a rigid enquiry may be instituted into the particulars of the transaction, and that the Persons concerned in this lawless traffick, may be visited with the punishment which is due to this flagrant violation of the Treaty of the 4th of May, 1818.

I am, &c. GEORGE CANNING.

His Excellency The Earl of Clancarty.

No. 32.—*The Earl of Clancarty to Mr. Secretary Canning.—(Received July* 15.)

(Extract.) *Brussells, July* 11, 1823.

Your Despatch of the 8th instant, together with its Inclosure, reached me last Night; and, in obedience to the Instruction contained therein, I have this Morning addressed the Note, of which the inclosed is a Copy, to His Excellency Monsieur Le Baron de Nagell.

I have the honour, &c.

The Rt. Hon. George Canning. CLANCARTY.

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

Brussells, July 11, 1823.

The Undersigned, &c. is well persuaded this Government will be grieved to learn that the humane intentions of His Netherlands Majesty have been frustrated, and His Flag abused, by being used as a cover to the trade in Slaves.

The Communication, a Copy of which the Undersigned has the honour to inclose herewith, has been received by the British Government, from the British Consul-General at Rio de Janeiro. This, together with other circumstances attending it, will put His Excellency M. Le Baron de Nagell in possession of the principal fact, that a Ship called the *Camillus*, George

Marcus, or Marcay, Master, under Dutch or Netherlands Colours, arrived at the Port of Rio de Janeiro on the 18th of March last, having on board about 400 Slaves for sale.

The Undersigned has received the Commands of The King, his Master, to lay the account of this transaction before this Court, well assured as His Majesty is, that the bare statement of the circumstances to The King of The Netherlands, will induce the immediate institution of a rigid enquiry into all the particulars relating to it, and that the Persons, Subjects of this Crown, concerned in this lawless traffick, will be visited with the punishment which is due to such a flagrant violation of the Treaty of 4th May, 1818.

From the identity of the name of the Ship, it is possible that this Government will find some further light thrown upon the subject of the present complaint, by referring to a Correspondence which the Undersigned, in obedience to the Orders of his Court, had the honour of carrying on with M. de Nagell in the Months of June and August 1821, and which terminated with the assurances, upon the part of His Excellency, that measures were in progress for the due punishment of Mr. Trippensée, an Officer of the Dutch Navy, and of those implicated with him in that transaction.

The Undersigned, &c.

His Excellency M. Le Baron de Nagell. CLANCARTY.

No. 33.—*The Earl of Clancarty to Mr. Secretary Canning.*—*(Received July* 18.*)*

SIR, *Brussells, July* 15, 1823.

I have the honour to inclose, for your information, the Copy of a Despatch received by me on Saturday last, from Mr. Lance, His Majesty's Commissioner of Arbitration at Surinam, under the Provisions of the Treaty with The Netherlands of 4th May, 1818.

The intelligence of the capture of a Slave-trader, (the Schooner *Snow,)* by a Ship of this Country; the subsequent condemnation of the prize by the Mixed Court; and the conduct of the Dutch Governor in securing a British Subject, serving on board the captured Ship, with a view to his being made over to us, for the purpose of taking his trial under British Jurisdiction, and according to British Law, for having engaged in the Slave-trade, cannot fail to afford great satisfaction to His Majesty's Government, as evincing the sincere determination of this Court to carry the Provisions of the Treaty into effect.

To impress this the more, as shewing that the Orders issued by this Government to the Commander of the *Kemphaan*, were from the outset precise to this effect, it may not be improper to remark, upon the authority of Monsieur Falck, the Colonial Minister, that the Netherlands Sloop-of-War, the Kem-

phaan, did not meet with the prize in the Neighbourhood of Surinam, but in the middle of the Antilles.

The capture, therefore, was not the consequence of any immediate representation on our part, neither could it have occurred from any apprehension in the Commander, of being charged by us with laxity in the execution of the Treaty; it seems to have proceeded exclusively from his having paid due obedience to the Orders of his own Government, and is to be considered entirely as a Netherlands transaction.

I remain, &c.

The Rt. Hon. George Canning. CLANCARTY.

(Inclosure.)—J. H. Lance, Esq. to The Earl of Clancarty.

My Lord, *Surinam, May* 11, 1823.

In obedience to the instructions conveyed in a Despatch from the late Marquess of Londonderry to His Majesty's Commissioners at Surinam, dated 28th November, 1820, I have the honour to inform Your Excellency that the Mixed British and Dutch Court at this Place, for preventing the illegal traffick in Slaves, condemned on the 5th instant a Schooner called the *Snow*, captured and brought in by His Netherlands Majesty's Sloop-of-War the Kemphaan, with 50 Slaves on board, and that a seaman on board the above-mentioned Schooner, named William Askens, acknowledged himself to be a British Subject,

I have, therefore, applied for, and obtained of His Excellency the Governor of this Colony, his assistance in securing and keeping the said William Askens n safe custody, until an opportunity shall occur of sending him, together with copies of such of the proceedings of the Mixed Court as will be necessary, to some British Settlement, to the end that he may take his trial for being engaged in the Slave-trade.

I have the honour, &c.

H. E. The Earl of Clancarty, J H. LANCE.

No. 34.—The Earl of Clancarty to Mr. Secretary Canning.—(Received July 21.)

Sir, *Brussells, July* 18, 1823.

With reference to my Despatch of the 11th instant, I have now the honour to transmit the Copy of a Note received from Monsier Le Baron de Nagell, on Tuesday evening last, but at too late an hour to be forwarded by the Messenger despatched hence on that day.

The only material fact communicated by this Note is the death of Mr. Trippensée, an Officer of the Dutch Navy, and a Person much implicated in a Slave-trade transaction, in which a Ship, named the *Camillus*, and which formed the subject of a former complaint, was employed.

The late representation made by me on the 11th instant, under your Instruction of the 8th of this Month, relating to a debarkation of Slaves from a Ship also named the *Camillus*, has been put in a course of enquiry.

I remain, &c.

The Rt. Hon. George Canning. CLANCARTY.

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

Bruxelles, le 15 *Juillet*, 1823.

Le Soussigné, &c. a l'honneur d'informer Son Excellence Le Comte de Clancarty, qu'il s'est empressé de communiquer aux Autorités qui le concerne, la Note par laquelle Son Excellence lui a fait part de l'arrivée à Rio Janeiro sous le Pavillon des Pays-Bas du Navire le *Camillus*, Capitaine George *Marcus* ou *Marcay*, avec une cargaison d'Esclaves.

Il est très possible que ce Navire soit le même que celui qui a déjà fait le sujet d'une Correspondance antérieure avec l'Ambassade Britannique. Le 18 Août, 1821, le Soussigné a fait part à Son Excellence que toutes les Pièces concernant la plainte, survenue alors, seroient communiquées aux Départemens de la Justice, et de la Marine, afin de donner leur avis, sur les mesures qu'il conviendrait de prendre, pour que le *nommé W. Trippensée*, ci-devant patron du Camillus, et Officier Commissioné de la Marine Militaire des Pays-Bas, et ceux qui avec lui se seraient rendus coupables d'avoir pris, directement ou indirectement, part au commerce des Esclaves, fuissent poursuivis, d'après les Lois et Ordonnances existantes. Les dits Départemens ayant démontré dans leur Rapport la nécessité d'entendre le *Sr. W. Trippensée* sur les faits à sa charge, le Ministre de la Marine a dépêché dans le tems, un Ordre au *Sr. Trippensée* de revenir dans les Pays-Bas, et de se présenter dans ses bureaux. Malheureusement cet Ordre n'a pû avoir de suite, attendû qu'on a été informé en Septembre dernier, au moyen d'une Communication qui a été faite à la Mission des Pays-Bas à Paris, de la part du Ministère des Affaires Etrangères de France, que d'après un Rapport du Consulat de France à Bahia, le dit *W. Trippensée* a été assassiné dans l'intérieur du Brazil, à quatre-vingt lieux du dit Port: évènement d'autant plus facheux qu'il a paralysé jusqu'ici les poursuites auxquelles aurait pû donner lieu l'examen du *Sr. Trippensée*, et l'instruction *cum quo* de son Procès.

Le Soussigné, &c.

A. W. C. DE NAGELL.

S. E. Le Comte de Clancarty.

No. 35.—*The Earl of Clancarty to Mr. Secretary Canning.*

(Received July 28.*)*

(Extract.) *Brussells, July* 25, 1823.

In consequence of the length of time which has elapsed since the proposal made by me under your Instructions, for the establishment of Slave-registries in this Country and in its Colonies, and of the silence observed upon this subject,

by the Ministers for Foreign Affairs, and of the Colonies, subsequent to M. de Nagell's Note to me of the 26th of March last, I thought it my duty to seek such information from M. Falck as he could afford, as to the precise state in which this matter now stands.

The result of a Conference, which I have lately had with His Excellency, has been as satisfactory as I could expect.

He has assured me that he is favourable to the adoption of this Measure, and that no time has been lost by him in endeavouring to promote it; that immediately upon the first subsequent occasion, after his having received the Copies of our Colonial Laws, Regulations and Forms of Registry, in the Month of March last, they were, accompanied by his recommendation, transmitted to the Governor of Surinam, with directions that he should forthwith convoke the Assembly or Council there, in order that they should, without delay, be submitted to their consideration, and that such observations as should result from their deliberations, should be reported Home with all convenient dispatch, for the purpose of enabling The King to decide, and to issue His final Orders respecting the measure of Slave-registry.

This is all which we could well expect to receive as information up to the present period.

I have the honour, &c.

The Rt. Hon. George Canning. CLANCARTY.

No. 36.—*Mr. Secretary Canning to The Earl of Clancarty.*

My Lord, *Foreign Office, July* 30, 1823.

I have the honour to acknowledge the receipt of Your Excellency's Despatch of the 15th instant, on the capture of The Netherlands Slave-trader *Snow*, by the Sloop-of-War Kemphaan, and her condemnation in the Mixed Court of Commission established at Surinam.

His Majesty's Government have learnt with sincere satisfaction the readiness displayed in this instance by the Officers of His Netherlands Majesty, in execution of the Orders of their Sovereign, to carry into full effect the Provisions of the Treaty for preventing a traffick in Slaves.

I am, &c.

GEORGE CANNING.

The Earl of Clancarty.

No. 37.—Mr. Secretary Canning to The Earl of Clancarty.

My Lord, *Foreign Office, August* 5, 1823.

I furnish your Excellency with the Copy of a Despatch from Mr. Lance, His Majesty's Commissary Judge at Surinam, dated the 18th of May last, respecting the Mode of Procedure proposed to be adopted in the Mixed Netherlands and British Court of Commission at that Place.

It appears that the Netherlands Commissioners are waiting for the return of the Form of Procedure submitted by them to The King of The Netherlands.

Your Excellency will, therefore, have the goodness to press the Government of His Netherlands Majesty to send out Instructions to Surinam, which may enable the Commissioners to settle, definitively, the arrangements, as to their proceedings, in strict conformity with the tenour and spirit of the Treaty under which they act.

On this point I beg to refer your Excellency to the Papers, marked Nos. 82, and 90, (Surinam) in the Correspondence on the Slave-trade, recently laid before Parliament, and transmitted to you with my Despatch (Circular) of the 28th of July last. I am, &c.

GEORGE CANNING.

His Excellency The Earl of Clancarty.

No. 38.—The Earl of Clancarty to Mr. Secretary Canning.
(Received August 8.)

(Extract.) *Brussells, August* 5, 1823.

I have the honour to acknowledge the receipt of your Despatch of the 28th ultimo, together with the printed Copy of the Correspondence relating to the Slave-trade, laid before Parliament in the last Session.

I have not omitted to express to Mons. Le Baron de Nagell, the satisfaction experienced by His Majesty's Government at the late conduct of the Officers of His Netherlands Majesty, in the capture and subsequent condemnation of the *Snow* Slave-trader.

His Excellency assured me, that he felt great pleasure at this communication. I have the honour, &c.

CLANCARTY.

The Right Hon. George Canning.

No. 39.—The Earl of Clancarty to Mr. Secretary Canning.
(Received August 15.)

(Extract.) *Brussells, August* 12, 1823.

I received on Sunday last, your Despatch of the 5th instant, with its Inclosure; and, in obedience thereto, I yesterday addressed the official Note, of which I have the honour to enclose herewith a Copy, to M. Le Baron de Nagell.

The manner in which I was directed by your Despatch to refer to the Projet of the Forms of Proceeding of the Mixed Court at Surinam, and to your particular observations thereon, as they appear in the Slave-trade Papers recently laid before Parliament, necessarily led me into the details which appear on the face of this Note.

I sincerely hope I have rightly conceived your meaning, and followed your wishes in this respect.

I remain, &c.

The Rt. Hon. George Canning. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to The Baron de Nagell.
Brussells, August 11, 1823.

The Undersigned, &c. has received Instructions from his Court to press upon the immediate attention of that of The Netherlands, the necessity of sending out Instructions to Surinam, by which the Mixed Court of Justice established at that Settlement under the Treaty of May 4, 1818, may be enabled, in strict conformity to the tenour and spirit thereof, definitively to settle the Form of their Process, and the course of their proceedings.

In M. de Nagell's Official Note of the 28th October last, His Excellency was so good as to acquaint the Undersigned that M. A. F. Lammens, who had been appointed to succeed M. Changnion as Judge of the Mixed Court on the part of the Netherlands, had drawn up the *Projet* of a Form of Procedure, which was then actually the subject of a Correspondence between their Excellencies the Ministers of Justice and of the Colonies, on one side, and the Colonial Authorities of Surinam on the other: and further that The King of The Netherlands would be in a state, within a short time to decide thereon.

From recent Advices received by the British Government, from the British Commisary Judge at Surinam, it appears that the Netherlands Commissioners are still waiting for the return of this Form of Proceeding, with the Royal Sanction of The King, their Master, for its permanent adoption, either as originally transmitted, or with such emendations as Superior Authority may have deemed it convenient to annex thereto.

A Copy of the Form of Process, above-mentioned, has been forwarded to the British Government, and some Communications have passed upon it between the British Commissary Judge and M. Lammens, who appears from the Correspondence, (and the Undersigned takes real pleasure in stating it,) to act with an honourable and zealous regard to the duties of his Situation.

The Netherlands Government will not fail to perceive, as well from the whole body of the Treaty itself (see particularly Article 7,) as from the Regulations for the Mixed Courts, thereto annexed, (see particularly Article 1,) that, to avoid all complexity and delay in the proceedings, and to render the adjudications as summary as the ends of justice will permit, are objects of the very first importance; and, consequently, that in the arrangement of the Forms of Process by which the proceedings in the Mixed Courts are to be permanently regulated, prime regard should be had to ensure their attainment.

To effect this, the British Government are disposed to think that the proceedings should, as far as possible, 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 Petitions of the Parties, in the simplest form; and especially that it should not be laid down as one of the Regulations by which the proceedings are to be permanently regulated, as in Article 4 of the *Projet*, that the Process should be proceeded in, from *three days to three days*. The British Government have, indeed, been informed that the adoption of this extended period of adjournment in the *Projet* has arisen from the circumstance of the Netherlands Commissary Judge, M. Lammens, being also President of the Court of Civil Justice, with the proceedings of which a Regulation for enforcing the daily Sittings of the Mixed Court might interfere. But the special circumstances of this highly respectable Gentleman could not well authorise the adoption of a permanent regulation, by which not only such extended adjournments would be authorised, but shorter adjournments, and greater continuity of juridical Sitting become permanently precluded.

His Britannick Majesty's Government are doubtful whether the entertainment of intermediate questions relative to Costs, arising out of the projected Regulations of the third Article, and further, whether the mode of proceedings by way of memorial, answer, reply, and rejoinder, as set forth in the Eighth Article of the *Projet*, (when that by Minutes of Court already observed upon is open to adoption,) are Forms best calculated to promote summary adjudication, and to prevent that delay and complexity which it is so much the object of the Treaty to avoid.

The Undersigned has only one observation more to make upon this *Projet*. A suggestion, similar to that which appears in the Sixteenth Article, had been already suggested to the British Government for the regulation of the Mixed 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 purpose of paying the expences of the suit.

The Undersigned has been commanded to submit these observations to the consideration of His Netherlands Majesty's Government; and as they have doubtless, already come under their view in their Correspondence with the Colonial Authorities of Surinam, upon the subject of the *Projet*, it is hoped that the decision upon them need not be delayed, and that he may be speedily authorised, by an Official Communication from M. de Nagell, to acquaint his Court, that Instructions for the permanent regulation of the Mixed-Court-proceedings at Surinam, have been finally adopted and sent out, in strict conformity with the tenour and spirit of the Treaty of May, 1818.

The Undersigned, &c.

The Baron de Nagell. CLANCARTY.

No. 40.—The Earl of Clancarty to Mr. Secy Canning. (Rec. Sep. 8.)

SIR, *Brussells, September* 5, 1823.

With reference to your Instruction of the 5th August; with reference also to my Despatch of the 12th of the same Month, and to the Copy of the Note addressed by me to M. Le Baron de Nagell on the 11th of August, in obedience to your directions therewith transmitted: I have now the honour to forward for your information, a Copy of the answer of this Government to the latter Document, from whence it appears that already, before this Correspondence had begun, viz. on the 24th June last, Instructions had been issued by this Court, under which the Local Authorities will have been enabled definitively to settle the Form of Process requisite for the government of the proceedings in the Mixed Commission Court at Surinam. I remain, &c.

CLANCARTY.

The Right Hon. George Canning.

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

Bruxelles, le 4 Septembre, 1823.

Le Soussigné, &c. a reçu la Note que Son Excellence M. le Comte de Clancarty, &c. lui a transmise le 11 Août dernier, touchant la manière de procéder par devant la Cour Mixte à Surinam, érigée en vertu du Traité du 4 Mai, 1818, pour l'abolition de la Traite des Nègres.

Il s'empresse d'informer Son Excellence M. le Comte de Clancarty, que Le Roi Son Maitre ayant adopté, par résolution du 24 Juin dernier, *un Ordre de Procéder*, ainsi que les Formulaires y rélatifs, le tout a été dépêché à Surinam, de manière que le Tribunal, qui s'y trouve établi pourra bientôt en faire le norme de ses opérations.

Du reste, et pour autant que l'Ordre de Procédure et les Formulaires dont il s'agit, ne seraient pas, *quant à leur teneur* entièrement conformes à ce qui se pratique à Sierra Leone, le Soussigné croit devoir se référer à l'observation qu'il a eu l'honneur de faire à Son Excellence le 25 Janvier, 1820, par rapport à la manière de procéder par devant la Cour Mixte à Surinam, savoir: que les Jugemens devant être prononcés au nom de Sa Majesté, il serait nécessaire de suivre un Ordre de Procédure et des Formulaires plus conformes à ceux en usage dans les Colonies des Pays-Bas.

Pour prouver d'ailleurs à Son Excellence que *le nouvel Ordre de Procéder* n'est point le même que le Projet du S. Hammens, qui a donné lieu aux observations du Gouvernement Britannique, le Soussigné a la satisfaction d'informer M. le Comte de Clancarty, que le premier a été rédigé dans la vue de *terminer promptement les Procédures entamées contre les batimens arrêtés sous les dispositifs du Traité*, et qu'il est par conséquent précisemment l'opposite de ce qu'on réproche au Projet;—tellement même, que le terme d'assigner a été fixé, dans *l'Ordre de Procéder*, arrêté par Le Roi, à six jours de plus rapproché que dans *le Mode de Procéder*, que le Gouvernement Britannique a donné pour régle au Tribunal Mixte à Sierra

Leone,—circonstance qui mérite d'autant plus de considération, que les Procédures doivent être terminées dans l'espace de deux mois tout au plus.

Le Soussigné, &c.

S. E. Le Comte de Clancarty. A. W. C. DE NAGELL.

No. 41.—*Baron Fagel to Mr. Secretary Canning.*

Whitehall Place, le 28 *Octobre*, 1823.

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Le Roi des Pays Bas, a l'honneur de porter à la connoissance de Son Excellence Monsieur Le Secrétaire d'Etat Canning, que la Frégate de Sa dite Majesté La *Dageraad* (l'Aurore) de 250 hommes d'équipage, et de 32 pièces de canon, commandée par le Capitaine *Van Der Hart*, et qui partira dans le courant du mois prochain pour la Côte de Guinée et les Indes Orientales, sera pourvue d'un Exemplaire du Traité du 4 Mai, 1818, répressif du Commerce des Esclaves, et des Pièces qui y sont jointes.

Le Soussigné saisit cette occasion, &c.

Son Excellence Monsieur Canning. H. FAGEL.

No. 42.—*The Earl of Clancarty to Mr. Secretary Canning.*

(Received November 25.*)*

Sir, *The Hague, Nov.* 21, 1823.

In obedience to the instruction conveyed in your Despatch of the instant,* received here last night, I have addressed the Note, of which the Inclosure herewith sent is a Copy, to His Excellency M. le Baron de Nagell.

I have the honour, &c.

The Rt. Hon. George Canning. CLANCARTY.

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

The Hague, November 21, 1823.

The Undersigned, &c. has received the orders of his Court, to solicit the attention of this Government to the subject of the Charges which are delivered in by the Marshal of the Mixed Commission Court at Sierra Leone and at Surinam, for Articles necessary to the due and decent subsistence of Slaves prior to emancipation, and for the personal services performed by the Marshal of the Court, and by other Persons under his superintendence, and under the directions of the Court, in regard to Ships and to their cargoes brought in for adjudication under the Treaty and subsequent Conventional Arrangements, for preventing the illegal traffick in Slaves.

As these Charges involve no other expences than what are absolutely necessary for the bringing to proper adjudication the captured Vessels and their cargoes, they seem justly chargeable upon the proceeds of such as are condemned so far as they have been incurred in each particular Case.

* See No. 4. p. 351.

The Commissioners of His Majesty The King of Great Britain, have, therefore, been recently authorised to deduct the amount of these expences in each Case of a condemned Vessel, from the proceeds of that Vessel and of her cargo, before those proceeds are divided into moieties: and they have been instructed to invite the Commissioners of His Majesty The King of The Netherlands to concur in this arrangement, if not at the moment, definitively, at least provisionally, until they can receive farther directions from their own Government.

The principle above set forth is so simple and so just; its practical establishment provides for an object so evidently common to the Two Governments,—that of the due execution of the Treaty, and susbequent Articles agreed upon between them,—that the Undersigned has been instructed to urge the issue of such directions by His Majesty The King of The Netherlands, to His Commissioners under the Slave-trade Restriction Treaty, as may authorise and induce them to conform to the arrangement above suggested, as the best method of ensuring the due execution of the Conventions upon this Subject between the High Contracting Parties.

As the Undersigned has been further directed to communicate to his Court at the *earliest period*, the result of this, his application, upon this point, he takes the liberty of requesting that it may be speedily brought under the consideration of His Majesty The King of The Netherlands with a view to early decision. He avails, &c.

His Excellency The Baron de Nagell. CLANCARTY.

No. 43.—Mr. Secretary Canning to The Earl of Clancarty.

My Lord, *Foreign Office, December* 26, 1823.

In reference to Your Excellency's Despatch of the 15th of July 1823, I furnish Your Excellency with the Copy of a Communication which has been made by the Governor of Barbadoes to the Under Secretary of State for the Colonial Department.

Your Excellency will acquaint the Government of The King of The Netherlands, in accordance with this Communication, that *William Askens*, the British Subject taken on board of the Slave-vessel, the Snow, by The Netherlands Cruizer, the Kemphaan, has been brought before the Vice Admiralty Court at Barbadoes, to be put upon his Trial, and that the Grand Jury, after hearing all the Evidence that had been procured and forwarded upon the subject, considering the same as not bringing home to William Askens the Charges alleged against him, took the usual method of declaring their Judgment to that effect, by throwing out the Bill, and, that no Charge appearing against William Askens, he was in consequence discharged. I am, &c.

GEORGE CANNING.

His Excellency The Earl of Clancarty.

No. 44.— G. W. Chad, Esq. to Mr. Secretary Canning.
(Received January 7.)

SIR, *The Hague, January* 1, 1824.

I have the honour to inclose a Note from The Baron de Nagell, accompanied by a Report from Surinam, to explain and justify the mode of prosecution adopted in respect to *Charles Beverley*.

It is asserted, that, by proceeding against him for having feloniously appropriated to his own use the 22 Slaves landed at Nickerie, the Government have been enabled to inflict a more severe punishment upon him than any to which he could have been condemned, had he been prosecuted under The King's Decree of 16th April 1821, for having imported Slaves from a Foreign Colony, where the traffick with Africa is still permitted.

The Baron de Nagell states that, of the 22 Negroes, 19 have been recovered; that The King has ordered them to be liberated, and has directed that they should be employed as labourers in the Government works, until an opportunity occurs of sending them back to their Native Country.

His Excellency also mentions, that His Majesty has it in contemplation to augment the penalties contained in the Decree of 16th April 1821, against the importation of Negroes into Dutch Possessions from those Colonies which are still permitted to bring Slaves from Africa.

I have the honour to be, &c.

The Rt. Hon. George Canning. G. W. CHAD.

(Inclosure 1.)—The Baron de Nagell to G. W. Chad, Esq.
La Haye, le 31 Decembre, 1823.

Le 26 Mars dernier, Le Soussigné, Ministre des Affaires Etrangères, eut l'honneur de faire part à Son Excellence Monsieur Le Comte de Clancarty, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, que les réprésentations du Gouvernement Anglais, concernant les procédures entamées contre le nommé *Charles Beverley*, par suite du débarquement de 22 Esclaves à Nickerie (Colonie de Surinam) provenant de La Martinique, allaient faire l'objet d'une Correspondance spéciale avec le Gouverneur de la dite Colonie.

La détermination du Gouvernement à cet égard a été suivie de l'envoi d'un Rapport présenté à ce sujet à M. le Gouverneur par le Fiscal de la Colonie.

Les détails que cette pièce renferme ayant été mis sous les yeux du Roi, Le Soussigné a été autorisé d'en faire part à l'Ambassade Britannique.

Il s'en acquitte, en faisant parvenir à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, une traduction du Rapport dont il s'agit.

qui lui fera connaître les motifs qui ont fait agir M. Le Fiscal contre Beverley, plutôt du fait d'une faute grave, d'un abus de confiance et d'un attentat à la propriété d'autrui, que du fait d'un trafic illégitime d'Esclaves, et en même temps que Beverley, en subissant un emprisonnement de neuf mois, a été puni plus sévèrement que si on lui avait appliqué les peines portées par l'Arrêté du Roi du 16 Avril, 1821.

Le Soussigné peut encore ajouter à ces renseignemens, pour l'information du Gouvernement Britannique, que Sa Majesté a pris occasion du Rapport susdit, pour requérir le préavis du Ministre de la Justice sur les moyens d'arrêter des dispositions plus sévères que celles comminées par l'Arrêté du 16 Avril, 1821, contre l'importation dans les Colonies du Royaume des Pays-Bas, d'Esclaves amenés d'une Colonie Etrangère où leur introduction directe d'Afrique est permise.

Et quant à ce qui concerne les 22 Esclaves importé dans le District de *Nickerie* par Beverley, Le Roi ayant été informé que sur ce nombre, 19 avaient été recouvrés et que deux autres, un Négre et une Négresse, étaient mort depuis leur débarquement, Sa Majesté a fait adjoindre à l'Administration Coloniale à Surinam de faire mettre ces 19 Esclaves en liberté, et de les employer comme travailleurs du Gouvernement jusqu'à ce que l'occasion se présente de les renvoyer dans leur Patrie.

Le Soussigné a l'honneur, &c.

Monsieur Chad. A. W. C. DE NAGELL.

(Inclosure 2.)—Report of the Fiscal to the Governor of Surinam.

(Extract.) *Paramaribo, le* 14 *Juillet*, 1823.

Obtempérant à la Résolution de Votre Excellence du 8 Juillet dernier, par laquelle, en me communiquant la Dépêche Ministérielle du 13 Mai dernier, elle m'invite à lui transmettre au plutôt un Rapport touchant son contenu; J'ai l'honneur de lui donner connoissance par la présente, que pour dévélopper convénablement cette affaire, il m'a paru utile de faire precéder un Narré succinct de la procédure intentée contre *Ch. Beverley;* Narré, qui, à ce que j'espère, conduira de lui-même à des conséquences propres, selon moi, à placer la conduite de l'Office Fiscal en cas présent, sous son véritable jour, et à faire disparoître les difficultés et les objections, lesquelles, à mon grand régret, ont été suggérée à l'encontre dans la Mère Patrie.

Ce fut le 26 Avril de l'Année précédente, 1822, que Je reçus une lettre du Sieur *G. La Martinie* demeurant ici à *Paramaribo*, portant en substance, que le Capitaine *Beverley* Commandant la Chaloupe *l'Elliot*, après être parti d'ici le 26 Fevrier précédent pour St. *Pierre, Martinique*, y était révenu le 7 Avril suivante, et lui avait communiqué la nouvelle, qu'un certain Négociant de l'Isle de la Martinique lui avait envoyé à bord, à sa consignation, douze Négres et dix Négresses, les quels, néanmoins, deux jours après, en découvrant un batiment de guerre, la crainte de l'exposer à des désagrémens, lui avait fait débarquer sur la côte occidentale de l'Isle. Que deux jours après avoir reçu cet avis, un certain mulâtre, nommé *Jean Clairac*, qui avait fait le voyage avec *Beverley*, lui avait rapporté que ces Négres n'auraient nullement été débarqués dans l'Isle de la *Martinique*, mais auraient été mis à terre le 27 ou 28 Mars précédent, sur la Plantation du Sieur Cruden dans le District Nikeri. Qu'il avait vainement fait des efforts pour parvenir à des découvertes

ultérieures, mais néanmoins pensait devoir présumer que le Capitaine *Beverley* et peut-être même le Sr. *Cruden* cherchaient à s'approprier ces Esclaves au préjudice de leurs Propriétaires légitimes; et se croyait donc obligé de porter cette affaire à ma connoissance, afin que par mon intercession ils pussent être restitués à leurs Possesseurs légitimes.

Après la réception de cette lettre, je jugeai convénable de me mettre en état par le récouvrement de quelques renseignemens préliminaires de juger sur le plus ou le moins de fondement de l'accusation que cette lettre renfermait en premier lieu contre *C. Beverley*, lequel, si le contenu de cette lettre venait à être dument vérifié, devrait, selon ma façon de voir, être jugé s'être rendu coupable d'une insigne déloyauté et d'un attentat à la propriété d'autrui.

A cet fin je récueillis les déclarations de deux matelots qui avaient accompagné le Capitaine Beverley dans le voyage en question, d'ont l'un était le susdit *Jean* ou *Jean Pierre Clairac*. Par leurs dépositions assez uniformes, il me parut claire et certain que le Capitaine *Beverley* avait réellement commis la honteuse action dont le Sr. *C. La Martinie* l'accusait; je me trouvais confirmé dans cette opinion, lorsque ces deux Déposans eurent confirmé par serment leurs déclarations particulières, le 4 Mai de l'année dernière, tout comme le Sr. *La Martinie* le contenu de sa Lettre, par devant M. M. les Conseillers délégués.

Me jugeant suffisamment autorisé par là, à demander Décret de prise de corps contre le Capitaine *C. Beverley*, j'adressai à cet effet à votre Excellence, à défaut de cession de la Cour de Police et de Justice Criminelle, la demande nécessaire, ce même 4 de Mai 1822, et par une résolution du même jour, il lui plut d'accorder un pareil Décret contre *C. Beverley;* avec autorisation de procéder contre lui *Extraordinario Modo.*

C. Beverley, en conséquence de ce Décret, ayant été appréhendé et déposé au Fort *Zelandia*, fut à ma réquisition interrogé à diverses fois par M.M. les Délégués; et enfin confessa qu'il avait pris à son bord un chargement de douze Négres et de dix Négresses, à *St. Pierre, Martinique*, du Sr. *P. Derilles* (lequel dans l'entrefaite, conjointement avec les Sieurs Hubert et Felix Archambaud, s'étaient fait connoître comme Propriétaires et Chargeurs de ce chargement;) que ces Esclaves étaient consignés au Sieur *C. La Martinie* d'ici; qu'étant tombé sous le vent et ayant manqué de vivres, il avait crû qu'en cas pareil un Capitaine de Navire pouvait se défaire de sa charge, et avait vendu son chargement au Sieur *Cruden*, dans le District *Nikeri;* à l'exception de deux Négresses dont il en avait vendu une à certaine mulatresse sur la Plantation *Good-intent* et avait amené l'autre avec lui à *Paramaribo.*

Après cette confession, le détenu fit les derniers efforts pour réparer la perte soufferte par les Chargeurs et Propriétaires; la suite en fut que je réussit à faire mettre en Custode Judiciaire au profit de qui de droit, dix-neuf Individus de ce chargement.

L'Affaire étant poussée à ce point, le détenu essaya par une Requête *ex carcere*, de supplier la Cour de Police et de Justice criminelle d'être reçu à soumission du fait des procédures criminelles qui se poursuivaient contre lui. Je crus ne devoir pas m'opposer à la concession de cette demande.

La suite de cette pétition fut qu'on accorda au detenu sa demande, et que par résolution de la Cour du 29 Aout 1822, il fut admis à soumission, à l'effet que le tems de sa détention lui serait imputé comme chatiment, et je fus

autorisé à le laisser sorter de prison, moyennant le payement des fraix du procés et des couts et mises de la justice; payement qu'à cause de ses circonstances indigentes, et seulement après rénonciation préalable de ma part à mon Salaire, justement mérité en cause, (par compassion surtout pour sa malheureuse femme, généralement plainte dans la Colonie;) il n'a été en état d'effectuer que le 11 Fevrier de cette année, lorsque en vertu de l'autorisation que j'en avais, Je l'ai délivré de sa détention.

Par la lecture de ce que dessus, Votre Excellence aura suffisamment acquis la connoissance du point de vue sous le quel le procès poursuivi contre *C. Beverley* doit être envisagé. Il ne sera donc point échappé à l'attention de Votre Excellence que l'office de l'Accusateur public n'a pas été premièrement invoquée, pour cause d'un trafic illégitime d'Esclaves, mais du fait d'une insigne violation de la bonne foi et de la spoliation de la propriété d'autrui; c'est de ce chef qu'une action criminelle était née contre *C. Beverley.*

On ne sauroit désavouer, que l'objet sur lequel cet odieuse conduite avait roulé, ne consistat en un chargement d'Esclaves, reçu dans l'Ile de la Martinique. On ne saurait aussi peu nier, que ce chargement n'eut été débarqué par *C. Beverley* dans le District *Nikeri;* il est hors de tout doute que par là il n'eut pêché contre la lettre de l'Arrêté Royal du 16 Avril, 1821, et qu'ainsi il n'eut cumulé par une seconde, l'action déjà existante contre lui.

Mais comme les peines qu'il aurait encourues, par cette seconde action, aux termes de l'Arrêté Royal précité, auraient été moins graves, que celles dont il était possible d'après le droit commun, du fait de l'infidélité par lui commise; je me crus obligé, d'après les régles d'une saine procédure pénale, de borner mon office à l'action, qui aurait pu entrainer les suites les plus graves pour l'accusé. Que dans cette alternative, je me soye borné à la première action, ne pourra causer d'étonnement à votre Excellence, si elle considère que le fait sur lequel portait la première action, allant, à peu près de poids avec un rol d'effets confiés, aurait pu avoir pour suite une peine criminelle, corporelle, ou infamante, ou le bannissement; tandis que l'importation d'Esclaves, d'une Colonie étrangère, où l'importation directe d'Afrique en est permise, n'étant prohibée que sous les mêmes peines que celles comminées contre l'importation d'objets prohibés dans cette Colonie; n'aurait pu être suivies d'autres peines que de la confiscation, et en certains cas d'une amende; l'une et l'autre par la nature de la chose, d'une nature bien plus légère, et même telle, que si la conduite frauduleuse de *Beverley* à l'égard de ses mandatoires, ne s'y était pas jointe et que j'eusse dû me borner au seul fait de l'importation d'Esclaves de la Colonie de la *Martinique*, je n'aurais pas même été fondé légalement, à demander contre lui un Décret du prise de corps.

Le cas aurait été différent, si le chargement d'Esclaves débarqué par *Beverley*, dans le District *Nikeri*, avait été pris à bord sur la côte *d'Afrique*; pour lors il serait tombé dans les termes de l'Arrêté Royal du 17 Septembre, 1818, et pu être puni d'une détention de cinq années, et n'aurait eu certainement en tout cas aucun titre à réclamer le bénéfice de la soumission, mais puisque d'une coté des réclamans directs s'étaient élévés, de l'Ile de la *Martinique*, pour révendiquer leur propriété prétendue; et que, de l'autre coté

c'était à moi à produire la preuve du contraire, laquelle je me trouvais hors d'état d'obtenir et de presenter; je n'ai pas voulu exposer ma dignité à une défense captieuse, préférant la voye la plus sûre à la plus hasardée, dans la quelle on se trouve presque toujours forcé de revenir sur ses pas, en préjudice de la bonne cause.

Ce que je viens d'avancer suffira j'espère, pour résoudre l'objection, *si supposé même que Beverley ne put avoir été poursuivi comme trafiquant d'Esclaves; cette affaire néanmoins n'aurait pas été susceptible de recevoir une tournure propre à servir d'exemple à ceux qui par la suite voudraient s'en hardir à éluder sous l'un et l'autre prétexte, les Lois contre le trafic des Esclaves.*

D'après ce que j'ai posé ci dessus, à ce que j'espère sur de solides fondemens, il est évident que *Beverley* en subissant une détention de neuf mois, a éprouvé une peine bien plus rigoureuse qu'il n'aurait été possible de lui appliquer en vertu de l'Arrêté Royal du 16 Avril 1821, lequel Arrêté aurait uniquement pû lui être rendu applicable comme trafiquant d'Esclaves, &c.

Le Gouverneur de Surinam.

No. 45.—G. W. Chad, Esq. to Mr. Secretary Canning.—(Received Jan. 12.)

SIR, *The Hague, January* 8, 1824.

I have the honour to inclose a Note from M. Le Clercq, acceding to the arrangements proposed by His Majesty's Government to The King of The Netherlands, for providing for certain expences incurred by the Marshal of the Mixed Commission Courts, at Sierra Leone and at Surinam.

I have the honour to be, &c.

G. W. CHAD.

The Right. Hon. George Canning.

(Inclosure.)—M. Le Clercq to G. W. Chad, Esq.

La Haye, le 6 *Janvier*, 1824.

Le Secrétaire, chargé momentanément du Portefeuille du Département des Affaires Etrangères, a l'honneur de faire part à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, en reponse à la Note addressée par Son Excellence M. Le Comte de Clancarty à Son Excellence M. Le Baron de Nagell, sous la date du 21 Novembre dernier, que Le Roi a donné Son assentiment, à la proposition qui fait l'objet de cette note, par rapport au mode de subvenir à certaines dépenses, rélatives aux procédures qui ont lieu par devant les Cours Mixtes, établies en vertu du Traité pour la repression de la Traite et à l'entretien des Esclaves avant leur émancipation.

En conséquence, le Ministre des Colonies a été autorisé d'expédier les ordres nécessaires et conformes à la proposition dont il s'agit, aux Juges des Pays-Bas près des Cours Mixtes précitées.

Le Soussigné, &c.

Monsieur Chad. A. LE CLERCQ.

No. 46.—Mr. Secretary Canning to G. W. Chad, Esq.

SIR, *Foreign Office, January* 31, 1824.

In reference to the former Correspondence of the Secretary of State with His Majesty's Ambassador to The King of The Netherlands, respecting the expence of crews belonging to Vessels condemned for illegal Slave-trade, I send to you the Copy of a Communication received at this Office from the Colonial Department, dated the 23d of October last, by which it appears that no Orders have as yet been received by the Netherlands Commissary Judge at Sierra Leone, in regard to providing for the expence of the clothing, the subsistence, and the passage to their Country, of such Persons, forming part of of the crews of condemned Vessels, as are Natives of the Netherlands, or of Colonies under their Dominion.

It is evidently unjust that the expence arising from the source above-mentioned, should be borne by the British Government. The British Government are willing to take charge of the Subjects of Great Britain, and think it but fair, that the Netherlands Government should take the same course with respect to their own Subjects.

You will, therefore, urge that the Commissary Judge of The Netherlands, at Sierra Leone and at Surinam, should receive, without further delay, positive Orders to defray the expence which has arisen, and which may hereafter arise, from the charge of Subjects of The Netherlands condemned for illegal Slave-trade.

I am, &c.

GEORGE CANNING.

G. W. Chad, Esq.

No. 47.—G. W. Chad, Esq. to Mr. Secretary Canning.—
(Received February 14.*)*

SIR, *The Hague, February* 9, 1824.

I have the honour to acknowledge the receipt of your Despatch of the 31st ultimo, respecting the expence incurred for the support and return of Dutch Subjects, found on board condemned Slave-ships.

It appears by the Correspondence between The Earl of Clancarty, and The Baron de Nagell, on this subject, that The King of The Netherlands acceded to the arrangement proposed by His Majesty's Government, and consented to bear this charge; nay, that a Decree was issued to that effect, so long ago as the 18th November, 1820.

I, therefore, addressed a Note to the Minister for Foreign Affairs, of which I inclose a Copy.

I have the honour to be, &c.

The Rt. Hon. George Canning. G. W. CHAD.

(Inclosure.)—G. W. Chad, Esq. to M. Reinhold.

The Hague, February 7, 1824.

The Undersigned, &c. has the honour to call the attention of the Minister for Foreign Affairs, to a Note from His Excellency's Predecessor, The Baron de Nagell, dated 4th December, 1820, in which it is stated, that The King of The Netherlands, acquiescing in the desire expressed by the British Government, had directed that Orders should be given to the Dutch Commissioners at Surinam and at Sierra Leone, to defray the expences and the passage home, of such Persons forming part of the crews of condemned Slave-vessels, as are Natives of The Netherlands, or of the Dutch Colonies. This decision had previously been recorded by a Decree of the 18th November, 1820, but has not yet, however, been carried into execution, as is proved by a Report of Sir Charles M'Carthy, dated 13th August, 1823, in which it is stated, that "even up to this day, as the Commissary Judge of The Netherlands Commission, M. Le Major de Marrer, has not received any instructions from his Government on these points, viz. Provisions, Lodgings, and Passage, the expence has been defrayed by the Commissariat."

The Undersigned has, in consequence, received directions from his Court, to lose no time in representing to the Government of The Netherlands, that, as these intentions have not been carried into effect, Great Britain is obliged to provide for the support and for the return Home of Dutch Subjects.

The Undersigned is instructed to point out, at the same time, the injustice of such a state of things, and to urge that the Commissary Judge of The Netherlands, at Sierra Leone, and at Surinam, should receive prompt and positive Orders, to defray the expence which has arisen, and which may hereafter arise, from the charge of the Subjects of The Netherlands, belonging to Vessels condemned for illegal Slave-trade.

The Undersigned begs that His Excellency M. Reinhold, &c.

His Excellency M. Reinhold. G. W. CHAD.

No. 48.—G. W. Chad, Esq. to Mr. Secretary Canning.—(Received February 23.)

SIR, *The Hague, February 20*, 1824.

The enclosed Note is the reply from M. Reinhold, to mine of the 7th instant, which I had the honour to transmit to you in my Despatch of the 9th instant.

His Excellency states, that instructions, in conformity with the wishes of His Majesty's Government, were sent to Surinam and Sierra Leone on 30th November 1820, and that the receipt of them was acknowledged by Advices of 6th August

1821. As, however, there is no promise that renewed directions shall be sent to those Colonies on this subject, I have lost no time in writing a Note in answer, of which the inclosed is a Copy. I have the honour to be, &c.

The Rt. Hon. George Canning. G. W. CHAD.

(Inclosure 1.)—M. Reinhold to G. W. Chad, Esq.

La Haye, le 18 Fev. 1824.

La Note de Monsieur Chad, Ministre Plénipotentiaire de S. M. B. en date du 7 de ce mois, ayant été communiquée au Département des Colonies, Le Soussigné, Ministre de S. M. près Le St. Siège et la Cour de Toscane, chargé ad interim de la direction du Département des Affaires Etrangères, se trouve à même de lui faire part, que, dès le 30 Novembre, 1820, il a été expédié, tant au Commissaire Juge des Pays-Bas à Sierra Leone, qu'à celui près la Cour Mixte pour la repression de la Traite des Esclaves à Surinam, copie authentique de l'Arrêté du Roi, du 18 du même mois, touchant l'entretien et le renvoi des individus qui font partie des équipages de navires, sous Pavillon des Pays-Bas, saisis et confisqués en vertu du Traité du 4 Mai, 1818, pour leur servir de régle, conjointement avec la permission de délivrer des lettres de change à charge du Département de Colonies, pour le payement des Frais dont il s'agit lorsque le provenu de la confiscation et de la vente des Batimens ne suffirait pas à couvrir ces dépenses.

Ces instructions sont parvenus dans le tems à leur destination, ainsi qu'il conste d'un accusé de réception, expédié le 6 Août, 1821, par le Juge des Pays-Bas alors en fonction à Sierra Leone, et le Soussigné croyant ainsi pouvoir attribuer le rapport qui a été transmis sur cet objet par Sir Charles M'Carthy à quelque malentendû, prie M. Chad de bien vouloir porter ces renseignemens à la connaissance du Gouvernement de S. M. B.

Il saisit cette occasion, &c.

Monsieur Chad. J. G. REINHOLD.

(Inclosure 2.)—G. W. Chad, Esq. to M. Reinhold.

The Hague, February 20, 1824.

The Undersigned, His Britannick Majesty's Minister Plenipotentiary, has the honour to acknowledge the receipt of M. Reinhold's Note of the 18th instant, in which His Excellency states, that, on the 30th November, 1820, Orders were transmitted to the Judges at Sierra Leone and Surinam, to defray the expences and passage home of Persons, Subjects of The King of The Netherlands, and forming part of the crews of condemned Slave-vessels, and that the receipt of these Orders was acknowledged, by Advices of the 6th August 1821.

The Undersigned will lose no time in transmitting this information to his Government, but as it appears certain that the Decree of the 18th November, 1820, has, nevertheless, hitherto been without effect, he hopes the request contained in his Note of the 7th instant, will be acceded to, and that Instructions will be transmitted forthwith to the Colonies, to remedy past inconvenience; and to remove all doubts for the future.

The Undersigned, &c.

His Excellency M. Reinhold. G. W. CHAD.

No. 49.—G. W. Chad, Esq. to Mr. Secretary Canning.—
(Received February 27.)

SIR, *The Hague, Feb.* 24, 1824.

The Government of The Netherlands have acceded to the request which I lately made to them by your direction, and have promised that Instructions shall be sent to the Commissary Judges at Surinam and Sierra Leone, to give full effect to the Decree of the 18th November 1820, respecting the expences arising from the support and passage Home of Subjects of The King of The Netherlands, forming part of the crews of condemned Slave-vessels.

I have the honour to inclose a Copy of M. Reinhold's Note, and am, &c. G. W. CHAD.

The Right Hon. George Canning.

(Inclosure.)—M. Reinhold to G. W. Chad, Esq.

La Haye ce 21 *Fevrier*, 1824.

Le Soussigné, Ministre de Sa Majesté près le St. Siège et la Cour de Toscane, chargé ad interim de la direction du Département des Affaires Etrangères, a l'honneur d'informer Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, en reponse à son office du 20 de ce mois, qu'il n'y a nul lieu de douter, que le Département des Colonies n'ait expédié déjà, ou ne saisisse la première occasion pour expédier derechef au Commissaire Juge des Pays-Bas à Sierra Leone, et à celui près la Cour Mixte pour la répression de la Traite des Esclaves à Surinam, les Instructions préscrites par l'Arrêté de S. M. du 18 Novembre, 1820, touchant l'entretien et le renvoi des Individus qui font partie des équipages des Navires sous Pavillon des Pays-Bas, saisis et confisqués en vertu du Traité du 4 Mai, 1818.

Cependant, pour lever toute incertitude à cet égard, le Soussigné vient d'inviter le susdit Département de donner, *casu quo*, suite à la demande, qui fait l'objet de la Note précitée. Le Soussigné saisit, &c.

Monsieur Chad. J. G. REINHOLD.

No. 50.—Mr. Secretary Canning to Viscount Granville.

(Extract.) *Foreign Office, May* 4, 1824.

I wish Your Excellency to avail yourself of the information contained in the inclosed Despatch of the 4th of February last, from His Majesty's Commissary Judge at Surinam, with the view of urging The Netherlands Government to make such arrangements, as that the Coast of Surinam shall not, for want of Netherlands Cruizers, be exposed, as it now appears to be, to the open incursions of illegal Slave-traders.

I am, &c.

GEORGE CANNING.

His Excellency Viscount Granville.

No. 51.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, May 5, 1824.*

I furnish Your Excellency with the Extract of a Despatch, dated the 6th of February last, which I have received from His Majesty's Commissary Judge at Surinam, referring to certain regulations in force under the Netherlands Government. By the tenour of these regulations the Commander, capturing a Vessel upon suspicion of Slave-trade, runs all the risk of an Action for damages, in the event of her release; and no compensation for such risk is allowed to him, by any bounty or prize-money, in the event of her condemnation.

If such be the state of the Case, it cannot be matter of wonder that Netherlands Cruizers are slow to capture Vessels suspected of being engaged in the Slave-trade.

Your Excellency will enquire from The Netherlands Government how the matter really stands; and, if the statement of Mr. Lance shall turn out to be correct, you will represent that such regulations must defeat the object, which it is intended to attain, by furnishing National Cruizers with Instructions under the Treaty; and you will urge the immediate adoption of some arrangement which may render the execution of their duty less inconsistent with the interests of The Netherlands Cruizers, and the object of the Treaty.

I am, &c.

GEORGE CANNING.

His Excellency Viscount Granville.

No. 52.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, May 6, 1824.*

In reference to the Treaty between His Majesty and The King of The Netherlands for the prevention of the Slave-trade, I have to desire that Your Excellency will acquaint the Government of The Netherlands, that Instructions under that Treaty have been furnished to the following Ships and Vessels of His Majesty's Navy:—*Isis*, of 50 guns, Thomas Forrest, Commander; *Maidstone*, of 42, Charles Bullen; *Eden*, 26, John Lawrence; *Surinam*, 18, Charles Crole; and that the Instructions which had been issued to His Majesty's Ships *Gloucester* and *Cyrene* have been recalled and cancelled.

I am, &c.

GEORGE CANNING.

His Excellency Viscount Granville.

No. 53.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, May 7, 1824.*

I furnish your Excellency with the Copy of a Despatch, dated the 16th of February last, from His Majesty's Commissary Judge resident at Surinam, relating to the Case of the French Brig *La Légère*, detained and sent into Surinam, with 353 Slaves on board, by Sir Thomas Cochrane.

Your Excellency will communicate this Despatch to The Netherlands Government, expressing at the same time the gratification which is felt by your Government at the highly honourable conduct pursued upon this occasion by the Governor of Surinam, in the execution of the Orders of his Sovereign.

I am, &c.

GEORGE CANNING.

His Excellency Viscount Granville.

No. 54.—Mr. Secretary Canning to Viscount Granville, and the British Commissioners at Sierra Leone and Surinam.

My Lord, *Foreign Office, May 8, 1824.*

By a Communication which I have received from the Admiralty, it appears that the Instructions annexed to the Treaty between His Majesty and The King of The Netherlands, for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy, viz.:—

Ship's Names.	Guns.	Commanders.
Gloucester	74	George F. Rich.
Owen Glendower	42	Sir Robert Mends.
Ariadne	26	Const R. Moorsom.
Victor	18	Thomas Prickett.
Swinger, G. V.	12	Lieutenant John Scott.

And that the Instructions have been recalled and cancelled which had been issued upon this subject to the following Vessels:

Iphigenia,—Sybille,—Tamar,—Tees,—Tyne,—Thistle,—Snapper.

Your Excellency will communicate these facts to the Government of The King of The Netherlands.

I am, &c.

GEORGE CANNING.

His Excellency Viscount Granville.

FRANCE.

No. 55.—Sir Charles Stuart to Mr. Secretary Canning.—
(Received June 5.)

(Extract.) *Paris, June 2, 1823.*

I successively received your Despatches of the 23d of May, last, relating to the numerous infractions of the Law for the Abolition of the Slave Trade, and inclosing the different Communications upon this subject, which it is desirable to carry to the knowledge of the French Government.

I have executed these Instructions, by sending the several Inclosures to The Vicomte de Chateaubriand, accompanied by the Notes which I have the honour to forward, recapitulating the mischiefs of which there is reason to complain, and again pressing upon the attention of the French Ministers the expediency of a proper application of the existing Laws, or the Amendments which you have repeatedly recommended.

I have the honour, &c.

CHARLES STUART.

The Right Hon. George Canning.

(Inclosure 1.)—Sir Charles Stuart to The Vicomte de Chateaubriand.

SIR, *Paris, May 28, 1823.*

The doubts which have been manifested respecting the frequent infractions of the Law for the abolition of the Slave Trade, compel me to justify the Authority upon which the statements I have had the honour to transmit to the French Government upon this subject have been founded, by placing before Your Excellency the accompanying Copies of a Letter from the Governor of Sierra Leone, and the Deposition of an European inhabitant of that Settlement, which indicate not only the continuation, but the increase of this abominable Traffic.

These Papers shew that the Trade is now carried on to a greater extent than at any former period; that no less than fourteen French vessels have completed cargoes of Slaves at the Gallinas, within the short space of four months; that every port along the Coast, not actually in the possession of Great Britain, is frequented by Vessels under French Colours employed in this Trade; and that their undertakings are encouraged by the Natives, under the persuasion that the Trade is lawful, because the respect due to the Flag of France, causes the British Cruizers to allow it to be carried on with impunity.

In making known to the French Government such glaring instances of the employment of French Capital, and of the extensive protection afforded to this Traffic by His Most Christian Majesty's Flag, I am instructed to acquaint your Excellency, that the reliance of my Government upon the solemn assurances of His Most Christian Majesty, nevertheless, induces The

King's Ministers to look forward to the due fulfilment of the promises contained in the Communications which have been repeatedly received from Paris upon this subject, and to expect the adoption of measures which shall vindicate the French Flag from dishonourable imputations, by applying to the pursuit of a Traffic, prohibited by the French Laws, and pronounced by the World to be a disgrace to humanity, a punishment, in some degree, proportioned to the Offence.

I have, &c.

CHARLES STUART.

The Vicomte de Chateaubriand.

(Inclosure 2.)—Sir Charles Stuart to The Vicomte de Chateaubriand.

SIR, *Paris, May* 30, 1823.

My Communication, enumerating the infractions of the French Laws on the Coast of Africa, had scarcely been forwarded to Your Excellency, when the Letter from the British Consul at Pernambuco, which I have the honour to inclose, brought proof that the Regulations which have been promulgated for the suppression of the Slave Trade, are equally evaded on the opposite shore of the Atlantic.

Your Excellency will observe, by the inclosed Paper, that the Cutter, the Trident, J. Borboreau, Master, was built at Martinique, and belongs to French Subjects inhabiting that Colony; that she sailed from the river Bonny with a Cargo of 133 Slaves on board; and that, after a variety of contradictory falsehoods, the Master was permitted to land his Cargo for Sale when lying in the harbour of Pernambuco, within a short distance of His Most Christian Majesty's Ship the Hirondelle.

In calling the attention of the French Government to these circumstances, I cannot but earnestly press the execution of the Laws, in a case, to which the Enactments of the French Legislature, though insufficient completely to suppress the Slave Trade, undoubtedly apply.

I have, &c.

The Vicomte de Chateaubriand. CHARLES STUART.

No. 56.—Mr. Secretary Canning to Sir Charles Stuart.

SIR, *Foreign Office, June* 3, 1823.

I enclose, for Your Excellency's information, the Copy of a Letter from Mr. Parkinson, His Majesty's Consul at Pernambuco, dated the 21st of March, relating to the conduct of the French Vice-Consul at that Port, in regard to a Sailor, a native of Cephalonia.

Your Excellency will make a suitable and strong representation to M. de Chateaubriand, upon this conduct of the French Vice-Consul; and you will not fail to point out to His Excellency the fresh instance, which has come to the knowledge of His Majesty's Government, of connivance at the Slave Trade on the part of French Authorities.

If any thing can render these proceedings of the Vice-Consul more to be lamented, it is the pretext upon which

they are founded, of a total want of instructions from his Government.

I am, &c.

GEORGE CANNING.

His Excellency Sir Charles Stuart.

(Inclosure.)—Mr. Consul Parkinson to Mr. Secy. Canning. (Rec. May 29.)

SIR, *Pernambuco, March* 21, 1823.

In addition to the information I had the honour to transmit in my Despatch of the 12th instant, relating to Le Trident, French Slave Vessel, I beg to add, that she purports to be built at Havre, and registered at St. Pierre, in Martinique. Her burthen is seventy-five tons; the Owner's name is "Armand," a resident in Martinique. Her crew consisted of sixteen individuals, two of whom left her when on the African Coast, and two died on the passage. She is licensed in *due form* TO COAST: (caboter) but on the margin of the license a special permission to extend her voyage to the Island of St. Thomas, is signed by the Port Officer of St. Pierre. She made direct for Africa, and on quitting the "Bonny," where her Slaves were purchased, one hundred and eighty one souls were contained within this wretched worm-eaten Schooner of seventy-five tons.

Of the Slaves she brought hither, twenty have been sold by permission of the Junta, in order to defray the expences of refit, &c.; and urgent application is now making for their sanction to the sale of fifty more.

One of the crew of this Slave-smuggler has recently become an object of official interest. Obscure as he is, and perhaps blameable, I have nevertheless felt it my duty to step forward on his behalf, in order to resist what to me appears an undue assumption and exercise of authority, on the part of my Colleague, the French Vice-Consul.

In order to be clear in my narrative, I must incur the risk of being diffuse. The man, "Simon Lebera," stands charged with having assaulted the mate of the Slaver, a charge which he reciprocates. The fray took place on the deck of the Slaver, then high and dry *on the shore* of this harbour, undergoing a repair of her bottom timbers. The parties being separated, went on shore, and the sailor walking away, was accosted by the Consignee of the Vessel, who, promising to shew him the way to the Office of the English Consul, whither the man wished to go for redress, led him immediately to the French Vice-Consular Office. The artifice having succeeded, the doors were closed, a guard sent for, no notice being given to me, no intervention of the police being asked, and without ceremony the man was sent on board the French Sloop of War, L'Hirondelle, and put in irons by an order from the Vice-Consul.

In the course of the evening, M. Lainé, the Vice-Consul, called on me, and in a general way, described some of the particulars; dwelling very particularly on what he termed the officious and insolent interference of the Captain of the Port, who had publicly reprobated his conduct, for abstracting from the established Authorities of the Country, a person under charge of an offence committed within their jurisdiction. Having, at this time, no certainty of the sailor's right to any protection in my power to afford, which protection M. Lainé informed me was *claimed by him*, I proposed an investigation on the morning following, making no scruple, however, at once to

characterize the manœuvre, by which the man had been entrapped, as unworthy and unwarrantable.

The day following I accompanied the Vice-Consul on board the Hirondelle, and there found Simon Lebera ironed down to the deck.

In good fluent English, the man assured me he had served on board His Majesty's Vessel of War the "Surinam." Certificates of service he had none, "having lost them by shipwreck." He further declared, that he had served in British Merchantmen for many years. He stated himself to be a native of Cephalonia, and his statement has since been confirmed on oath by two Maltese sailors, now in Port. The question of "service" was thus rendered of less moment. It could not be doubted, that as a native of the Ionian States, he was entitled to legitimate protection; and bearing in mind the 21st clause of my "Instructions," by which I am directed to "afford "the same protection and assistance to the Subjects of the Ionian States, as "to the Persons of His Majesty's Subjects," I claimed the liberation of the man, in order to his being handed over to the Magistracy of the Country, to be tried *here*, and punished *here*, if judged guilty of the offence laid to his charge; an offence committed not only within the harbour, but on the very shore of this Country.

My Colleague was little disposed to retract. He threatened to send him in irons for trial in *France*, and expatiated largely on the universality of the Magisterial Powers vested in French Consuls and Vice-Consuls, by "les Or-"donnances du Roi," but eventually he gave way.

On the day following, (March 15,) M. Lainé sent the man to the Public Jail; but down to this time no accusation whatever has been brought against him, whilst on the other hand, several casual and impartial Spectators of the quarrel have offered themselves as evidence *against the Mate*. With the merits of the original dispute I have nothing to do; but, on general principles, I felt myself bound to resist the exercise of the Pernambuco Police Duties by a Foreign Consul, directly they touched the person of one of His Majesty's subjects.

The Master of the Slave Ship has had no reason to complain of having been received by his Consul, as a violator of the laws of France. He appears, in the official register, as coming from Martinique with one hundred and odd *passengers!* The Vice-Consul has no "official knowledge of the "Vessel having brought in Slaves," and moreover, he "has no instructions "how to act in such a case:" in a state of equally unfortunate and profound ignorance, is the Commander of the Hirondelle Sloop of War. The circumstance of a French Vice-Consul, and a Commander of a French Man of War, voluminously instructed as they are known to be on most points, being left without directions how to act against a daring violator of the Laws of France, excites remark *even here*.

I beg to subscribe myself, &c.

The Right Hon. George Canning. JOHN PARKINSON.

No. 57.—Sir Charles Stuart to Mr. Secretary Canning.—
(Received June 22.)

SIR, *Paris, June 19, 1823.*

I inclose the copy of a note I have received from the French Minister, in answer to the several representations

to which the arrival of the French Slave-trade Vessel, the Trident, in the Port of Pernambuco, has given rise.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

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

MONSIEUR L'AMBASSADEUR, *Paris, le 17 Juin*, 1823.

J'ai reçu les deux lettres que votre Excellence m'a fait l'honneur de m'écrire le de ce mois, rélativement aux circonstances qui auraient accompagné et suivi l'entrée et sejour du Navire Français, le Trident, dans le Port de Pernambouc; je m'empresse de demander à cet égard des renseignemens. Le Gouvernement du Roi prendra cette affaire en considération, aussitôt que les informations dont il a besoin lui auront été addressés par les Autorités qu'il charge de les recueillir et de les lui transmettre.

J'ai l'honneur, &c.

S. E. Mons. Le Chevalier Stuart. CHATEAUBRIAND.

No. 58.—Mr. Secretary Canning to Sir Charles Stuart.

SIR, *Foreign Office, July* 14, 1823.

In reference to my Despatch of the 23d of May last, I have to acquaint your Excellency that Advices have been received from Pernambuco, that the French Slave Ship, Le Trident, after having disposed of all her Slaves in that Port, and undergoing a thorough repair, cleared out from thence on the 18th of May, for the Island of St. Thomas.

Her obvious purpose is, therefore, to obtain a fresh Cargo of Slaves;—and I wish Your Excellency to make the facts known, thus early, to the Government of His Most Christian Majesty, that they may be the better enabled to take such measures as shall appear to them to be most effectual, for preventing the successful continuance of the Trade in Slaves, on account of the Persons concerned in these illegal Voyages of the "Trident." I am, &c.

GEORGE CANNING.

H. E. Sir Charles Stuart.

No. 59.—Sir Charles Stuart to Mr. Secretary Canning.—(Received July 24.)

SIR, *Paris, July* 21, 1823.

I have received your Despatch of the 14th Inst. making known to me the circumstances which preceded the departure of the French Slave Ship, the Trident, and which justify the belief that she has sailed in quest of a fresh Cargo of Slaves.

I have not failed to carry these facts to the knowledge of His Most Christian Majesty's Government, in the Note, of which I inclose a Copy. I have, &c.

CHARLES STUART.

The Right Hon. George Canning.

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

SIR, *Paris, July* 18, 1823.

With reference to a Letter which I addressed to Your Excellency on the 30th of May last, I have the honour to acquaint you that Advices have been received by His Majesty's Government from Pernambuco, that the Slave Ship, the Trident, after having disposed of all her Slaves in that Port, and having undergone a thorough repair, cleared out from thence on the 18th of May, for the Island of St. Thomas.

The obvious intention of the Owners to obtain a fresh Cargo of Slaves, justifies the directions I have received to make these facts known to the Government of His Most Christian Majesty, in the hope that they will be enabled to take such measures as shall appear to be the most effectual for preventing the successful continuance of this Traffic.

I have the honour to be, &c.

The Vicomte de Chateaubriand. CHARLES STUART.

No. 60.—Sir Charles Stuart to Mr. Secretary Canning.—(Received July 31.)

(Extract.) *Paris, July* 28, 1823.

I have received the Note which I have the honour to inclose from Monsieur de Chateaubriand, in reply to my further Communications respecting the continuance of the Slave Trade, by Vessels under the Flag of France.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

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

MONSIEUR L'AMBASSADEUR, *Paris, le 24 Juillet,* 1823.

Le Gouvernement du Roi avait prévenu le voeu qu'exprime Votre Excellence, au nom de sa Cour, par la Lettre qu'elle m'a fait l'honneur de m'écrire le 18 de ce mois. Dès qu'il a été informé par les Agens de Sa Majesté des circonstances qui ont accompagné et suivi l'entrée du Navire le "Trident," dans le Port de Pernambouc, le Ministre de la Marine a donné des ordres pour faire poursuivre judiciairement les Armateurs et le Capitaine. Il en eut agi de même manière à l'égard des Bâtimens Français, qui dénonce, dans un rapport que vous m'avez communiqué le 20 Mai, le Gouverneur de Sierra Leone, si ces Navires lui avaient été signalés autrement que par une allégation générale, dénuée non seulement de preuves, mais même d'indices qui pussent mettre sur la voie pour les découvrir. Votre Excellence jugera sans doute qu'il ne peut y avoir lieu à provoquer des poursuites dès que les coupables ne sont désignés ni connus.

J'ai l'honneur, &c.

A Son Excellence Sir Charles Stuart. CHATEAUBRIAND.

No. 61.—*Sir Charles Stuart to Mr. Secretary Canning.*—*(Received August 7.)*

SIR, *Paris, August* 4, 1823.

I have to acknowledge the receipt of your Despatch of the 28th of July, containing the printed Correspondence relative to the Slave Trade, recently laid before Parliament.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

No. 62.—*Sir Charles Stuart to Mr. Secretary Canning.*—*(Received August* 12.*)*

SIR, *Paris, August* 7, 1823.

Notwithstanding my repeated Representations, I have not yet received from the French Government, the communication of the judicial decisions in virtue of the Laws for the Abolition of the Slave Trade: I can, therefore, merely transmit to His Majesty's Government, the Statements upon this Subject, which are inserted in the public papers, and which relate to the proceedings before the Tribunals of Bordeaux, in the Case of the Marie-Angelique, of which the Confiscation was pronounced on the 31st July.

Monsieur de Chateaubriand assures me, that upwards of Forty Condemnations have taken place within the last Six Months, in the various Tribunals of this Country, and of the Colonies, of which he promises to send me a correct List, whenever it shall be obtained from the Colonial Department. I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

(Inclosure.)—Extract from the Moniteur of the 6th of August, 1823.

La Chambre de Police Correctionnelle du Tribunal de Bordeaux, après une instruction fort étendue, a rendu, le 31 Juillet dernier, un jugement qui déclare confisqués et acquis à l'Etat, le Navire la Marie-Angelique, et la Cargaison, pour contravention à la Loi Prohibitive sur la Traite des Noirs.

Le Sieur Jean-Baptiste Ménard, du Port de Bordeaux, a été déclaré destitué de ses fonctions de Capitaine au long cours.

Le Navire appartenait au Sieur Fernandés, Negociant de Bordeaux.

No. 63.—*Sir Charles Stuart to Mr. Secretary Canning.*—*(Received Sept. 7.)*

(Extract.) *Paris, Sept.* 4, 1823.

The Vicomte de Chateaubriand has communicated to me the inclosed list of the Vessels engaged in speculations, which

are declared to be illegal, by the provisions of the Act passed by the Chambers; and which have, therefore, given rise to proceedings before the Tribunals.

This List is swelled by the name of every Vessel said to have been engaged in the Slave Trade since the Abolition was first enacted, without any regard to the time which has elapsed, or the circumstances which have given rise to delay.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

Inclosure.—(ABSTRACT.)—Navires qui, depuis la publication des dispositions prohibitives de la Traite des Noirs, jusqu'au 1er. Août, 1823, ont donné lieu à des Poursuites judiciaires, soit en France, soit dans les Colonies Françaises.

Navires qui sont en ce moment l'objet des Poursuites, et sur le sort desquels les Tribunaux n'ont pas encore prononcés	(1821,-2,-3.)	31 Batimens.
Navires qui, après avoir été l'objet de Poursuites ont été acquittés	(1817 à 1823)	49 Batimens.
Navires qui ont donné lieu à des Poursuites suivies de Condamnations	(1818 à 1823)	30 Batimens.

No. 64.—Sir Charles Stuart to Mr. Secretary Canning.—(Received January 8.)

(Extract.) *Paris, January 5, 1824.*

Having received information that the numerous infractions in the Port of Nantz of the French regulations for the Abolition of the Slave Trade, has reduced the Law upon that subject to a dead letter, I have thought it my duty to address a Communication to the French Minister, of which I inclose a Copy, accompanied by a list of the Vessels engaged in that Traffic, which has been made out by an eye-witness of the Equipments which have taken place in that Port during the last Year.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

(Inclosure 1.)—Sir Charles Stuart to The Vicomte de Chateaubriand.

Sir, *Paris, January 4, 1824.*

The failure of former endeavours to check the Slave Trade offers so little encouragement to the detection of the individuals who are engaged in that Traffic, that the enormity of the mischief could alone induce me again to solicit Your Excellency's intervention to enforce the execution of the French Laws upon the subject.

The uncontrolled liberty which at the present moment is allowed to the Slave Trade in the Port of Nantz, has, I am assured, so greatly increased the evil, that the number of Vessels in a state of equipment, or which have lately sailed from that Port to the Coast of Africa, for the avowed purpose of the Slave Trade, is said to be not less than thirty-six, and though I cannot ascertain the names of the whole number, the twenty-four Vessels, of which the list is inclosed, appear, from their construction, their equipment, the water-casks on board, and the nature of their cargo, to be so manifestly destined for this Commerce, that nothing but wilful blindness on the part of the local Public Functionaries can so long have prevented the disclosure of the fact.

Your Excellency's assurances that it is the sincere intention of His Most Christian Majesty's Government to punish crimes of this nature, whenever they are detected, induce me to hope that this Communication will be followed by the enquiries which are necessary to prove the truth of the information, which is thus brought to the knowledge of the French Government, and to determine the nature of the proceedings to which it should give rise. I have the honour to be, &c.

The Vicomte de Chateaubriand. CHARLES STUART.

(Inclosure 2.)—LIST of Ships said to be recently fitted out from Nantz for the Slave Trade.

	TONS.		TONS.		TONS.
Adonis	138	*Le Levrier*		*Aimable*	72
Adelia	116	*Claire*	138	*Etincelle*	95
AimableHenriette	138	*Confiance*	104	*Espoir* (2)	109
*Alcide**	191	*Constance*	120	*Société*	
Deux Nantais	201	*Constant*	152	*La Capricienne*	
Espoir	150	*Josephine*	110	*Henriette Aimée*	105
Légère†	196	*Lutine Magicienne*‡	183	*Le Chasseur*	194
Agubar	160	*Madeleine*		*Apollon*	376

* It is understood that this Vessel is about to sail, and may be recognized from a simple inspection as designed for the Slave Trade.
† Reported to be taken. ‡ Reported to be taken.

No. 65.—Sir Charles Stuart to Mr. Secretary Canning.—(Received January 18.)

SIR, *Paris, January 15, 1824.*

I have the honour to inclose the Copy of a Note I have received from the Viscount de Chateaubriand, in answer to the Representations which I have thought it my duty to bring forward upon the subject of the Slave Trade, and of which the Copy was inclosed in my Dispatch of the 5th Instant.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

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

MONSIEUR L'AMBASSADEUR, *Paris, le 10 Janvier, 1824.*

J'ai reçu avec la lettre que Votre Excellence m'a fait l'honneur de m'écrire, le 4 de ce mois, les Pièces qui l'accompagnaient relative à la Traite des

Noirs. Je me suis empressé de les communiquer au Ministre de la Marine. Le Gouvernement du Roi ne met pas moins d'intérêt que celui de Sa Majesté Britannique à contribuer à la repression de cet odieux Commerce. Il ne négligera aucun des moyens qui sont en son pouvoir et dont les Lois lui permettent de disposer pour y parvenir. J'ai l'honneur, &c.

CHATEAUBRIAND.

Son Excellence Le Chevalier Stuart.

No. 66.—Sir Sharles Stuart to Mr. Secretary Canning.
(Received February 7.)

(Extract.) *Paris, February* 5, 1824.

The comparison of a List of Slave Ships which I have lately received from Nantes, with the List forwarded to the French Government a few weeks ago, having shewn that several new equipments have taken place in the same Port for the Coast of Africa, I have felt it incumbent upon me to carry the fact to the knowledge of the French Government, in the Note, of which a Copy is inclosed.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

(*Inclosure* 1.)—*Sir Charles Stuart to the Vicomte de Chateaubriand.*

Sir, *Paris, February* 3, 1824.

With reference to the Communications which I had the honour to address to Your Excellency, some time ago, respecting the Equipments for the Slave Trade in the Port of Nantes, I think it necessary to transmit the enclosed Statement of the Vessels, which, there appears little doubt, are expressly fitted out there for that Traffic.

I am to hope that His Most Christian Majesty's Government will adopt the Measures which are necessary to apply to these Cases the penalties which are called for by so flagrant an infraction of the Law.

I am, &c. CHARLES STUART.

His Excellency The Vicomte de Chateaubriand.

(*Inclosure* 2.)—STATEMENT of FRENCH VESSELS at the Port of Nantes, fitting out (as it is supposed) for the Slave Trade.

CLASS.	NAMES.	TONS.	DESTINATION.	TIME FOR SAILING.
Brig....	Diligence ...	180	Marseilles.....	February 10.
Ditto ...	Le James ...	180	Cayenne	Ready.
Ditto ...	Gaspard.....	160	Not named	Nearly ready.
Schooner	La Madeleine	150	—	—
Ditto ...	Satyre	160	—	—
Ditto ...	.....	90	—	—
Ditto ...	L'Actéon....	180	—	January 24.
Ditto ...	Deux Amis ..	160	—	—

No. 67.—*Sir Charles Stuart to Mr. Secretary Canning.*
(Received February 19.*)*

SIR, *Paris, February* 16, 1824.

I have the honour to enclose the Copy of a Note from the French Minister, acknowledging the receipt of the further Statements which I had transmitted to him, respecting the infractions of the Law for the Abolition of the Slave Trade.

I have the honour to be, &c.

The Rt. Hon. George Canning. CHARLES STUART.

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

MONSIEUR L'AMBASSADEUR, *Paris, le* 12 *Fevrier*, 1824.

J'ai reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 3 de ce mois, un état de plusieurs Navires Français qui sont supposés destinés à la Traite des Noirs. J'en transmets copie au Ministre de la Marine. Je ne puis à cet égard, Monsieur L'Ambassadeur, que m'en référer à ce que j'ai déjà eu plusieurs fois l'occasion de répondre à votre Excellence sur ce genre de spéculation, et lui renouveller l'assurance que le Gouvernement du Roi ne met pas moins d'intérêt que le Gouvernement de Sa Majesté Britannique à la réprimer et à provoquer le chatiment des coupables lorsqu'ils lui sont connus. J'ai l'honneur, &c.

Son Excellence Sir Charles Stuart. CHATEAUBRIAND.

No. 68.—*Mr. Secretary Canning to Sir Charles Stuart.*

SIR, *Foreign Office, March* 18, 1824.

In reference to my Despatch to Your Excellency, of the 23rd of May last, respecting a French Vessel from the river Bonny, (Le Trident,) which had carried a Cargo of Slaves to Pernambuco;—I send to your Excellency the Copy of a Despatch dated the 7th day of January last, from Mr. Chamberlain, His Majesty's Consul-General in Brazil, enclosing a translation of an Official Article, published in the Government Gazette of Rio de Janeiro, by which Your Excellency will perceive, that the explanation by the local Government of Pernambuco, of the reasons which had induced them to permit the sale of the Negroes at that Place, has not been deemed satisfactory by the Government of Brazil, who have considered that act to be in contravention of the Treaties for preventing the illegal Traffic in Slaves. Your Excellency will make a communication of these circumstances to the Government of His Most Christian Majesty.

I am, &c.

GEORGE CANNING.

His Excellency Sir Charles Stuart.

No. 69.—Sir Charles Stuart to Mr. Secretary Canning.—
(Received March 28.)

SIR, *Paris, March 25, 1824.*

In obedience to the directions contained in your Despatch of the 18th Instant, I have addressed a Note to Monsieur de Chateaubriand, enclosing the Copy of the Article in the Gazette of Rio de Janeiro, manifesting the disapprobation with which the Government have viewed the infraction of the Engagements with Great Britain, by the Authorities which have permitted the Sale of a Cargo of Slaves at Pernambuco, imported in a French Vessel. I have, &c.

CHARLES STUART.

The Right Hon. George Canning.

No. 70.—Mr. Secretary Canning to Sir Charles Stuart.

SIR, *Foreign Office, March 31, 1824.*

In reference to the many Despatches which I have had occasion to address to Your Excellency upon the subject of the Slave Trade carried on under French Colours, I now furnish you with the Copy of a Communication from Captain Sir Thomas Cochrane, containing some details of the extent to which supplies of Slaves are afforded by means of the French and other Flags, to the various Colonies throughout the West Indies.

Your Excellency will make use of the information which this Paper contains, in your Representations to the Government of His Most Christian Majesty, on the injury which is produced to the cause of the Abolition of the Slave Trade, by the abuse of the Flag of France, to the cruel purpose of supplying other Nations with fresh Importations of Slaves from Africa. I am, &c.

GEORGE CANNING.

His Excellency Sir Charles Stuart.

No. 71.—Sir Charles Stuart to Mr. Secretary Canning.—
(Received April 18.)

SIR, *Paris, April 15, 1824.*

I have received your Despatch of the 31st of March, containing the Reports which have reached His Majesty's Government, respecting the infractions of the Law for the Abolition of the Slave Trade.

The facts contained in these Reports have been conveyed to Monsieur de Chateaubriand, with the Note I have the honour to inclose; and they have been acknowledged in the Answer from that Minister, of which I likewise transmit the Copy. I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning.

(*Inclosure* 1.)—*Sir Charles Stuart to The Vicomte de Chateaubriand.*

SIR, *Paris, April* 5, 1824.

In reference to the many Communications which I have had occasion to address to your Excellency, upon the subject of the Slave Trade, carried on under French Colours, I now furnish you with the Copy of a Report from Captain Sir Thomas Cochrane, containing some details of the extent to which supplies of Slaves are afforded, by means of the French and other Flags, to the various Colonies throughout the West Indies. I am, &c.

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand.

(*Inclosure* 2.)—*The Vicomte de Chateaubriand to Sir Charles Stuart.*

MONSIEUR L'AMBASSADEUR, *Paris, le* 12 *Avril*, 1824.

J'ai reçu, avec la lettre que votre Excellence m'a fait l'honneur de m'écrire le 5e. de ce mois, les renseignemens qui l'accompagnaient relatifs à la Traite des Noirs. Je me suis empressé de la transmettre au Ministre de la Marine.

Je remercie votre Excellence de cette Communication.

Son Excellence Sir Charles Stuart. CHATEAUBRIAND.

UNITED STATES.

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*No.*72.—*The Rt. Hon. Stratford Canning to Mr. Secy. Canning.*
(Received June 12.*)*

SIR, *Washington, April* 22, 1823.

Mr. Adams's Letter, in reply to that which, under your Instructions, I wrote to him on the 29th of January, for the purpose of renewing His Majesty's Proposals on the Subject of the Slave Trade, appeared to leave so much room for doubt, with respect to the particular nature of the Principle which he has offered, as the basis of a mutual Stipulation between Great Britain and The United States, that I have deemed it advisable to take measures for bringing this point to a clearer understanding. I should have forwarded, at an earlier period, the inclosed Copy of a subsequent Letter which I addressed to him with this view, on the 8th Instant, had I not thought it better to wait a reasonable time, in the hope of being enabled to ac-

company the transmission of it with a more satisfactory statement of the intention of the American Government.

The construction which I have put on the concluding Paragraph of Mr. Adams's Letter, as meaning Piracy by the Law of Nations, and not Piracy by Statute, is, I conceive, the only sense in which His Majesty's Government would attach any importance to the Measure thus tendered in the name of The United States.

Of the three parts into which Mr. Adams's Counter-proposal is divided, that Measure is the only one immediately tangible. The Right of search, accompanied with necessary limitations, was proposed as an object of immediate agreement, and efficient operation, for the express purpose of empowering the Cruizers employed by both Governments, to reach indiscriminately each other's Subjects, when carrying on the condemned Traffic, under the Flags of their respective Nations; I am therefore unwilling to suppose, that the mere qualification of Slave Trade, as Piracy, by Act of Parliament, and a mutual stipulation between the two Governments to annex a capital Punishment to that Offence, when committed by the Subjects of either, without any augmentation of the means of bringing Offenders to Justice, can be intended as the full extent of a measure, which is held out on the part of The United States, as a perfect substitute for the Right of search.

Yet, to these limits must the American Proposal, in all appearance, be confined, if we suppose it to rest on any principle, short of Piracy, by the Law of Nations. There is no denying that the general concurrence of Maritime Powers, is necessary to constitute Slave-Trade, Piracy, as part of international Law, but it is also evident that, before that general consent be obtained, it is competent to any two Powers to carry the principle by mutual agreement into practice, as far as they are themselves concerned, and to apply it reciprocally with all its consequences to their respective Subjects. It appears from your Instructions to His Majesty's Plenipotentiary at Verona, that, next to the Right of search, an arrangement of this description is what would be received by Great Britain, as most advantageous to the cause of Abolition.

In framing my last official Letter to Mr. Adams, with these considerations in view, I have taken occasion, as you will perceive, to urge anew the principal arguments in favour of a mutual concession of the Right of search, and to shew how

completely the objections of the American Government, to the adoption of that effective measure, are obviated by the limitations under which His Majesty's Government would doubtless agree to carry it into execution. Nearly a fortnight having elapsed without my receiving any further Communication from Mr. Adams,—a circumstance which may possibly be explained by the absence of The President during the greater part of the time;—I called at his Office yesterday, and endeavoured to learn from him, whether he meant to acquiesce in my interpretation of the Proposal contained in his Letter, or whether I was to expect a more distinct explanation of the sense in which it had been made by his Government.

Our conversation resulted in my being given to understand, that he would take The President's Commands for the purpose of sending me a more explicit Communication in writing, on the receipt of which it will remain for me to determine how far it may be necessary, or useful, to prolong the Correspondence, without waiting for further Instructions from you. In the mean time I am unwilling to leave you any longer in ignorance of what has taken place on this subject, since the date of my Despatch of the 31st ultimo.

I have the honour to be, &c.

STRATFORD CANNING.

The Right Hon. George Canning.

(*Inclosure.*)—*The Right Hon. S. Canning to The Hon. J. Q. Adams.*

SIR, *Washington, April* 8, 1823.

I have received your official Letter, dated 30th ultimo, in answer to that which I had the honour of addressing to you on the 29th of January, and, together with it, a transcript of the 4th and 5th Sections of an Act of Congress, approved the 15th of May, 1820.

From this Communication I learn that the Government of The United States is willing to join with other Powers in declaring Slave-Trade, Piracy, under the Law of Nations, and treating the Perpetrators of this Crime, as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain, to the effect of carrying the Principle just specified into immediate operation, reciprocally, as to their respective Subjects or Citizens; and finally, that as soon as this Proposal shall be accepted by the British Government, The United States will be ready to concur in pressing its adoption, on the Court of France and other Maritime Powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer, as an acknowledgment that Measures more efficient than any now generally in force, are indispensable for the suppression of the Slave-Trade, it is not difficult to foresee, that fresh sentiments of regret will be excited by the

unfavourable view which the American Administration continues to take of the principal Measure, suggested on the part of His Majesty. That Measure you are well aware, Sir, is a mutual, limited concession of the Right of search; and though, as I have frequently stated, His Majesty's Government, in adopting it, by Treaty with several of the Maritime Powers, and in recommending it with earnestness to the acceptance of Others, particularly of The United States, have never opposed the consideration of any other Plan, brought forward as equally effective; yet having from the first regarded it, in conscience, as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice or misconception. I therefore deem it of importance, on this occasion, to bring into one point of view, the several limitations under which it is conceived that the Right of search might be so exercised, as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind, the particular objections which have been urged against the interchange of a Right of search; and for these, in their full extent, I can hardly be wrong in referring to your previous Correspondence, since the last Communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion,

In answer to that class of objections, which relate to the Mixed Commissions, established by Treaty, between His Majesty and the Courts of Lisbon, Brussells and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honour of confirming at the Department of State. It might be expected, that any Arrangement for the adjudication of Vessels engaged in the Slave-Trade, independent of those Tribunals, would either leave the detained Vessels to be disposed of in the ordinary way, by the Sentence of a Court of Admiralty, in the Country of the Captor, or place them under the jurisdiction of a similar Court, in the Country to which they belonged. On the former supposition, it is not to be anticipated, that The United States could hesitate to admit the jurisdiction of a Foreign Court of Admiralty, when sanctioned by mutual Agreement, over the Persons and Property of Citizens, abandoned to a pursuit so flagrantly iniquitous, as to be classed by the Legislature of their Country, with crimes of the most heinous description; and which the American Government has declared its willingness to treat as Piracy, under the Law of Nations. Great Britain, for her part, 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, and from under the protection of her Flag. In either of the supposed cases, it is clear, that all impediments, connected with the forms of proceeding, and peculiar construction of the Mixed Commissions, would be completely avoided; and with respect to any embarrassment, attending the disposal of condemned Vessels, and liberated Slaves, it has already been suggested by a Committee of the House of Representatives, that the provisions of the Act of Congress, passed the 3d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connection with the Mixed Commissions, every Constitutional objection, arising out of their alleged incompatibility with the Institutions of The United States, is at once removed from consideration.

The remaining obstacles may be reduced under the following Heads:—the unpopularity of the Right of Search in this Country; its tendency, if mutually employed, to produce an unfriendly collision between the two Nations; and a certain supposed inequality which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few Vessels under American colours have been discovered for some time past on the Coast of Africa, it requires but little reflection to prove that no conclusive inference can be drawn from that circumstance, Not to dwell upon the extent and nature of the Slave Coast, peculiarly favourable to the concealment of trading Vessels, it must be remembered, that The United States have maintained at no time a greater number of Cruizers than two, rarely more than one; and latterly, during several Months together, no Ship of War whatever on the African Station. As late as the 14th January, 1822, it was stated officially, by the Governor of Sierra Leone, that "the fine Rivers Nunez and Pongas, were entirely under the controul of renegade European and *American* Slave Traders" But if it were even manifest, that the active and judicious exertions of your Naval Officers in that Quarter, had really effected a total disuse of the American Flag in Slave Trading, the Right of search would still be most highly desirable in order to secure and extend so important an advantage. As an example, indeed, to other Powers, particularly to France, whose Subjects, encouraged by the loose and equivocal Measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned, to a deplorable degree, in this atrocious Commerce; the concurrence of The United States in a System, of which the very first result is to augment considerably the means of bringing Offenders to Justice, can hardly be rated at too high a value. The example which they are called upon to give, is not merely due to the claims of humanity: Great Britain and The United States, are not only pledged to put down the Slave Trade, within the limits of their immediate jurisdiction; they are also bound by solemn obligations, to employ their utmost endeavours for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigour of Legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the Slave Merchant. It is the facility of escaping detection, and not any want of severity in the punishment attached to a violation of their Laws, which, as far as they are concerned, requires a more decisive remedy: and a remedy adequate to the evil can only be found in such Measures as will strip the illicit Trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of Search at Sea, the means unavoidably employed in the commission of this crime are fortunately of such a nature, as in general to furnish a plain substantial body of proof for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the friendly Relations subsisting between the two Countries, would be endangered by the admission of a Practice, which, in their opinion, must necessarily produce a vexatious exercise of authority, on the part of the searching Officer, and frequent

complaints on that of the Merchant, whose Vessel is subjected to search; with the supposed aggravation of an unequal pressure on One of the Contracting Parties; His Majesty's Government would doubtless agree to confine the Right of visit to a fixed number of Cruizers on each side, restricted in the performance of this duty to certain specified parts of the Ocean, and acting under Regulations, prepared by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary, adopted in the first instance, for a short period, and only to be continued, in the event of its being found on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would at least be insured to any objectionable result attending its operation; and for the sake of interests so dear to humanity, an experiment, of which the advantage as to its main object is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively National.

Supposing that inconvenience should be found in practice, to press unequally on either of the two Parties: Great Britain and not The United States, is most likely to have cause of complaint, in as much as the greater extent of her Trade, especially on the Coast of Africa, must naturally expose Her in a greater degree to any injurious consequences of the Agreement. Great Britain is, however, less disposed to shrink from any sacrifice, by which She can materially advance the sacred cause of Abolition, than to lament, and if possible, to dispel, those mistaken notions, and unfounded jealousies, which deprive Her exertions of their full effect, and serve but too successfully to protract the existence of a mischief, which all unite in deploring. In point of Principle, the honour of neither Flag would be tarnished, by having its protection withdrawn for a season, from those who perpetrate the atrocities of the Slave Trade: and permit me, Sir, to add, that what Great Britain is ready to allow in a matter so vital to her pride and to her power, may surely be allowed reciprocally by any other Nation, however scrupulous in the maintenance of its Maritime Independence.

That an Agreement between our respective Cabinets, founded on a mutual Right of search, thus guarded and explained, would fail to obtain the consent of the American Senate; or that a Nation, so enquiring and enlightened as The United States, would confound the proposed Measure, with that Practice which afforded matter of painful contention during the last Wars in Europe; is what I am extremely unwilling to anticipate. The two objects are in fact so totally distinct from each other, in principle, purpose and mode of execution, that the Proposal of the British Government need only be presented to the examination, I will not say of a select and experienced Assembly, but of the People at large, in order to be seen in its true bearings. So far is the British proposal from tending to commit the American Government, in the long disputed Question of the Belligerent right of search, that, if it may be supposed to touch that Question at all, it appears rather to operate in the sense of The United States, than unfavourably for their view of the subject.

The Officers entrusted on either side, with the duty of examining suspected Vessels, would necessarily act under Instructions, calculated to ensure a perfect harmony, between the principle and the application of this conceded Right; nor is it to be feared, that they would presume, in any case, to extend the visit,

thus authorized at sea, beyond the particular and specified object to which it is meant to be confined.

I have the honour, &c.

The Hon. John Quincy Adams, STRATFORD CANNING.

No. 73.—The Rt. Hon. Stratford Canning to Mr. Secy. Canning.
(Received July 10.)

(Extract.) *Washington, June 6, 1823.*

I am informed by the American Secretary of State, that Instructions and Powers are preparing for Mr. Rush, to enable him to propose, and if the Proposal be accepted to negociate, a Convention with His Majesty's Government, principally on the Subject of the Slave Trade, and also with a view of conferring, and, if possible, of establishing a common understanding on several Points affecting the interests of the Two Countries.

With regard to the Slave Trade, I have as yet no reason to expect that Mr. Rush will be authorized to go beyond the Measures suggested by Mr. Adams in his Letter to me, which I have already had the honour of communicating to you, with a Copy of my Reply. Some further light, however, may, perhaps, be thrown on the intentions of the American Government in the course of a few days, as I learn from Mr. Adams that he is preparing another letter for me on the Subject.

I have the honour to be, &c.

STRATFORD CANNING.

The Right Hon. George Canning.

No. 74.—The Rt. Hon. Stratford Canning to Mr. Secy. Canning.
(Received July 30.)

(Extract.) *New York, July 7, 1823.*

I have received the further and long expected Communication on the Slave Trade, a Copy of which is herewith inclosed, from Mr. Adams. In acknowledging the receipt of it, I have referred the subject-matter in general, for decision to His Majesty's Government, confining myself to a brief notice of one or two particulars, which I thought it might be inconvenient to leave under the colouring of Mr. Adams's Statement. A Copy of this last Letter is also enclosed with my present Despatch.

I have the honour to be, &c.

STRATFORD CANNING.

The Right Hon. George Canning.

(*Inclosure* 1.)—*The Hon. J. Q. Adams to The Right Hon. S. Canning.*

SIR, *Department of State, Washington, June* 24, 1823.

In the Letter which I had the honour of addressing you on the 31st of March last, a Proposal was made to be submitted to the consideration of your Government, that the *Principle* assumed in an Act of Congress of The United States, of the 15th of May, 1820, of considering and punishing the African Slave Trade as *Piracy*, should be adopted as the basis of a stipulation by Treaty between The United States and Great Britain; and to be urged separately, upon the adoption of France, and upon the other Maritime Nations of Europe, in the manner most conducive to its ultimate success. It was observed that this Offer was presented as a substitute for that of conceding a mutual Right of search, and a Trial by Mixed Commissions, to which The United States could not be reconciled, and which would be rendered useless by it.

Your Letter of the 8th of April, to which I have now the honour to reply, intimates that His Majesty's Government, will be disposed to receive this Offer, only as an acknowledgment that Measures more efficient than any now generally in force, are indispensable for the suppression of the Slave Trade, and that, although they have never opposed the consideration of any other Plan brought forward as equally effective, yet, having from the first regarded a mutual limited concession of the Right of search, as the only true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavourable view still taken of it by the Government of The United States.

Your Letter therefore urges a reconsideration of the Proposal for this mutual concession of the Right of search, and by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it as insuperable, while it offers argumentative answers, to the others which had been disclosed in my previous Communications on this subject to you.

In the Treaties of Great Britain, with Spain, Portugal, and The Netherlands, for the suppression of the Slave Trade, heretofore communicated, with the invitation to The United States to enter into similar Engagements, three Principles were involved, to neither of which the Government of The United States felt itself at liberty to accede. The first was the mutual concession of the Right of search and capture, in time of Peace, over Merchant Vessels on the Coast of Africa. The second was the exercise of that Right, even over Vessels under *Convoy* of the public Officers of their own Nation. And the third was the Trial of the captured Vessels by Mixed Commissions in Colonial Settlements, under no subordination to the ordinary judicial Tribunals of the Country, to which the Party brought before them for trial should belong. In the course of the Correspondence relating to these Proposals, it has been suggested that a substitute for the Trial by Mixed Commissions might be agreed to, and, in your Letter of the 8th of April, *an expectation* is authorized, that an arrangement for the adjudication of the Vessels detained, might leave them to be disposed of, in the ordinary way, by the Sentence of a Court of Admiralty, in the Country of the Captor, or place them under the jurisdiction of a similar Court, in the Country to which they belonged,—to the former alternative, of which you anticipate the unhesitating admission of The United States, in

consideration of the aggravated nature of the crime, as acknowledged by their Laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign*, that the objection was taken to the Trial by Mixed Commissions, and, if it transcended the Constitutional Authority of the Government of The United States, to subject the persons, property, and reputation, of their Citizens, to the decisions of a Court, partly composed of their own Countrymen, it might seem needless to remark, that the Constitutional objection could not diminish, in proportion as its cause should increase; or that a power, incompetent to make American Citizens amenable to a Court, consisting one half of Foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of Tribunals entirely *foreign*. I would further remark that the Sentence of a Court of Admiralty, in the Country of the Captor, is not the *ordinary* way by which the Merchant Vessels of one Nation, taken on the high Seas, by the Officers of another, are tried in time of Peace; there is, in the ordinary way, no Right whatever existing to take, to search, or even to board them; and I take this occasion to express the great satisfaction with which we have seen this Principle solemnly recognized by the recent decision of a British Court of Admiralty.

Nor is the aggravation of the crime, for the trial of which a Tribunal may be instituted, a cogent motive for assenting to the Principle of subjecting American Citizens, their rights and interests, to the decision of Foreign Courts. For, although Great Britain, as you remark, may be willing to abandon those of Her Subjects, who defy the Laws, and tarnish the character of their Country, by participating in this Trade, to the dispensation of justice, even by Foreign Hands, The United States are bound to remember, that the power which enables a Court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of guilt or innocence is that which the protecting care of their Constitution has reserved for the Citizens of this Union to the exclusive decision of their own Countrymen. This principle has not been departed from by the Statute which has branded the Slave-trader with the name, and doomed him to the punishment, of a Pirate. The distinction between Piracy by the Law of Nations, and Piracy by Statute, is well-known and understood in Great Britain, and while the former subjects the Transgressor guilty of it, to the jurisdiction of any and every Country into which he may be brought, or wherein he may be taken, the latter forms a part of the municipal criminal Code of the Country where it is enacted, and can be tried only by its own Courts.

There remains the suggestion that the Slave-trader, captured under the mutual concession of the power to make the Capture, might be delivered over to the jurisdiction of his own Country. This arrangement would not be liable to the Constitutional objection which must ever apply to the jurisdiction of the Mixed Commission, or of the Admiralty Courts of the Captor;—and if your Note is to be understood as presenting it in the character of an alternative, to which your Government is disposed to accede, I am authorized to say, that The President considers it as sufficient to remove the insuperable obstacles which had precluded the assent of The United States to the former Proposals of your Government, resulting from the character and composition of the Tribunals, to whom the question of guilt or innocence was to be committed.

The objections to the Right of Search, as incident to the Right of detention and capture, are also in a very considerable degree removed, by the introduction of the Principle, that neither of them should be exercised but under the responsibility of the Captor to the Tribunals of the Captured party in damages and costs. This guard against the abuses of a power, so liable to abuse, would be indispensable; but, if the Provisions necessary for securing effectually its practical operation would reduce the Right itself to a power merely nominal, the stipulation of it in a Treaty would serve rather to mark the sacrifice of a great and precious Principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed to the Concession desired, of the mutual and qualified Right of Search, the principal stress was laid upon the repugnance which such a Concession would meet in the public feeling of this Country, and of those to whom its interests are entrusted in the Department of its Government, the sanction of which is required for the ratification of Treaties. The irritating tendency of the Practice of Search, and the inequalities of its probable operation were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives or remedies for anticipated abuses, in your Letter. But the source and foundation of all these objections was, in our former Correspondence, scarcely mentioned, and never discussed. They consist in the nature of the Right of Search at Sea, which, as recognized or tolerated by the usage of Nations, is a Right, exclusively of *War*, never exercised but by an outrage on the rights of *Peace*. It is an act analogous to that of searching the Dwelling Houses of Individuals on the Land. The Vessel of the Navigator is his Dwelling House, and, like that, in the sentiment of every People that cherishes the blessings of liberty and security, ought to be a Sanctuary, inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at Sea, as recognized by all Maritime Nations, is confined to the single object of finding and taking contraband of War. By the Law of Nature, when two Nations conflict together in War, a third, remaining neutral, retains all its Rights of peace and friendly intercourse with Both. Each Belligerent, indeed, acquires by War the right of preventing a third Party from administering to his Enemy the direct and immediate materials of War, and, as incidental to this Right, that of searching the Merchant Vessels of the Neutral on the High Seas to find them. Even thus limited, it is an act of power, which nothing but necessity can justify, inasmuch as it cannot be exercised but by carrying the evils of War into the abodes of Peace, and by visiting the innocent with some of the penalties of guilt. Among the modern Maritime Nations an usage has crept in, not founded upon the Law of Nature, never universally admitted, often successfully resisted, and against which all have occasionally borne testimony, by renouncing it in Treaties, of extending this Practice of search and seizure to *all* the property of the Enemy in the Vessels of the Friend. This practice was, in its origin, evidently an abusive and wrongful extension of the Search for Contraband; effected by the Belligerent because he was armed; submitted to by the Neutral because he was defenceless; and acquiesced in by the Sovereign for the sake of preserving a remnant of Peace, rather than become Himself a Party to the War. Having thus occasionally been practised by All, as

Belligerents, and submitted to by All, as Neutrals, it has acquired the force of an usage, which, at the occurrence of every War, the Belligerent may enforce or relinquish, and which the Neutral may suffer or resist, at their respective options.

The search for, and seizure of, the Property of an Enemy, in the Vessel of a Friend, is a relict of the barbarous warfare of the barbarous Ages; the cruel, and, for the most part, now exploded system of *private* War. As it concerns the Enemy himself, it is inconsistent with that mitigated usage of common Wars, which respects the private property of Individuals on the Land. As relates to the Neutral, it is a violation of his natural right to pursue unmolested his peaceful commercial intercourse with his Friend. Invidious as is its character in both these respects, it has other essential characteristics equally obnoxious. It is an uncontrouled exercise of authority by a man in arms over a man without defence, by an Officer of one Nation over the Citizen of Another. By a man intent upon the annoyance of his enemy, responsible for the act of search to no Tribunal, and always prompt to balance the disappointment of a fruitless search by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which The United States experienced when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object which both Nations have equally at heart, it is desirable to avoid every topic, which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the Right of Search, as recognized by the Law of Nations, and exercised by Belligerent Powers; it is due to candour to state, that my Government has an insuperable objection to its extension by Treaty, in any manner whatever, lest it might lead to consequences still more injurious to The United States, and especially in the circumstance alluded to. That the supposed extension will operate in time of Peace, and derive its sanction from compact, present no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of Search, on the principles of that Right is disapproved. If the freedom of the Sea is abridged by compact, for any new purpose, the example may lead to other changes. And if its operation is extended to a time of Peace, as well as of War, a new System will be commenced for the dominion of the Sea, which may eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of Peace and War, and of Rights applicable to each State.

The United States have, on great consideration, thought it most advisable to consider this Trade as Piracy, and to treat it as such; they have thought that the Trade itself might, with great propriety, be placed in that Class of Offences, and that by placing it there, we should more effectually accomplish the great Object of suppressing the Trade than by any other Measure which we could adopt.

To this Measure, none of the objections which have been urged against

the extension of the Right of Search, appear to be applicable. Piracy being an Offence against the human race, has its well known incidents of capture and punishment by death, by the People and Tribunals of every Country. By making this Trade piratical, it is the nature of the Crime which draws after it the necessary consequences of capture and punishment. The United States have done this by an Act of Congress, in relation to themselves. They have also evinced their willingness, and expressed their desire, that the change should become general by the consent of every other Power, whereby it would be made the Law of Nations. Till then they are bound by the injunctions of their Constitution, to execute it so far as respects the punishment of their own Citizens, by their own Tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate, to a certain extent, with other Powers, to ensure a more complete effect to their respective Acts; They placing themselves, severally, on the same ground by legislative provisions. It is in this spirit and for this purpose that I have made to you the Proposition under consideration.

By making the Slave Trade piratical, and attaching to it the punishment as well as the odium incident to that Crime, it is believed that much has been done by The United States to suppress it, in their Vessels, and by their Citizens. If your Government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention and command the respect of all her European Neighbours. It is the opinion of The United States, that no Measure, short of that proposed, will accomplish the Object so much desired, and it is the earnest desire of my Government, that the Government of His Britannic Majesty may co-operate in carrying it into effect.

I pray you, Sir, to accept the renewed assurances of my distinguished consideration. JOHN QUINCY ADAMS.

The Right Hon. Stratford Canning.

(Inclosure 2.)—The Right Hon. S. Canning, to The Hon. J. Q. Adams.

SIR, *Baltimore, July* 1, 1823.

It was not till after I had left the Seat of Government on my way to embark at New York, that I had the honour to receive your letter, dated the 24th ultimo, referring to our previous Correspondence on the Subject of the Slave Trade, and more particularly to the Proposal contained in your Communication of March the 30th, and to the observations which I thought myself called upon to address to you in consequence of that Communication.

As I hope shortly to have an opportunity of submitting the present state of this Question, together with your Letter, in person, to His Majesty's Government, and not doubting that the American Envoy in London will be duly prepared to explain, and in the event of their being accepted, in principle, to give effect to the suggestions offered by you on the part of The United States; I have little at this moment in view, but to acknowledge the receipt of your last letter, and to express my persuasion, that, whatever difference of opinion may exist between our respective Governments, as to the expediency of conceding a mutual and limited Right of Search, for the more complete suppression of the Slave Trade, the Measures which you have proposed for the same

Object will be received and weighed by His Majesty's Government with sincere attention and impartiality.

It behoves me, however, not to omit even this opportunity of remarking that when, in my former Letter to you, I stated the two alternatives, which occurred to my mind as the only possible substitutes for the Mixed Commissions, in the adjudication of Vessels captured on a charge of Slave Trade, by the Cruizers of either Nation, when exercising the Right of Search; it was not my intention, nor, indeed, was I authorised to pledge His Majesty's Government to the admission of a Practice so novel, and which would probably be found liable to so much inconvenience in its operation, as the delivery of Vessels, captured in that manner, to the Tribunals of the Captured Party. I must be allowed, Sir, to add, that, in describing the adjudication of such Vessels by a Court of Admiralty in the Country of the Captor, as the ordinary way of proceeding, I could only have meant to refer to the sole example of the kind afforded in time of Peace, namely, the capture, under the Law of Nations, of Pirates, whose real character must, in many Cases, be ascertained by legal process, and to the established practice with respect to Neutral Vessels detained on the High Seas in time of War. You will readily perceive that, on these grounds, I can hardly err in maintaining, that the customary mode of proceeding for the adjudication of Vesse s captured, under the Law of Nations, is by Sentence of a Court of Admiralty in the Country of the Captor.

Referring, then, in general, to His Majesty's Government for a decision on the subject matter of your Communication, I have now only to assure you of the high consideration with which

I have the honour to be, &c.

STRATFORD CANNING.

The Hon. John Quincy Adams.

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CORRESPONDENCE
WITH THE
BRITISH COMMISSIONERS.

SIERRA LEONE. *(General.)*

No. 1.—*Messrs. Gregory and Fitzgerald to Mr. Secy. Canning.*
(Received July 11.*)*

SIR, *Sierra Leone, April* 29, 1823.

In the Despatch which we have now the honour to address to you, we propose to resume the communication of those Reports respecting the state of the Slave Trade, which, by the Letter of the Marquess of Londonderry, dated the 10th of March, 1822, we are directed "to continue to transmit from "time to time, founded upon the most authentick intelligence "that our Situation enables us to collect."

We pursue in this Report our former mode of considering the Coast of Africa to the Northward of the Equator as divided into three Sections:—

The First Section extending from Sierra Leone Northward, and comprising all the Slave-trading Stations usually visited by British Cruizers—

The Second, comprising the space between Sierra Leone and Cape Coast:—

The Third, running from Cape Coast to the Equator.

In the first Section to the Northward of Sierra Leone we have not any intelligence of existing Slave-trade, further than some indistinct reports of Shipments from *Bissao*, which may be supposed to have actually taken place, inasmuch as the Trade is always carried on at that Settlement and at *Cacheo* in as great extent as the opportunities of exportation will admit.—Complaints continue to be made of predatory attacks on the African Towns in the vicinity of the *Rio Nunez*, for the purpose of supplying Slaves for those Shipments;—it is added that these attacks are not only countenanced, but often led by Portuguese Subjects of the Settlements just mentioned. A petty warfare was, until lately, carried on between *Bateman* and *Pearce*, two Native Chiefs descended from British Slave dealers formerly resident on the Rio Nunez. The captives taken by both Parties in this warfare were sold to the Slave dealers of Bissao and Cacheo.

When the boats of His Majesty's Ship *Owen Glendower* visited the Rio Nunez, in the beginning of the Month of March, this warfare was considered as terminated by decisive successes on the part of Bateman;—and within the present Month we have had information of the arrival of some trade from that River at the Isles de Los. The resumption of trade is regarded as a decisive indication that the Country on the banks of the River has returned to a settled state; as long as war continues, however inactive the hostility, business is almost at a stand.

The trade of the Rio Nunez is considered of great importance; the returns to be obtained from it in hides, ivory, wax, and other Articles of African produce, render it next to the *Gambia* in the means and opportunities of beneficial commerce—unless so far as the pursuit of the Slave-trade will lead the Traders in particular instances to *Bissao* and *Cacheo*, the general advantages of a superior market for the disposal of their own Articles, and for the purchase of European Commodities, will induce them to resort in preference to the British Settlements at the *Isles de Los*, or to this Colony.

We have much satisfaction in being enabled to state, upon the authority of information constantly received from sources, upon the authenticity of which the fullest reliance may be placed, that no Slave-trade has existed in the *Rio Pongos* since the date of our last Report,—nor, in fact, since the capture of the Spanish Schooner *Rosalia* in that River, by Lieutenant Hagan, commanding His Majesty's Brig *Thistle*, on the 9th of January, 1822.

The state of things in that River has continued nearly as it was described in our last Report; apparently with some further advance towards the establishment of a system of legitimate commerce.—We are, however, rather fearful of being too sanguine in our statements touching a reformation of such recent commencement. We therefore subjoin the grounds of our belief:

The advance to which we allude is inferred from the following facts and circumstances;

The person named *William Lawrence*, residing at Domingi, a short distance within the entrance of the River, who was mentioned in our last Report as having been at Sierra Leone for the purpose of making arrangements for legitimate commerce under British protection, has applied for, and obtained, through the intervention of *Mr. Kenneth Macauley*, one of the

Members of Council for the Colony, a lot of building land in Free Town, for the purpose of erecting a residence for his trading people and for himself in his future visits.

It is said that this proceeding, and the previous visit of Lawrence to Free Town, have excited much jealousy among the other Traders of the Rio Pongos, who have not hesitated to avow their suspicion that Lawrence has been studying to promote his own exclusive objects, to the injury of the characters and the interests of his neighbours.

In confirmation of these suspicions they advert to a recently prior scheme of Lawrence for bringing down the Foulah Traders to the banks of the River, where that People are much dreaded, on account of the force in which they come, and of the absolute dominion which they assume and exercise during their stay, although the professed object of their coming should be purely commercial.

It is true that Lawrence made a journey not long ago to Teembo, the Capital of the Foulahs;—he was there at the time of *Mr. O'Beirne's* arrival on the Mission from Sierra Leone, and was mentioned in that Gentleman's Narrative as having used his influence in a friendly way to engage The King to expedite the despatch of the Mission on its return. This kindness Lawrence would probably render with greater alacrity and earnestness, as it appears his own object was to lead the commerce of the Foulahs in a different course from the direct line to Sierra Leone, into which Mr. O'Beirne wished to turn it. Neither of those travellers was successful in his negotiation; but the extended intercourse commenced by their expeditions, and followed up by Others, has already made considerable progress, notwithstanding the unfavourable circumstances of local wars and dissentions in the Country. This improved facility of enlarged communication may be considered in itself a great benefit, as well as the means of introducing a multitude of further advantages.

Among the journies that have most materially contributed to the improved state of intercourse, we should mention one by *Captain Laing*, of the Royal African Colonial Corps, into the Country of the Solyma Nation, about 400 miles East of Sierra Leone. This journey was undertaken at the instance of the Merchants of the Colony, for the purpose of bringing down the Gold-trade. The object has been in some degree accomplished. Captain Laing had previously made some journies of

less extent, at the instance of the Colonial Government, for the purpose of re-establishing good understanding among some of the discordant Chiefs in the vicinity of Sierra Leone.

The jealousy entertained by the other Chiefs of the River Pongos, respecting Lawrence's attempt to bring down the trade of the Foulahs, as well as of his recent efforts to establish a commercial intercourse with this Colony, is to be attributed to the narrow and selfish notions by which Africans are generally influenced in judging of such matters. The interest of the Individual is the only impulse to action in their ordinary affairs. New and enterprising designs for the advancement of the general interest are beyond their ordinary conception, and when any individual of superior intelligence among them devises such a plan, and takes any measure for carrying it into effect, they are impressed with a persuasion that he is seeking his own aggrandizement, by the compromise or the destruction of all around him. They dread besides, above all things, the introduction of powerful Strangers, who, as they conceive, will always seek ultimately to get the Country into their own hands.

A little reflection might shew, however, that the Foulahs, if once induced to turn their trade to the River, would not confine their dealings to any Individual, but would barter with those whose terms they should find most inviting, although, certainly, their numbers and overbearing characters must make them unpleasant visitors, where a power adequate to controul them does not exist. But the introduction and establishment of a regular commercial intercourse with a rising British Settlement, presents benefits of such general extent and influence, without any vicious accompaniment to restrain or countervail, that the slightest consideration must be sufficient to remove any distrust connected with them. Accordingly we find that the jealousy which arose from Lawrence's visit to Sierra Leone has begun to subside, in the experience already diffused, that all participate in the advantages of a more active commerce with the Colony.

Since the return of Lawrence from Free Town, in October 1822, he has sent for further supplies of coffee-plants for the use of the principal Persons settled on the banks of the Rio Pongos. These plants were forwarded to him in abundance, through Mr. Kenneth Macauley, from the farm of the Chief Justice, near Free Town. A part of the plants sent at this time was employed in forming a spacious plantation on the

lands of *S. E. Lightburne*, of whom particular mention is made in our last Report. This plantation was laid out under the direction of a Frenchman, formerly a Planter in St. Domingo, who was specially engaged by Mr. Lightburne to come from America, for the purpose. We learn by the latest accounts that this plantation comes on well. The others, and among them that of Lawrence, have suffered by the influence of the dry season upon the young plants.

A small vessel named the *Dolphin*, owned and commanded by *Benjamin Pearson*, a Citizen of The United States of America, arrived at Mr. Lightburne's factory in the Month of October last, from Charleston, with trade-goods and passengers. These passengers were chiefly persons of colour, Emigrants from The United States, required to remove themselves in consequence of having taken part in some disturbances at Charleston. Some of the individuals were accompanied by their families. The intention of these Persons in coming to the Rio Pongos has not been ascertained; many of them perished soon after their arrival in the River by the fever of the Place, and before the commencement of the year 1823, most of the survivors found their way to Sierra Leone. The Dolphin, according to the latest accounts, was still at anchor not far from Mr. Lightburne's factory, unable to proceed to sea, through the loss of nearly all her seamen.

The arrival of this Vessel in the Rio Pongos gave rise to suspicions and reports of Slave-trading objects,—either originally contemplated in her voyage from The United States, or likely to result from the opportunity of sending off by her, either the remaining Slaves of those purchased for the Spanish Schooner *Rosalia*, taken by *Lieutenant Hagan* in the *Thistle*, on the 9th of January 1822, or else a full cargo from the factory of *Ormond*, who avows his determination to resume the Slave-trade as soon as a favourable opportunity shall be presented to him.

Nothing has hitherto occurred to give credibility to the rumours of the probable employment of the Dolphin for such a purpose;—and some who have a personal knowledge of *Pearson*, the Owner and Master, express a firm persuasion that he would not engage his Vessel in the Slave-trade.

Another surmise gave the same destination to a Schooner recently built in the River by *Ormond*, and now completed. This surmise appears more credible as Ormond has, according

to several concurring reports, all proceeding from respectable authority, never ceased to express a fixed resolution to return to his former Slave-trading habits, as soon as it should be safe for him to do so. More recent representations, however, give credit to him, for a growing disposition to renounce a traffick, the pursuit of which appears indeed in a great measure to be rendered henceforth impracticable, in the situation in which he is placed.

It is certain that the portion of the Slaves of the Rosalia not given up to Lieutenant Hagan, when that Vessel was taken by the *Thistle*, are still in the Villages adjacent to Ormond's factory under the charge of *Francisco Freire*, late Master of that Vessel; and it is also certain that now, for a period of fifteen Months, no Slave-trade has existed in the River. The Slaves of the Rosalia remaining with Freire and Ormond are about sixty in number.

We must, however, again repeat here the conviction expressed in our preceding Report, of the expediency of causing this River to be visited occasionally, and even frequently, by His Majesty's Cruizers, lest the Traders, still new in the abandonment of the Slave-trade, and not yet confirmed in the pursuits of lawful commerce, should, through want of due superintendence, relapse into their former vicious pursuits.

The importance of bestowing this attention will appear more clearly from the fact that, during the short period, of abandoned Slave-trade, and growing legitimate commerce, that has elapsed since the capture of the Rosalia, the exports of African produce from the adjacent Settlements of the *Isles de Los* have increased beyond all conception. Among these Exports was a quantity of Wax, which, although amounting only to five or six tons, is worthy of particular notice, as it is now, for the first time, made an article of industry and trade on the banks of the *Rio Pongos*. A larger supply may, consequently be expected in future years. The other articles included in these Shipments are Hides, (about 5,000,) also recently, for the first time, exported,—and Palm-oil to the amount of 30,000 gallons, collected from two of the Islands, *Tamara* and *Factory*, and from an extensive range of Country on the opposite Coast. A quantity of Ivory, not much exceeding one ton, was also included.*

* The Rio Pongos sends supplies of Rice to Sierra Leone.

There are now in the *Isles de Los*, three considerable mercantile Establishments; two of these are on *Crawford's Island*, where the Military Station is fixed, and the third is on *Factory Island*. The Island of Tamara is entirely occupied by a Native population, industriously and profitably employed in the cultivation of rice, and in extracting oil from the fruit of the palm trees with which the Island abounds. Of the establishment on Crawford's Island the more considerable is in the hands of the Agents of *Messrs. Macauley* and *Co.*, and its transactions are in a great measure blended with those of that Firm at Sierra Leone. The second belongs to *Mr. Proctor*, a resident Merchant, Owner of a small Vessel, the Cutter *Hope*, which made two trips from the Island to England in the year 1822, with Cargoes of African produce, and Returns in trade-goods adapted to the African Market. The establishment on Factory Island, belonging to *Mr. Samo*, is one of extensive business. Mr. Samo, besides contributing largely to the freight of Mr. Proctor's Vessel, has loaded a Brig, the *Hambletonian*, for England, almost entirely on his own account.—All these Establishments have small trading-vessels and Agents on board of them, as well as on shore, constantly employed in disposing of trade-goods in the Rivers and along the Coast; and in collecting the products of the Country in return. The distance of the Isles de Los from the part of the Continent immediately opposite, is about five hours sail; from the Rio Pongos is about ten or twelve hours. The Rio Pongos lies more to the Northward.

The average length of the voyage from the Isles de Los to Sierra Leone, or back from Sierra Leone to the Islands, is one day, and from this fact it is argued that notice may be given immediately, of the entrance of any suspected Vessels into the Rio Pongos, and that, consequently, the immediate observance of the River by the Cruizers cannot be absolutely necessary,—still our opinion of the expediency of occasional and even frequent visits to the River by the Cruizers, remains unaltered.

The boats of the *Owen Glendower* visited the Rio Pongos in the Month of March, in pursuance of Orders given by *Commodore Sir R. Mends.*

The state of things at the different Factories was found by the Officer commanding the boats, to be precisely the same as we have described it.

The boats had previously visited the Rio Nunez, as we have already mentioned. Another detachment had visited the River *Casamanza*, and the Portuguese Settlement of Bissao and Cacheo. In the course of these visits one Vessel was found off Bissao under *French* Colours that was supposed to be engaged in the Slave-trade. We consider it incumbent on us to notice these visits and the result of them thus far, without entering in any way upon those details which belong more properly to the Parties immediately concerned.

In the second Section, or the range of Coast Southward from Sierra Leone to Cape Coast, the roads of *Gallinas* continue most prominently distinguished for constant and active Slave-trade. From the date of our last Report, nearly until the close of the year 1822, rarely less than three Vessels were to be found, either at the anchorage in the Roads, or moving about among the adjacent Stations where Slaves might be found, or where provisions could be procured for the subsistence of the cargo of Slaves in the return voyage, or where wood or water could be most conveniently taken on board.

It is also found that these movements are convenient for avoiding Cruizers, and for keeping aloof from all Vessels of unfriendly or doubtful appearance, until it can be ascertained whether they may be approached with safety.

The Flags generally found at the *Gallinas* actively engaged in the Slave-trade are, that of *France* principally, that of *Spain* in a less degree, and that of *The Netherlands* in a less degree still. The Spaniards are generally fearful of waiting for the collection of Slaves to form a Cargo at a Station so near to this Colony; and they very rarely encounter the hazard. They prefer running at once to the great Slave-markets of *Bonny* and *Calabar*, if, on touching to enquire at two or three of the principal intermediate Stations, such as Gallinas and *Trade Town*, they find that they cannot be supplied at once, which the state of the stock in the Factories at those Places will rarely admit.

The Vessels belonging to The Netherlands generally assume a French character.

The extracts from the Log-book of The Netherlands Schooner *Aurora*, inclosed, together with the information obtained from *Alexander Boswell*, a seaman belonging to that Vessel, and from *François Hataulx*, a seaman belonging to the French Schooner *Hippolyte*, contain, collectively, what may be regarded

as an exemplification of the number of Slave-trading Vessels at the Gallinas, and of the movements of those Vessels for a space of three Months, from the last days of July to the last days of October 1822, the part of the Season considered most favourable for the Slave-trade. It will not be necessary to enter into the same details here, but merely to collect the general results by inference from the facts stated in those Documents.

The total number of Vessels engaged in the Slave-trade at the Gallinas, during these Months, was four,—a Spanish Schooner, the name of which is unknown,—a French Schooner, named *La Petite Eugenie*, or rather a Netherlands Schooner under French Colours, commanded by *Monsieur Canes*,—The Netherlands Schooner *Aurora*, commanded by *Benjamin Liebray*,—and the French Schooner *Hippolyte*, *Captain Galon*.

Of these, two had sailed with full cargoes of Slaves—one of the two was the *Spanish* Schooner destined for The Havannah; and the other was *La Petite Eugenie* for Surinam.

The Slaves for the other two were completely collected when the arrival of His Majesty's Ship *Cyrene*, from the neighbouring Station of *Cape Mount*, with the *Aurora* under detention, and the despatch of two boats to demand the Slaves purchased for that Vessel, led to acts of hostility towards the crews of the boats, which were repelled with such effect as to cause the surrender of the Slaves of the Aurora, and to render the voyage of the *Hippolyte* altogether abortive.

It is to be inferred that the means of collecting Slaves, so as to despatch the Vessels with an average complement, which may be taken at 90 for 100 of the number that they can carry,—is in the proportion of one Vessel to a Month, when the number that the Vessel can carry is limited within 200 to 250 Slaves. This would give a total yearly export of about 3,000 Slaves from *Gallinas*, which may be considered, as nearly as the matter can be ascertained, a correct estimate. The *Hippolyte*, according to the information given by François Hataulx, was to carry 140 Slaves; the *Aurora* was to take 220. The Vessels that come to the Gallinas are generally small Schooners. The estimate that has been here made may be considered as taken on a high scale. We have, however, heard the gross number of this export laid down at eight, and sometimes at ten, thousand, and even at more thousands than that; but these numbers must have been calculated without any authentick grounds,—cer-

tainly without any grounds of such obvious accuracy as the facts that we have stated.

In further proof of the correctness of this calculation, in the general sense in which alone such calculations can be made or taken, we may mention the fact that, for a Vessel carrying 150 Slaves, the time allowed to complete the collection of the cargo is usual from 40 to 50 days, from the delivery of the goods, which are always paid in advance for them. For 200, two Months are required, and the number is very rarely made up at the day, so that it is either necessary to wait over the stipulated time, or to sail without the full complement. Thus the Hippolyte, which arrived on the 27th August, and was to take only 140 Slaves to be supplied in 40 days, was still at Gallinas when the Cyrene arrived in the last days of October, to claim the Slaves of the Aurora. This was above 60 days after the arrival of the Hippolyte.

The Aurora was to take 220 Slaves; she had been already three Months on the Station. This tardiness in supplying a sufficiency of Slaves for two or three small Vessels does not allow us to believe that the Place commands any great influx of Slaves. Considering that the Spanish Schooner, and La Petite Eugenie, had sailed with their full complements in the course of the same three Months, and allowing that they carried an equal number—that is, 360 for the two—the total supply for exportation in those Months would be 720. Thus the total annual export of Slaves from the Gallinas appears fairly calculated at not more than 3,000.

The course of the trade at *Gallinas*, as at the other considerable Slave-markets, is to contract with the King or Chief Headman, *Siaca*, for the supply of the total number of Slaves wanted, and to deliver to him the goods paid in advance for the purchase of them. He makes subordinate contracts with the inferior Headmen, and with Slave-dealers of the vicinity, who undertake to furnish scores or dozens of Slaves according to their means of procuring them. The fulfilment of the general contract depends upon the performance of the subordinate engagements, and these are rarely made good at the time stipulated, the general delivery of the Slaves and the despatch of the Vessel are retarded equally in consequence.

Reports circulated at Sierra Leone, towards the latter part of the year 1822, would induce a belief that the tract of Country from which the Slaves were drawn, that were required for the

supply of the exports from the Gallinas, had extended to the banks of both the minor Rivers, which unite their streams about forty miles above Free Town to form the great River of Sierra Leone. It was further stated, that new paths were about to be opened by the Chiefs on the banks of those Rivers, for the special purpose of sending down Slaves to the Gallinas for sale. We had strong reasons to apprehend that these statements, if not actually true at the time, would be speedily realized, in consequence of the cessation of the Timber-trade of Sierra Leone, and of the consequent loss of the beneficial employment, and of the supplies of all Articles of Foreign growth and manufacture, previously furnished by that trade, to a very large population, and a great extent of Country, spreading into the interior from the banks of those Rivers, and embracing the tracts from which the labouring hands were at that time said to be daily removed for the purpose of selling them into Slavery.

In a Paper which was shewn to us at that time, by a Person who possesses the best means of information on this matter, it was calculated that the Slave-trade as it had been carried on in the River of Sierra Leone, in the Years immediately preceding the Abolition, furnished employment for upwards of two thousand families, resident on the banks of the streams by the union of which the River is formed. These families were occupied either in the trade itself, or in various labours subservient to it, but principally in raising provisions for the subsistence of the Slaves, while they remained in depôt preparatory to embarkation, and subsequently on the voyage to the Colonies. From the time of the Abolition of the Slave-trade, to the rise of the Timber-trade, the state of the population on these banks is represented to have been destitute and wretched in the extreme. Cultivation was discontinued through the want of an immediate and adequate market for the produce. The Foreign commodities, which custom had rendered so familiar in use as to be in a great measure necessary, could only be obtained in scanty supplies from the Coast, by the sale of Slaves at the Gallinas, or in the *Sherbro'*, or at the other side the *Scarcies*, or the Rio Pongos.

The introduction and establishment of the Timber-trade, under the able directions of a few meritorious individuals, extirpated in a short time those vicious habits, turning the hands of the people to profitable labour, and fixing their minds in the pursuit of virtuous industry, which soon led to affluence.

The multitude of labourers and assistants required in the preparation and carriage of this timber, in the various works of felling, squaring, hauling, floating and shipping, left not an idle arm in the adjacent Country. The women and young persons were employed in ministering to the men. The payments made for these services and for the timber itself, in British goods of the descriptions most sought for by Africans, diffused wealth and joy throughout the Country, until, unfortunately, in the year 1821, the demand for the timber ceased suddenly and almost entirely. The Country Proprietors, as well as the Shipping Merchants, were left with a dead stock on their hands, on which considerable time, labour, and cost, had been expended. The labourers were left unpaid by their Native Masters, and without further employment. The Merchant held forth for a time the hope of a favourable change, but when two Seasons had nearly elapsed, (from the early part of the Year 1821, until the approach of the close of 1822) without realizing the hope, it was regarded as altogether delusive. Then it was that the danger arose of a renewal of the Slave-trade, in order to supply wants which had become indispensable, and to provide for which no other means were left; but happily the favourable change, although long deferred, has at length taken place, and it may, therefore, be hoped that the hazard of a lapse, so much to be deprecated, is now effectually averted for a considerable time, during which measures of permanent efficiency may be adopted to prevent its future return.

Nothing can afford so certain a security against the recurrence of an evil so appalling in its approximation to the Colony of Sierra Leone, as the employment of this timber, or of a certain quantity of it, in the construction of Ships in His Majesty's Dock Yards, for which service it is particularly adapted. It is very naturally supposed that if the timber shall once be known to be employed and approved in that service it will grow into general estimation, and be introduced into general use in consequence.

The occasional recurrence of particular instances of Slave-trade, or the more general relapses caused by the failure of the resources previously supplied by better commerce, are by no means to be assumed as evidence of undiminished attachment to that trade in the Districts adjacent to Sierra Leone, and connected immediately with the commerce of Free Town. On the contrary, it is a fact well ascertained, that the

character and objects of the Colony, the authority of its Government, and above all, the immediate and beneficial influence of its legitimate commerce, operating in declared and direct hostility to that trade, have generally diminished the previous devotion to it, however strongly fixed by the depraved habits of accumulated ages. It may be regarded as certain, that it is only in times of particular and pressing distress that Slaves will be sold from these Districts; and every Year of favourable time will leave less reason to apprehend the danger in future.

The Statement annexed to this Report, furnished circumstantially in verbal communication to Mr. Fitzgerald, by an intelligent Trader of Sierra Leone, whose dealings are intimately connected with the Gallinas, describes in minute details—the vicious and depraved habits, and the abject wretchedness of condition; the injustice, oppression and unfeeling cruelty, extinguishing all regard to the dearest ties of natural affection; the total neglect of cultivation, and the dependence upon the neighbouring Countries for the common necessaries of life;—which are among the evils created by the determined pursuit of the Slave-trade at that Station.

We do not see any reason to entertain a hope of the speedy attainment of such a reformation at the Gallinas as that which has taken place in the Rio Pongos; but as it is of the utmost importance to the progress of the general Abolition of the Slave-trade among the inhabitants of the Coast of Africa, that due efforts should be made for the repression of the unrestrained traffick, the existence of which, at a Place so near to this Colony, must be regarded as a most offensive and grievous outrage, we would recommend that a small Cruizing Vessel should be specially charged with the superintendence of this Station, with liberty to extend the range of her operations to a certain distance, on each side, as the occasions of the service on which she would be placed might demand. The Vessels that trade for Slaves at Gallinas are, it is true, generally *French*, and are, therefore, not subject to the provisions of the Treaties of Mixed Commissions; but it is ascertained that even French Vessels will not pursue the business of the traffick openly, within view of a Flag engaged in the restraining service.—The proceedings in the trade are altogether suspended as soon as a Cruizer appears, and her presence for any length of time disconcerts the operations of the Traders in such a manner as frequently to render the voyage in a great measure ineffective.

Another advantage, of scarcely less importance, would arise in the increased facilities which the legitimate commerce of the Traders of Sierra Leone would enjoy, when they could pursue their trade under the immediate protection of a British armed Vessel, or under the knowledge that such protection is near at hand. The two-fold influence of the repression of Slave-trade, and of the promotion of lawful commerce, leaves little room to doubt that the presence of such a Vessel would be attended with the happiest effects.

We trust, therefore, that we may not be thought to presume too far in recommending this suggestion to favourable consideration. We further trust that in making this recommendation, we may not be thought to have interfered improperly with the direction or management of the Naval affairs of the Station—for, in truth, we do no more than convey to you, Sir, as we are bound to convey, the known opinion of all those who are capable of judging of the matter in this Colony, —that the Gallinas, for the reasons that we have mentioned, as well as for others, should be placed under the special superintendence of an armed Vessel, stationed in the immediate vicinity for the purpose. Information received at various times, subsequent to the capture of the *Aurora*, intimated that Vessels were employed in trading for Slaves at Gallinas. His Majesty's Brig *Snapper*, Lieutenant *Rothery*, commanding, despatched from Sierra Leone on a special Mission to the American Settlement at *Cape Mesurado*, visited a French Brig and Lugger off Cape Mount, with part of their Slaves already on board. This was on the 2d of February;—shortly after this intelligence was communicated at Sierra Leone, it was known from other sources that some Slave-trading Vessels, stated to be French, but supposed to belong to some of the Flags of the Mixed Commissions, were at the Gallinas. A small Vessel, late the Spanish Schooner *San Rafael*, fitted out as a tender to His Majesty's Ship *Bann*, was sent to look after those Vessels, but they had sailed with Slaves before she arrived. This was in the Month of March.

In the Month of April a respectable European Trader of Sierra Leone was cast on shore in a small Vessel near the Gallinas.—His exertions to recover the property taken from the wreck through the influence of *Siaca*, Chief of the Gallinas, detained him for some time in the principal Town belonging to that Chief. He found the Slave-trade going

on with unabated activity. Two Vessels were at the anchorage, both come for Slaves. One of these was a *French* Vessel, the Commander of which had made seven successful voyages in the trade. The other was a *Spanish* Vessel, whose Commander had made three successful voyages. It appears, therefore, that these successes are made matter of boast.

The Master of the Spanish Vessel resides at The Havannah, and was the brother-in-law, of the late *Johan Krauze* who commanded the Schooner *Joseph*, trading for Slaves under the pretended character of a Swedish Vessel, but condemned as the property of Spanish Subjects by the British and Spanish Mixed Court in June 1822. Krauze, it is understood, sent for this Person soon after the condemnation of the Joseph, to take away himself and the Slaves collected by him at the Gallinas for the cargo of that Vessel. These Slaves collected for that Vessel were transferred to another, which arrived shortly after the return of Krauze to the Gallinas; but a fresh store was collected in their place. Krauze, and *Galon*, the Master of the Hippolyte, going out in a boat at Christmas time, were overset on the bar of the Gallinas and drowned; but the Slaves he had collected were preserved, and it was understood that they would be delivered to his brother-in-law, the Commander of the Spanish Vessel seen at the Gallinas by the Trader who communicated this part of our information. That Commander was well known at Gallinas. Krauze has had a regular Slave-trading establishment at that Place for several years.

In that part of our second Division of the African shore which extends from Gallinas to *Cape Coast*, we have reason to think that the Slave-trade has considerably diminished. The American Settlement at *Mesurado*, although not possessing strength to impose any direct restraint, has, by its mere presence and object, a strong controuling influence, and the armed Schooner employed in connection with it, acts with a corresponding effect. No instance has occurred for a considerable time of a Vessel being found on the Coast engaged in the Slave-trade under the Flag of *The United States*, and the American Cruizers are extremely cautious of interfering, even by visitation, with Vessels bearing the Flags of other Powers. The influence attending the presence of the American Cruizers consists, therefore, simply in the view; but it may

be of importance to know that, even in this sense, that influence is considerable.

The legitimate commerce introduced on the adjacent Coast, by the Settlement at Mesurado, will, we may fairly hope, be speedily attended with the same auspicious results which have marked the progress of the commerce of a similar character established at Sierra Leone, and at the other British Settlements on the Coast.

The Corvette *Cyane*, *Captain Spence*, bearing the Flag of The United States, sailed from Sierra Leone for Mesurado in March, having in company with her the small Cruizing Vessel recently attached to the Settlement, which was previously repaired and refitted. Captain Spence proposed to remain for a short time at Mesurado. The presence of such a Vessel as the Cyane, in connection with the Settlement, and the additional arrangements which will probably take place with the Native Chiefs, under the superintendence of Captain Spence, cannot fail to establish for the Settlers a higher consideration with the Natives, whose respect is always proportionate to the strength of the Parties with whom they have to transact business—or rather to the fear which that strength inspires. Captain Spence, it would appear, has been induced to protract his stay at Mesurado longer than he had at first intended, for he proposed to return to Sierra Leone early in April, and he has outstayed the whole of that Month: he did not intend to go further down the Coast.

In the same view in which we have regarded the Settlement at Mesurado, but in a diminished degree, we have to mention a small factory and plantation established in the River *Sestos*, by a single British Subject, Mr. *Isaac Spence*. Even this establishment is not without its effect in discountenancing and repressing Slave-trade, and promoting lawful commerce and industry. Mr. Spence is Owner of two large Brigs, the *Ranger* and *Elizabeth*, one of which, the Ranger, he commands. The outward Cargoes of both these Vessels from the Port of London, consisting of tobacco and British goods assorted for the African trade, are disposed of either at Mr. Spence's factory or on the Coast adjacent, and Returns are obtained in African produce—principally in Palm-oil, and in round and cut dollars.

A Settlement of this description formed by an individual

amidst the uncivilized tribes of Africa, on a part of the Coast several hundred miles distant from the more powerful Colonies, maintaining itself by its integrity and industry, and by the benefits which its upright dealings communicate, is worthy of high commendation. Mr. Spence is desirous of placing his factory under the protection of His Majesty's Government, by causing it to be recognized as a Dependency of the Colony of Sierra Leone. He proposes to form plantations of coffee and arrow root in the ensuing rainy season. Supplies of plants and roots are to be furnished to him from the same quarter that the supplies for the plantations on the Rio Pongos have been previously obtained.

It may not be immaterial here to notice an occurrence in which Mr. Spence's Settlement was instrumental in the preservation of the lives of a number of British Subjects a short time since.

On the 27th of June, 1821, the Ship *Union Islands*, of Liverpool, *William Muir*, Master, proceeding to Calabar with a large crew, and having supernumerary seamen on board for the service of the Ships already at that Place, from Liverpool, in the Palm-oil trade, was wrecked off *Great Drewen*, near the *Kroo Country;* the people on board, with the exception of a few, got on shore by the aid of the boats,—but the people of the Country, the most barbarous on the Coast of Africa, immediately plundered them of every article that they had brought on shore, stripping them of all their clothing in most instances, and leaving those who were most favoured merely a shirt, or pair of trousers.

In this condition, scarcely receiving the most wretched subsistence, and dreading every moment the sacrifice of their lives, these unfortunate men were invited to the Kroo Country, the inhabitants of which, by constant intercourse with Sierra Leone, and by the long residence of the greater number of them there, in the character of free labourers, were disposed to relieve the sufferings of so many distressed Englishmen.

Information was, at the same time, conveyed from the Kroo Country to Mr. Spence, who immediately gave directions to conduct the sufferers to his factory, and sent goods to pay for any supplies that might be given to them and for any services that they should require. Those who survived the cruel treatment of the Savages on whose Coast they were

wrecked, and who had strength to perform the journey, were kindly received and hospitably entertained by Mr. Spence, who clothed them and brought them in his Vessel to Sierra Leone. There a liberal subscription was made for their further relief, and they were despatched for England with every necessary supply.—We annex to this Report a number of the Sierra Leone Gazette, containing a particular relation of this affair.

When we venture to believe that, from the Gallinas, Southward, as far as Cape Coast, no extensive Slave-trade has existed in the time that has intervened since the despatch of our last Report, we include among the grounds of this belief, according to our former practice, the facts, that no capture has been made by any of His Majesty's Cruizers between Gallinas and Cape Coast, and that few Vessels have been met in that interval engaged in the traffick,—very few indeed belong to the Nations that are Parties to the Mixed Commission Treaties.

In the List of the Vessels visited in the course of this cruize, published by Lieutenant Rothery, who went down the Coast in July 1822, in His Majesty's Brig *Snapper*, and returned in December, only one Vessel is mentioned as having been visited within the range, bearing a Flag belonging to the Commissions. This was the Schooner *De Souza*, *Jose Antonio Bancas*, Master, under Spanish Colours, boarded the 6th July, off Cape Mount. Lieutenant Rothery's Statement of the Vessels boarded by him was published in the Sierra Leone Gazette of the 14th December 1822, which is amongst the Papers annexed to this Report.

His Majesty's Ship *Cyrene*, *Captain Grace*, ran along the Coast in the same track, after she had taken The Netherlands Schooner *Aurora*, in the end of October. The Cyrene returned to Sierra Leone in the first week in February 1823. Captain Grace, it appears, has not given the List of Vessels visited by him for publication in the Gazette; but it is known that he did not, in this part of his run, fall in with any Vessel bearing any of the Flags of the Commissions. A Vessel detained by him off Trade Town, on the 10th of November, named La Caroline, was supposed to belong to Subjects of His Majesty The King of *The Netherlands*, but no proof was found to warrant the institution of proceedings in the British and Netherlands Mixed Court.—A particular statement of the circumstances of the case, has, we believe, been communicated

to the Admiralty.—*La Caroline* sailed from the *Danish* Island of *St. Thomas* with a destination for *Calabar*; but the Master was induced to open a trade by *King Wise*, of Trade Town, whose son he brought as a passenger from St. Thomas, whither this youth had been sent to complete his education. No other of His Majesty's Cruizers has detained or visited any Vessel belonging to the Commissions to the Northward of Cape Coast since the date of our last Report.

Passing Cape Coast, and entering into the third Section of our Division, we come at once to a Region of unlimited Slave-trade, extending over the whole range of the *Bights of Benin* and *Biafra*, as far as the Equator. The Traders are of all the Nations engaged in the traffick, but principally *Portuguese*. It did appear immediately after Commodore Sir Robert Mends cruize in the last year, that the Portuguese Slave-trade was in a manner altogether transferred from the Bight of Biafra to the Stations in the Bight of Benin. This transfer was supposed to have been made for the convenience of markets immediately adjacent to the shore, and of anchorage close to the markets, and with a view to facilities of escape far beyond those of the Rivers of the Bight of Biafra, proved to be no longer inaccessable to the Cruizers, as they were before conceived to be.

This information was communicated by *Lieutenant Hagan*, commanding His Majesty's Brig *Thistle*, and was, without doubt, correct at the time Lieutenant Hagan visited the Bights in the Month of June 1822, and the information was communicated on his return from that cruize. But, on a subsequent visit by the other Vessels of the Squadron, it was found that the Rivers *Bonny*, *Calabar*, and *Cameroons* were still among the favourite haunts of the Slave-traders, and that *Portuguese* Vessels were actively engaged in the trade in all those Rivers, notwithstanding the extraordinary numbers under the Portuguese Flag seen at the Slave-trading Stations of the Bight of Benin. The Portuguese Brig *Commerciante* was taken in the Cameroons by the boats of His Majesty's Ship *Driver*, commanded by *Lieutenant King*, on the 7th of September 1822; and the Portuguese Schooner *Conceiçao*, taken at Sea, by His Majesty's Ship *Bann*, *Captain Phillips*, had also embarked her Slaves in that River.

We are not sufficiently informed to be enabled to express an opinion whether an increased number of Vessels had been

fitted out for the Slave-trade from the Ports of *Brazil*. But in our Abstracts of the several Cases which have come before us for adjudication, in the course of the year 1822, and in our Despatches accompanying those Abstracts, and in a collective form in our last general Report, we have had occasion to notice several facilities given to Portuguese Vessels, for the pursuit of illegal Slave-trade in the Stations immediately to the Northward of the Equator, under pretexts connected apparently with objects of legitimate commerce.

The first and most simple of these facilities was "a per-"mission to call at the Island of *St. Thomas* and at *Princes* "*Island*." This permission was included in the regular passports for legal Slave-trading voyages to *Molembo* and *Cabinda*, South of the Equator. The Vessels having this permission, as soon as their arrival at the Islands, or their approach to them afforded a favourable opportunity, ran into Calabar or Cameroons, and there entered at once upon illegal Slave-trade.

More recently, the passports for legal Slave-trade in the *Portuguese* Territories on the South of the Equator contained a permission to call at the Islands and at the Cameroons "for "purposes of lawful commerce in gold, ivory, and Palm-"oil,"—and, in instances still more recent, such permission has been extended to the Coast of *Mina*. The permission for legal trade in the Cameroons was employed for Slave-trade in that River; and the permission for legal trade on the Coast of Mina was employed for Slave-trade on that Coast.

A progressive laxity in those who superintend the outfit of the Vessels destined for the traffick, and the despatch of the passports and other papers necessary to the voyage, is distinctly observable in the introduction and enlargement of these permissions to call at Stations, North of the Equator; and in the present state of this matter it can be nothing else than a gross abuse in all the Parties concerned.

The mischievous effects of this abuse are not confined to the facilities which it affords to illegal Slave-trade. We find that it has led to a systematic practice of the foulest perjury, on the part of the Masters, Officers and seamen of the several vessels that are induced by these facilities to engage in Slave-trade to the Northward of the Equator.—They swear, without reserve or hesitation, that any Place where they happen to have taken in their Slaves to the North of the Equator is

Molembo or *Cabinda*; and in some instances, in which they have been taken in immediate connection with some of the Northern Stations, they have even sworn that they took their Slaves on board at Molembo or Cabinda, South of the Equator; and that they afterwards came to the North in order to obtain provisions at St. Thomas's, which they overshot by the force of the currents, or that they came in virtue of their permission for lawful trade in the *Coast of Mina*, to sell the remainder of their outward cargo of tobacco, having on board at the time their return cargo of Slaves.

A roving trade of any kind is so clearly incompatible with the Slave-trade, that the association can be attributed only to the design of giving facility to illegal traffick: which facility, in every instance that has come under our notice, has been followed by actual illegal trade, and generally also with the foulest perjury.

This perjury was particularly barefaced in the testimony of the Master and Surgeon of the *San Antonio de Lisboa*, taken by His Majesty's Ship *Bann*, Captain Phillips, off *Porto Novo*, and condemned in the British and *Portuguese* Court on the 23d of December.

The Master and the Surgeon swore that the Slaves were taken on board at Molembo, South of the Line,—that the Vessel was on the way thence to Princes Island for a supply of provisions, but was carried to the Northward by the influence of the current, and being off *Porto Novo*, it became necessary to communicate with the land in order to obtain immediate sustenance. The Slaves proved that they were purchased near to Porto Novo, and were embarked immediately from that Place the day before the capture. The Slaves will always defeat perjury of this kind by simply proving the Place of the embarkation, and the time that they have been on board. *Francisco Xavier Leão* of *Bahia*, was the owner of the *San Antonio de Lisboa*. The name of the Master was *Jose Machado*; his assistant in perjury, the Surgeon, was named *Felippe Serra*.

In the Case of the *Commerciante*, taken in the Cameroons, it was sworn, in like manner, that the Slaves were taken on board at *Molembo*; and also in the Case of the *Estrella*, taken in June 1822, by *Lieutenant Hagan*, off Lagos. But in both those instances, as in that of the *San Antonio de Lisboa*, and a multitude of others, the perjury was refuted by the

authentic testimony of the Slaves, as to the actual Place of embarkation.

Another abuse which we have for some time remarked, but abstained from noticing in an official or public manner, until we should have distinctly ascertained it in point of fact, is an overcharged estimation of the Tonnage of the Vessels engaged in the *Portuguese* Slave-trade, so as to enable them to carry an extraordinary number of Slaves. Our attention was drawn to this matter by a difference between the tonnage, as charged in the certificate of the payment of Light-house duties, and as it was inserted in the Passport. Having regarded it as an indispensable obligation of duty to read all the Papers found on board prize Vessels, we were severally struck with this difference in the same instance, and having communicated with each other upon it, we agreed in attributing it to a design of enabling the Vessel to carry an overcharged number.

In the case of the Schooner *Nova Sorte*, detained by His Majesty's Brig *Snapper* on the 12th of October, 1822, off *Mina Piccaninny*, and liberated by a Decree of the British and Portuguese Court on the 5th of February last, the tonnage by the Passport was 140 tons, and the Tonnage by the receipt for Light-house duties, was declared to be, according to measurement by skilful persons, 84 tons and a half. The Commissioners were of opinion that the tonnage in the lesser estimate was correct, and, having recently before agreed that no Vessel under 100 tons burthen could, according to the Convention, be entitled to demurrage under the Eighth Article of the Instructions for the Mixed Commissions, they directed the Registrar not to allow demurrage in calculating the damages to be awarded to the Claimant of the *Nova Sorte*. The Proctor for the Claimant prayed an admeasurement, the result of which was, that the Vessel measured eighty-three and fifteen ninety-fourths, English tons.

It was obvious that the Tonnage, as given in the Passport, must be an extravagant overcharge, and the claim for demurrage was abandoned without further observation.

The *Magdalena da Praça San Thome*, taken by His Majesty's Ship *Bann*, Captain Phillips, on the 29th of September, off *Princes Island*, and condemned in the British and *Portuguese* Court on the 23d of January last, presented a fresh instance of the cruel practice, so common in the local

Slave-trade of the Portuguese African Islands, of crowding excessive numbers into Vessels of very small dimensions. The *Magdalena* was a Schooner-boat of twelve or thirteen tons. She had on board of her, at the time of capture, thirty-three Slaves, embarked at *Cape Lopez*, about 1 deg. 20 min. South of the Equator.

We think it likely that the relaxation in official strictness, touching the enforcement of the restraints imposed by the Convention, by the National Laws and the Royal Ordinances and Regulations, has arisen in Brazil, as it has been ascertained to have arisen in the Portuguese African Islands, from the revolutionary movements, followed by the establishment of Provisional Governments. These Governments and the Officers employed under them, consisting of individuals of the Place, personally interested, or immediately connected with those who are, easily dispense themselves from the rigorous enforcement of Laws, which Officers, acting under the authority of the Crown, and responsible for the fulfilment of their instructions, would have felt themselves bound to maintain.

We noticed in the case of the *Spanish* Schooner *San Rafael*, detained by His Majesty's Ship *Bann*, and released by the British and Spanish Mixed Court, that the Prohibitions against engaging in the Slave-trade, which were before found in the Spanish Passports, were omitted in the new Forms, which was entirely in the Spanish Language, and expressed merely a destination "for the Island of St. Thomas and the other Portuguese Islands, for the purpose of trading at them." ("*Para commerciar en ellas.*")

We find that in this Report we have been led into great length of detail, but we trust that the interest attached to the subject of our Communication, and our desire to give correct information respecting it, will excuse us.

We shall be happy if our notice of the matters communicated can tend to expedite the establishment of legitimate commerce, on any part of the African Coast that has come within the range of our observations,—or to suggest the means of correcting any of the crimes and abuses into which the depraved nature of the Slave-trader is necessarily prone to lapse.

The remarks which we have to offer on the Cases of the Slave-trade of illegal character, carried on by *Portuguese* Vessels on the South of the Equator, will be most properly

noticed, in the first instance, in the Special Reports of the particular Cases, the most important of which, the decision respecting the Slaves of *Sinceridade*, detained on the 3d December 1822, 0 deg. 8 min. South of the Equator, by His Majesty's Ship *Bann*, Captain Phillips, remains yet to be despatched.

With respect to the co-operation of armed Vessels, under Foreign Flags, for the suppression of illegal Slave-trade, we have little to communicate. Since the departure of the American Schooner *Alligator*, in the Month of January 1821, no Cruizer under the Flag of *The United States*, has been upon the Coast until the arrival of the Cyane, Captain Spence, in March last. We heard of a *French* Squadron, consisting of a Brig and two Schooners, having sailed from Goree on a cruize down the Coast, at the close of the rains of 1822, and in the Month of February it was reported at Sierra Leone that a *French* Squadron was off the *Gallinas*, but of the proceedings of these Squadrons nothing whatsoever is in any way known.

With the greatest respect, &c.

E. GREGORY.

EDWARD FITZGERALD.

The Right Hon. George Canning.

(Inclosure.)—Information respecting the Gallinas, *communicated in substance by a Trader who is accustomed to visit that part of the Coast. January* 25, 1823.

Siaca, the King of the Gallinas, is the principal resident Slave-dealer and general-merchant. His chief town is called Kindama, his residence is there. He has several other Towns inhabited chiefly by Slaves, or by people employed in keeping Slaves. The Towns that were burned by Captain Grace, or rather by the boat's crew of the Cyrene, in consequence of the Inhabitants having fired upon them, when going in search of the Slaves of The Netherlands Schooner Aurora, were Terah and Tadia. Terah is a Town near the water-side, occupied mostly by Kroomen, who employ themselves in attending on the Slave-ships; and Tadia is a Town belonging to a man named Bokari, who is second in authority to Siaca, and next to him in extent of Slave-dealing and general trade. Of the Europeans who appear to be settled at the Gallinas, the most prominent and active is Juan Cruz, or Johan Krauze, late Master of the pretended Swedish Schooner Joseph, condemned at Sierra Leone, in the month of June 1822, as a Spanish illegal Slave-trader. This individual is in expectation of a Brig and a Schooner to take away the Slaves that he has collected: the number of these is very considerable. Cruz sent them into the bush when the Cyrene appeared. Cruz took half the cargo of a Spanish Slave-trading Vessel that came to the Gallinas a

short time since, under an engagement to pay for it in Slaves. The Slaves that are collected by him are kept in his factory at a Town called Debeah, which belongs to a Chief named Vanni, called by the English Stephen Rogers. Cruz had loaded three guns at this factory for the purpose of firing upon the English, if they had come there at the time that the boat's crew of the Cyrene went in search of the Slaves purchased for the Aurora; but the English did not come. This Town of Debeah is on the water-side.

Since this information has been communicated, intelligence has been received of the death of Krause, who was drowned by the upsetting of a boat in passing the bar of the Gallinas. Monsieur Galon, late Master of the French Schooner Hippolyte, and four European seamen perished at the same time. Several other white men reside constantly at the Gallinas, most of them English or Americans. These men conceal their names, and are known only by the appellations of Tom or Bill. To the Traders who go from Sierra Leone they speak only the language of the Country, wishing to be considered as Foreigners who cannot speak English. Those who are particularly fearful of being recognized go into the Country on the arrival of the Canoes from Sierra Leone, and remain absent until they depart on their return. These white men are all in the Slave-trade; they make journies into the Country in order to purchase Slaves at the Towns in the interior, and to make themselves known for the purpose of causing Slaves to be sent down for sale to their factories.

A young man named Owlet, lately resident at Sierra Leone, is at present Clerk or Secretary to Siaca, keeps his accounts and writes his letters. This young man had been in the service of Government at Sierra Leone, and was subsequently employed by some of the Merchants; recently again he was an Assistant Writer in the Office of the Registry of the Mixed Commissions, but being improvident he was involved in difficulties, and left the Colony with a small supply of trade-goods, which he hoped to sell advantageously. At a very short distance from the Colony, on the Southern shore of the Sherbro', he was robbed and stripped of his clothes by the people of the canoe in which he took his passage, and being left naked and destitute he with difficulty made his way to the Gallinas, where he engaged in the service of King Siaca. (A.)

The Person who communicated this information did not know any thing particular of any of the other white men residing at the Gallinas. He contradicted the statement of François Hataulx, of the French Schooner Hippolyte, as to the establishment of Schools for general instruction by some of the Europeans. The branches of the families of English descent, named Cleveland and Caulker, resident at or near Gallinas, have Schools for the instruction of their own children, who are numerous in consequence of the unlimited extent of their female connections, but there is not any general School. The instruction given in these family schools is confined to reading and writing the English language, and to simple arithmetic. A few children belonging to Chiefs of the Country may be occasionally included in these schools as matter of particular request and favour. For more advanced education

(A.) The Letters sent by Siaca to Captain Grace were written by Owlet, whose hand-writing was easily recognized and proved before the Registrar of the British and Netherlands Mixed Court.

the children are sometimes sent by Slave-trading Vessels to the Foreign Colonies where they may obtain the instruction likely to be most advantageous in the business of that trade. Mr. William Cleveland, who resides at a Town called Tasso, near Gallinas, has a School of the description abovementioned. (B.)

The Traders of Sierra Leone resort to the Gallinas to purchase Country Cloths. Scarcely any other article in which they can deal is to be obtained there. Their trade has now been altogether spoiled by the Slave-dealers, for, although these Traders do not purchase Country cloths, they have ruined the bar, which is the general standard of calculation on the Coast of Africa, so that double the quantity of baft, beads or tobacco, is now required for each cloth; of tobacco, two pounds is now the price of a piece of cloth,—that is, about 2s. 6d. Sierra Leone currency. These cloths are sold at Sierra Leone for 5s. each. They are also sent from Sierra Leone in great quantity, to be bartered for rice in the Sherbro', midway between the Gallinas and the Colony. The Slave-traders looking for their indemnification to the vast profits to be realized in the subsequent sale of their Slaves, think nothing of giving a greater price at the first purchase. To the Traders whose profits are limited, similar advances would be ruinous. The Slave-traders give two fathoms of white baft for a bar, and other trade-goods in proportion. The Sierra Leone Traders give but one fathom. The difficulties thrown in the way of the Sierra Leone Traders, by the Slave-dealers, have caused the Sierra Leone canoes to stop recently at a Place called Crim, a little nearer to the Colony than Gallinas; there they await those who may be disposed to deal with them, and it appears likely that the trade will go on better in this way, as the opposition of the Slave-dealers was occasioned, not so much by any desire to purchase the same articles, as by feelings of resentment at the thought of having their names and their proceedings discovered and reported.

No rice is to be obtained at the Gallinas, and but very little palm-oil. The people are so much devoted to the Slave-trade, and it is found so easy to purchase provisions with the goods derived from that trade, that they will not take the trouble to cultivate the ground even for their own subsistence. Cassada is the only article raised for this purpose. The rice that they consume is obtained from the Sherbro'.

The River Gallinas is large, the entrance is not direct from the trading Place of the same name at the River's mouth. It is necessary to go out from that Place and to pass round the bar. After pulling up the River a day and a half or two days, the canoes come to a place where a Town, called Kemmo, of considerable trade, stands some distance from the bank. At that Place the River still continues large, and it is understood that it extends far into the Country. But the Traders proceed no farther than Kemmo, rarely even so far; the Chiefs on the banks of the River are now at war and it is not safe to go thither.

The Gallinas has a number of creeks and streams, by means of which, as well as by paths of connection, communication is maintained with a vast

(B.) Several sons of Africans of superior condition are sent to Sierra Leone for education; more generally to learn some trade or business in a private family, and the common use of the language, than to obtain a knowledge of books.

tract of Country, both laterally and towards the interior. By canoes navigating the creeks and streams, and by the adjacent paths, the Slave-dealers come down with their trains in unlimited numbers, without any interruption to their progress.

The approach to the Station from Seaward is extremely difficult for all large Vessels on account of the small depth of water. The bar is very dangerous even to boats, which cannot at all times easily get over, nor pass in safety through the banks within. The concurrence of local circumstances will, it is to be feared, render the Gallinas a den of incorrigible Slave-dealers as long as the Slave-trade shall maintain itself on the Coast.

The condition of Slaves in the Country and round Gallinas is extremely abject. They are kept almost naked; they are not allowed to join in the sports or in the society of the free people; and if, occasionally, they should be admitted to any familiarity, by particular indulgence, they are subject to be deprived of it at the caprice of a moment, with insulting taunts upon their abject condition, to which cuffs and kicks, and other acts of the most degrading violence, are generally added. If they are fit for sale they may be sold on the most trifling provocation, and almost at the pleasure of their Masters.

In this, their condition is much worse than that of the people or domestick Slaves of the Chiefs of the Rio Pongos, for there, by the customary Law of the Country, the family Slaves, or "the people," of a Chief, as they are commonly called, cannot be sold, unless when condemned by regular palaver. The Chief is bound, moreover, to protect them and to maintain them properly, taking their labour and service in return; and if he should fail in these duties, the Slaves are at liberty to place themselves under the protection of any other Chief whom they may choose. The Chief to whom they thus transfer themselves is bound to receive them and to hold them unharmed, unless the Master should prove the complaint to be unfounded, and thus entitle himself to regain possession of them.

The situation of the Slave-women at the Gallinas is the most pitiable that can be imagined, they are alternately subject to the most toilsome labours, (C.) and to the lusts of their Owners, and if by any lapse of natural affection, they happen to have children by other men, they are liable to be separated from their infants at any moment that the interest or the will of the Master may doom them to sale. The child is taken from the arms and from the breast of the mother, and neither the complaints and lamentations of the parent, nor the piercing cries of the babe, can excite a feeling of remorse in the obdurate heart of the barbarous despot, or of the inhuman traffickers.

A very common mode of obtaining an extraordinary supply of Slaves upon urgent occasions, such as the obligation to complete the delivery of a cargo of Slaves by a particular day, is, by the collusion of the principal

(C.) The weakness of frame which in other Countries, however little civilized, induces the more powerful sex, in a spirit of generous forbearance and courtesy to take upon itself every work of severe labour, and to leave to the females the more delicate and more appropriate task of fulfilling domestick duties, is made in Africa, and more especially among the Nations upon the Coast addicted to the Slave-trade, the ground of treatment altogether opposite, insomuch that, with very few exceptions, even the labours of the field are performed by women.

Chiefs and Dealers with their wives. These wives are generally beyond number, the husbands have long ceased to cohabit with the greater part of them. Some they have merely betrothed to them, and have not yet commenced cohabitation with them. The women thus separated from their husbands are allowed to go abroad without restraint, and to form intrigues with men whom, when they entangle, they betray. These men, according to the custom of the Country, forfeit ten Slaves for the violation of the conjugal rights of the husband. Two of these Slaves are for the costs of settling the palaver by the judgment of the Chiefs and Elders; the remaining eight are for the compensation of the injury done. The woman is by Law liable to punishment if the husband chooses to make palaver for her; but in cases of this nature they receive presents of cloth and ornaments and other marks of favour, instead of being prosecuted and punished for their criminal conduct. All these things are public and undisguised. So little shame is there attendant upon the moral depravity of the collusive prostitution, or upon the abuse of the forms of justice, as to render that prostitution a source of base lucre to the Parties conspiring, and an instrument of oppression to the victims of the conspiracy. Rum, the incentive of all corruption and depravity, is in unlimited circulation, in order to promote acts of this description, while the Slave-ships are present.

Disputes arising from other causes and accusations resulting from those disputes, are also frequent. The palaver is to be settled in these instances likewise by the Chiefs and Elders assembled for the purpose. This is the Law of the Country, but as the King, or the most powerful Chief, is Master of the Law, and possessed of the means of influencing the subordinate Chiefs, he can always manage to have the judgment in his favour. Any person who becomes obnoxious to him may, therefore, reckon upon being cut off, or sold, or reduced to poverty with his family, by extravagant penalties in Slaves.

When the Vessels, come for the purpose of carrying away Slaves from the Gallinas, have landed the goods brought for the purchase of them, they seldom remain for any length of time stationary at that Place, but keep cruizing about for observation and for the preservation of the health of the crew by exercise. They anchor occasionally at Sugaree and at Cape Mount for the purpose of taking in wood, water and rice, for the subsistence of the Slaves; they purchase any Slaves that may be offered to them at those Places, and convey them to the general depôt at Gallinas. When the whole number intended for the cargo is collected, the Coast and the Sea for a considerable distance are carefully observed. Then all the boats and canoes are collected from the Vessels at the anchorage, and from the Towns on the Coast, and towards four o'Clock, if every thing be favourable, the Slaves are all at once embarked. The rapidity of this embarkation is so great that it rarely occupies above an hour, and is often accomplished in one trip. As soon as all are on board, the Vessel sets sail, so as to get clear of the land before it is dark, and thus before the next morning she is far out at Sea, beyond all danger of falling in with Cruizers.

No. 2.—E. Gregory, Esq. to Mr. Secretary Canning.—
(Received August 18.)

SIR, *Sierra Leone, June 4, 1823.*

I deem myself unhappy that it should be my fate to communicate to you the loss of my valued and much respected Friend and Colleague, *Mr. Fitzgerald*, whose death took place yesterday Morning, after a short suffering from a malignant fever.

His Majesty has been deprived by this event of an invaluable Officer, whose labours were constantly directed to promote the humane objects that had been confided to his trust, with that attention to the faithful discharge of his judicial duties which accorded with his virtuous character.

Mr. Fitzgerald's Colleagues in the Mixed Commissions have to lament an Associate whose talents and industry, and conciliatory disposition, made him to be esteemed, from the willingness with which they were ever exerted in the common cause which united them.

To me, Sir, I may be permitted to add, with feelings of the deepest affliction, Mr. Fitzgerald's loss is irreparable; united to him as I had been by His Majesty's Commission for a period of some years, I was acquainted with his transcendent virtues and extensive abilities, which were of the utmost benefit to me in the discharge of my official duties. To his temperate and moderate counsels; to his advice and assistance in the difficult and trying situations in which we were sometimes placed by untoward circumstances; I was highly indebted; and I owe it to his memory, Sir, to say, that if it should be deemed that the British Commissioners have performed their duty to the satisfaction of His Majesty's Government, the praise would be due to Mr. Fitzgerald—not to me; unhappy am I, Sir, that he is not a witness of this my humble tribute of respect for his virtues.

I have this day addressed a Letter, of which the inclosed is a copy, to Governor Sir Charles M'Carthy, who is at present on his way to the River Gambia, informing him of Mr. Fitzgerald's death.

I conclude that Sir Charles M'Carthy on his return to this Colony will take such steps as the Treaties authorize him, to fill up, temporarily, the present Vacancy in the Mixed Commissions, of British Commissioner of Arbitration.

At present there is no Prize business before the Mixed Courts.

I have the honour, &c.

The Rt. Hon. George Canning. E. GREGORY.

No. 3.—E. Gregory, Esq. to Mr. Secretary Canning.—
(Received August 20.)

SIR, *Sierra Leone, June* 11, 1823.

Sir Charles M'Carthy has not arrived at Sierra Leone, from the Gambia, and the Vacancy in the Mixed Commissions, occasioned by the death of Mr. Fitzgerald, has not been filled up. There is no Prize business before the Courts.

In addition to the death of Mr. Fitzgerald, my Foreign Colleagues and I have to lament the death of *Mr. Frederick Sawyer*, who, since the establishment of the Mixed Commissions, in the year 1819, filled the Place of First Clerk in the Registry Office, with much credit to himself and great satisfaction to the Commissioners. Mr. Sawyer died on the 26th of May last; his Situation, the salary of which was defrayed by the Foreign Governments concerned, as well as by the British Government, has been filled on the authority of the Commissioners, Foreign and British, by *Mr. Henry Chuber*, who was recommended by his personal merit, and by his qualifications as Proctor and Attorney in the Courts of Mixed Commission, and in the Colonial Courts of Justice.

I have the honour, &c.

The Rt. Hon. George Canning. E. GREGORY.

No. 4.—E. Gregory, Esq. to Mr. Secretary Canning.—
(Received September 17.)

(Extract.) *Sierra Leone, July* 24, 1823.

Upon the death of my respected Friend and Colleague, *Mr. Fitzgerald*, on the 3rd of June last, I did not think it expedient, in the absence of Governor Sir Charles M'Carthy, to take immediate proceedings in order that the *Vacancy* which that unhappy event had occasioned in the Courts of Mixed Commission might be filled. There was not any business before the Courts which called for such proceedings, and advices had been received in the Colony, that Sir Charles M'Carthy's return from the Gambia might soon be expected.

But on the 12th of June, a Petition was presented in the British and Spanish Court of Mixed Commission, by one of the Proctors of the Court, on behalf of *Captain Phillips*, commanding His Majesty's Ship *Bann*, stating that the Schooner *San Rafael*, whose Case was reported to you, Sir, by the Commissioners, in their Despatch (marked Spain) of the 22d of April 1823, had been sent to this Colony by Captain

Phillips, in order to her being disposed of by the British and Spanish Court of Mixed Commission. The San Rafael, as a Tender, had accompanied the Bann as far as the Island of Ascension. Captain Phillips had quitted the Bann at that Island, to proceed to England on account of ill health, and the Tender having become burthensome to the Bann, as taking from her Officers and men, she had been despatched to Sierra Leone. It was stated in the Proctor's Petition that the San Rafael was in a bad condition, and further, that if the Court did not dispose of her, as was prayed, the Officer on board had instructions to abandon her.

As the San Rafael had been already before the Court, I was willing that she should be disposed of by sale, rather than she should perish by abandonment. But I did not think that I alone had sufficient authority to order her sale; I was unwilling to assume an authority on the occasion, more particularly as I did not conceive that the Treaty contemplated the absence of a British Commissioner; it being directed by the Treaty that, in event of the death of a British Member of the Mixed Commission, in the absence of the Governor or Lieutenant-Governor, the Vacancy should successively be filled, *ad interim*, by the Principal Magistrate, and by the Secretary of the Colony, I therefore wished, in order to proceed with proper authority, that the Vacancy in question should be filled according to the provisions of the Treaty.

Understanding that doubts existed amongst some of the Members of His Majesty's Colonial Council, as to who should be held to be the Principal Magistrate of the Colony, upon the death of Chief Justice Fitzgerald, I deemed it to be most prudent to address myself to His Majesty's Colonial Council, which administered the Government of the Colony in the absence of Sir Charles M'Carthy; with a view that the Members of the Council might determine amongst themselves, who should be held to be the Principal Magistrate, or who should undertake to fill the Situation vacant in the Mixed Commission by the death of Mr. Fitzgerald.

I accordingly addressed a Letter, of which the enclosed is a copy, to the Acting Colonial Secretary, with a request that it might be laid before the Council; to represent that some business had been brought before the British and Spanish Court of Mixed Commission, which I did not think that I possessed sufficient authority to dispose of, being alone, as a

Commissioner in that Court; to submit to their consideration whether it would not be proper, in order to the despatch of that business, that the Vacancy in the Situation held by Mr. Fitzgerald should be filled by the Principal Magistrate of the Colony, according to the provision of the Treaty of the 23d September 1817, and should the Council be of opinion that it would be proper that the Situation should be so filled, I begged that such arrangement might be made that the Gentleman holding the Situation of Principal Magistrate might enter upon the duties attending the Situation of Commissioner of Arbitration.

I enclose a Copy of the Letter that I received from the Acting Colonial Secretary, in reply to my Communication. In this Letter it is stated that the Council, being of opinion that the Situation of His Majesty's Commissioner of Arbitration should be filled without delay, had accordingly sworn in *The Honourable D. M. Hamilton*, Member of Council, to that Office, who would enter on the duties of the same forthwith.

Being thus associated with Mr. Hamilton, the sale of the Schooner *San Rafael* was ordered by us jointly, and the sale accordingly soon took place.

Mr. Hamilton did not fill the vacant Situation of Arbitrator in the British and Portuguese, and British and Netherlands Mixed Commissions; there was nothing that required me at that time to have a Colleague under those Commissions.

On the 11th instant, *Sir Charles M'Carthy* returned to Sierra Leone, from his visit to the Forts on the Gold Coast, and to the Settlement on the River Gambia.

I took an early opportunity to call upon Sir Charles M'Carthy, to request his attention to the Vacancy that had been occasioned in each of the Courts of Mixed Commission, by the death of Mr. Fitzgerald. Sir Charles M'Carthy informed me that it was his intention to appoint Mr. Hamilton to fill the Vacancy; that he had already notified this intention to Lord Bathurst.

Accordingly I received this Morning a Letter from Sir Charles M'Carthy, transmitting a Copy of the Commission issued by Sir Charles, appointing *Mr. Hamilton* Commissioner of Arbitration, and *Mr. George Rendall* Secretary or Registrar, vice Hamilton, until further Instructions from Europe. I inclose herewith, Sir, for your information, Copies of these Documents.

This Commission only authorizes Messrs. Hamilton and Rendall to act in the British and Spanish Court of Mixed Commission. Sir Charles M'Carthy did not make mention of the Appointments under the two other Mixed Commissions: but Mr. Hamilton has exhibited to me the Original Commissions, under which himself and Mr. Rendall are to act, in the British and Portuguese and British and Netherlands Mixed Commissions; as also a Certificate of his having taken the Oath, prescribed by the Treaties to the Commissioners on entering upon the duties of their Office.

You will be pleased to observe, Sir, that the Commission to Mr. Hamilton expresses the "doubts that had arisen, whether "according to the true intent and meaning of the said Treaty," (the Treaty of the 23d of September 1817,) "the said Office of "Commissioner of Arbitration must necessarily be filled and "executed by the Governor in person, or whether the Governor "may not fill the said Office by such other Person as he may "consider competent thereto, and who may most conveniently "discharge the duties of the same." I would beg leave, Sir, to submit these doubts to your consideration, and respectfully to solicit that you may be pleased to give your Instructions thereon, in order that no questions may be raised hereafter upon the legality of the proceedings of the Mixed Courts, as they are at present constituted; and that, upon future occasions of Vacancies, the course to be pursued by the Local Government, and by His Majesty's Commissioner concerned, may be clearly specified.

I have communicated to Mr. Hamilton, for his information and guidance, the contents of the Despatches that Mr. Fitzgerald and myself had, from time to time, the honour to receive from His Majesty's Secretary of State for Foreign Affairs.

I have the honour, &c.

The Rt. Hon. George Canning. E. GREGORY.

(Inclosure 1.)—The British Commissary Judge to the Acting Colonial Secretary.

SIR, *Sierra Leone, June 12, 1823.*

The lamented death of Mr. Fitzgerald has occasioned a Vacancy in the situation held by him, of His Majesty's Commissioner of Arbitration in the British and Spanish Mixed Commission, established in this Colony for the prevention of illicit Traffick in Slaves.

No matters of business, since the death of Mr. Fitzgerald, have occurred until this day, which required that the Vacancy in the situation of His Ma-

jesty's Commissioner of Arbitration should be filled; but on this day a matter of business has been brought before the British and Spanish Court of Mixed Commission, which I do not think that I have sufficient authority satisfactorily to dispose of, being at this present moment alone as a Commissioner in the British and Spanish Mixed Commission.

The Treaty of the 23d September, 1817, entered into by His Majesty and His Catholick Majesty, establishing a Mixed Commission on the Coast of Africa, provides the manner in which a Vacancy, occasioned by the death of a British Member of the African Mixed Commission, is to be filled.

The absence of Sir Charles M'Carthy, Governor, and the absence of a Lieutenant-Governor, of this Colony, make it to be my duty to request of you, Sir, to submit to the consideration of His Majesty's Colonial Council, at as early a period as possible, whether it will not be proper, in order to the despatch of the business now before the British and Spanish Mixed Commission, that the present Vacancy in the situation held by Mr. Fitzgerald, should be filled by the principal Magistrate of this Colony, according to the provision of the Treaty of the 23d September 1817; and should His Majesty's Colonial Council be of opinion, that it would be proper that the situation of His Majesty's Commissioner of Arbitration should be so filled, I would beg that such arrangement may be made that the Gentleman holding now the situation of Principal Magistrate of this Colony, may enter with as little delay as possible upon the duties attending the situation of His Majesty's Commissioner of Arbitration.

I further beg, Sir, that I may be favoured with the determination of His Majesty's Colonial Council upon the question, which I deem it my duty to request that you will submit to their consideration.

And I have the honour to be, &c.

The Hon. Joseph Reffell. E. GREGORY.

(Inclosure 2.)—The Acting Colonial Secretary to the British Commissary Judge.

SIR, *Secretary's Office, Sierra Leone, June* 14, 1823.

I have had the honour of laying before His Majesty's Colonial Council, your Letter of the 12th instant, requesting of me to submit to their consideration the propriety, in order to the despatch of business now before the British and Spanish Mixed Commission, that the present Vacancy in the situation held by the late Mr. Fitzgerald, should be filled by the Principal Magistrate of this Colony, according to the provision of the Treaty of the 23d September 1817; and I am directed to acquaint you, in answer, that the Council being of opinion that the situation of His Majesty's Commissioner of Arbitration should be filled without delay, as submitted in your Letter, have accordingly sworn in the Honourable D. M. Hamilton, M. C. to that Office, who will enter on the duties of the same forthwith.

I have the honour to be, &c,

Edward Gregory, Esq. J. REFFELL.

(Inclosure 3.)—The Governor of Sierra Leone to the British Commissary Judge.

SIR, *Government House, Sierra Leone, July* 23, 1823.

With reference to the Letter I had the honour of addressing you on the 21st instant, I herewith inclose a Copy of the Commission I issued, appoint-

ing Daniel Molloy Hamilton, Esq. Commissioner of Arbitration, in the room of the late Edward Fitzgerald, Esq. and George Rendall, Esq. Secretary or Registrar, vice Hamilton, until further instructions from Europe.

I have the honour to be, &c.

Edward Gregory, Esq. C. M'CARTHY.

No. 5.—Mr. Secretary Canning to the British Commissioners at Sierra Leone, The Havannah, Rio de Janeiro and Surinam.

(Circular.) *Foreign Office, August* 1, 1823.

I send to you herewith, for your information and guidance, a Copy of the Correspondence on the Slave Trade, which has been laid before Parliament in the course of the last Session.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone, &c.

No. 6.—Mr. Secretary Canning to Mess. Gregory & Fitzgerald.

GENTLEMEN, *Foreign Office, August* 5, 1823.

I have to acknowledge the receipt of your several Despatches, up to the 29th April last, inclusive; and to express to you The King's most gracious approbation of the mode in which you have in general executed the arduous duties entrusted to your care. I am, &c.

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 7.—E. Gregory, Esq. to Joseph Planta, Jun. Esq.— (Received Jan. 30, 1824.*)*

SIR, *Sierra Leone, September* 6, 1823.

Considering that it may be required of His Majesty's Commissioners, by the Authority under which they have the honour to act, that they should transmit to the Department for Foreign Affairs, *Duplicates* of the Despatches that they may from time to time have occasion to address to that Department; I beg leave to explain to you, for the information and satisfaction of His Majesty's Secretary of State, that I have been prevented from forwarding Duplicates of the Despatches that it has been my duty, lately, to address to the Department, on subjects connected with my Situation.

The calamitous sickness that has visited this Colony within the last four Months, has not only deprived me of the invaluable assistance of Mr. Fitzgerald, in my Official labours, but it has taken from me the aid of three Gentlemen who assisted me as Writers; and I have been left to seek, often times in

vain, the assistance required by me, promptly to forward the original Despatches that I have alluded to.

It is only very lately that I have been so fortunate as to engage the services of the Amanuensis who writes this Despatch, but even his services have been withheld from me by sickness.

I have further, Sir, to explain to you, and to beg of you to have the goodness to represent it to His Majesty's Secretary of State, should occasion require it, that it has been matter of infinite regret to me, as it was to Mr. Fitzgerald, that our Despatches could not always be written with that precision and nicety of hand writing, that would have served at once to please and to save the invaluable time of those to whom the Despatches were addressed.

It is inconceivable, Sir, the trouble and labour which Mr. Fitzgerald and myself had in the despatch of the Correspondence which we had the honour to hold with the Department for Foreign Affairs. Often to re-copy what had been written by an Amanuensis, and almost on all occasions, to copy a great part of the Correspondence, were tasks imposed upon us by the want of such Writers as we would have wished to have had, for the satisfaction of the Department under which we acted. I may be permitted, Sir, to say, that, with a view to that satisfaction, I sought and obtained from England, at some expence, the services of a young Gentleman of much promise; but, shortly after his arrival here, his name was added to the list of those whose death I have occasion to deplore.

I beg your indulgence, Sir, for thus trespassing on your valuable time. The object of this trespass will not, I trust, be deemed trivial by you, as it has been to explain, what otherwise might be taken to have been remissness or inattention on my part.

I beg to assure you, Sir, that my best endeavours will be exerted to obtain, in all matters, the approbation of the Department under which I have the honour to act; and I dare, therefore, hope that its indulgence will be extended to me, on occasions such as those that I have stated, when my desires to obtain that approbation have been accompanied by my regret, that the want of skilful Assistants prevented me from giving perfect satisfaction. I have the honour to be, &c.

Joseph Planta, Jun. Esq. E. GREGORY.

No. 8.—*Mr. Secretary Canning to E. Gregory, Esq.*

SIR, *Foreign Office, November* 4, 1823.

I have received your Despatch of the 24th of July, giving an account of the proceedings which took place on the occasion of the *Vacancy* which occurred in the Commission, by the death of *Mr. Fitzgerald*; and submitting a doubt, whether, according to the Treaties, a Vacancy in the Office of one of the Commissioners must necessarily be filled up, and executed in person, by the Governor of the Colony in which the Commission is situated, (where there is a Governor) or whether the Governor may not fill the said Office, by such other Person as he may consider competent thereunto.

I have to state to you, in answer, that, taking the whole bearing of the Treaties, and the emergency of the case, the Governor, Sir Charles M'Carthy, appears to have acted on the occasion, in accordance with a fair interpretation of the spirit of the Treaty, on principles of reciprocity as between the Contracting Parties, and with a due regard to the beneficial exercise of the duties required under the Treaty.

In the particular instance, however, no question of the legality of the proceedings could well in any manner arise; since I have to acquaint you, that His Majesty has graciously signified His intention, of confirming, "*ab initio*," the provisional nomination made by Sir Charles M'Carthy, in the person of *Daniel Molloy Hamilton, Esq.* to fill the Office of Judge Arbitrator under the Treaties, vacant by the death of Mr. Fitzgerald.

I have further to acquaint you, for your information, that The King has been graciously pleased to nominate *James Woods, Esq.* to the Office of Registrar to the Mixed Commission, vacant by the promotion of Mr. Hamilton.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 9.—Mr. Secretary Canning to the British Commissioners at Sierra Leone, &c.

(Extract.) *Foreign Office, November* 6, 1823.

I am glad to mark my sense of the satisfactory explanation which you have afforded, as to the principles on which the Commission has proceeded, in the appointment of a *Marshal of the Court*, and of the clear Account which you have given of the Charges rendered in by that Officer, under the directions of the Court, in each particular Case.

These Charges, in themselves, appear, on the whole, to be but just and reasonable: it is not therefore necessary, in answering your Despatch, that I should enter into a detail on each separate item of them; and the principal point, indeed the only point on which it remains necessary that I should give you special Instructions for your guidance, is, as to the Quarter from whence these Charges are to be paid.

The expences appear to arise, either out of the personal services rendered by the Marshal, and by others under his superintendence, and under the directions of the Court, or else out of the necessity of supplying certain articles for the due and decent subsistence of the Slaves, prior to emancipation: as such, they are essentially necessary to the adjudication of the Cases, in the just and humane spirit of the Treaty; and are consequently properly chargeable upon the Proceeds of the Prizes, in each particular Case, to be deducted prior to the division of the moieties of those Proceeds, the one for the Foreign Government and the other for His Majesty's Treasury. The latter moiety to be distributed afterwards to the Captors under the Acts of the 1st and 2d George IV. cap. 99.

To the admission of this principle, it is not presumed that the Foreign Government will be inclined to make any objection, since it is in the necessary furtherance of an object which is common both to the Foreign Power and to Great Britain, namely, the due execution of the Treaty between them: nor can the Captors object to the practice, since in all Grants of this description it has been usual to lay the burthen of adjudication upon the Proceeds; and since, in this particular Grant, the Act which gives to the Captors the moiety, entitles them only to the nett Proceeds which would belong to His Majesty under the Treaties.

You will therefore consider yourselves authorized to act upon the principle here laid down; and you will invite the Foreign Commissioners to concur with you upon these points, if not definitively, at any rate provisionally: and an Instruction will forthwith be prepared, to His Majesty's Ministers to the several Powers with whom those Treaties were concluded, under which your Commission was instituted, urging them to confirm to their Commissioners, wherever difficulty or doubt arises, the decisions given according to the opinions expressed in this Despatch. I am, &c.

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 10.—*Mr. Secy. Canning to Messrs. Gregory and Hamilton.*

GENTLEMEN, *Foreign Office, November* 17, 1823.

Your Despatches of December of the last Year, relative to the practice of Commanders of British Ships in demanding, and enforcing, the Embarkation of Slaves from the Coast, have been submitted to His Majesty's Advocate-General; and I have to acquaint you, in conformity with the opinion of that Officer, that the demand of Slaves from Native Chiefs, on the plea that they were held under contract for embarkation in Vessels on the Coast, is not within the Provisions of the several Treaties, and is consequently illegal; it is also objectionable as interfering with the Territorial Rights of Third Parties: in all Cases of this sort, therefore, which come before you, you will do well to confine yourselves strictly to the several Treaties and Acts of Parliament.

For your further information on this point, I herewith furnish you with the Copy of a Letter, addressed under my direction to the Secretary to His Majesty's Treasury, upon the subject of the Claims brought forward by the Captors of the *Rosalia*, the *Diechoza Estrella*, and the *Aurora*, for a moiety of the Proceeds of the condemned Vessels, and a Bounty upon the Slaves that were on board of them.

I also forward to you for your information, the Copy of a Letter addressed under my direction to the Secretary to the Admiralty, upon the Case of the *Sinceridade*, and of the attack on the Gallinas River, as detailed in the Statements of His Majesty's Naval Officers, and in your Despatches to me. I am, &c.

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

(Inclosure 1.*)—Joseph Planta, Jun. Esq. to George Harrison, Esq.*

SIR, *Foreign Office, November* 17, 1823.

I have received and laid before Mr. Secretary Canning your Communications of the 11th of April, and of the 23d and the 31st of October 1823, expressive of a wish, on the part of the Lords of His Majesty's Treasury, to know Mr. Canning's sentiments on the Papers therein inclosed, respecting the claims of Captors under the Slave-trade Treaties, to a *moiety* of the *proceeds* of the condemned Vessel, and a bounty on the Slaves found on board of them, in the Cases of the *Rosalia*, the *Dichosa Estrella*, and the *Aurora*.

All these Vessels were captured at a period at which it was not lawful, by the Treaties then existing, for a Ship of War, cruizing under those Treaties, "to detain any Vessel whatever, not having Slaves actually on board."

It appears from the Papers sent Home by the Commissioners at Sierra Leone, under whom these Vessels were condemned for illegal Slave-trade, that, at the time at which the Vessels were detained, there were not any Slaves on board of any one of them; but that, in each Case, the Captor brought about afterwards the embarkation of Slaves, and then carried the Vessel and the Slaves to Sierra Leone for adjudication.

In the Case of the Rosalia, in which the Slaves were embarked in consequence of a negotiation entered into by the Captor on shore, Mr. Canning, in his Instruction to the Commissioners at Sierra Leone, of September 25, 1822, had already declared his opinion that the conduct of her Captor, Lieutenant Hagan, was highly reprehensible in resorting to an expedient which was unauthorised and illegal, with a view to bring the Vessel colourably within the Treaty.

The Lords Commissioners of the Admiralty, to whom Mr. Canning made a communication upon the subject, coincided with him in this opinion. It has been satisfactory to Mr. Canning to learn from your Letters of the 23d and the 31st of October 1823, that the Lords of His Majesty's Treasury also "fully and entirely concurred in the sentiments expressed by Mr. Canning," in his Instruction above-mentioned, upon this subject.

Mr. Canning further learnt from your Letters, that, in concurrence with these sentiments, their Lordships had declined to recommend to His Majesty to grant to the Captor of the *Rosalia*, any proportion of the proceeds of that Vessel, or any bounty on the Slaves.

From the Papers, Class B., on the Slave-trade, laid before Parliament in the course of the last Session, it appears that, in the Case of the *Dichosa Estrella*, the Slaves who were on shore, or said to have been ready for embarkation, were embarked subsequently to the capture, upon a requisition from Captain Knight, the Captor of the Vessel; and that in the Case of the *Aurora*, Captain Grace, the Captor of the Vessel, who suspected that some Slaves had been embarked, and afterwards landed, obtained the embarkation of the Slaves subsequently to the capture, by a summons, followed by an act of force, as regarding the Native Chiefs.

The Cases of these Vessels are somewhat different from the Case of the *Rosalia*, and there is, in each of them, an evident design or attempt to carry on illegal Slave-trade, as referred to by the Commissioners in their condemnation; but it does not appear to Mr. Canning, that these circumstances are such as could in any ways authorise the capture, or legalize the act of the Captors in bringing about, subsequently, the embarkation of the Slaves.

Mr. Canning submits, therefore, to the Lords of His Majesty's Treasury to consider, whether their Lordships will recommend to His Majesty, in these Cases, the grant to the Captors of a *moiety* of the proceeds, or a *bounty* upon the Slaves; bidding me to express, at the same time, his decided opinion, that His Majesty's Naval Officers should be, by all proper means, discountenanced in any departure from their Instructions, and should be constrained to regulate themselves strictly by the Treaties, in detaining any Vessels for illegal Slave-trade.

In respect to the incidental points arising out of these Cases as the Treaties now stand, (i. e. with their additional Articles) Mr. Canning directs me to acquaint you that he has given Instructions to His Majesty's Commissioners, to insert in their sentence of condemnation, provided no judicial in-

convenience may thereby incur, the number of Slaves that were actually seized and found on board, at the time of the capture, so far as the fact shall have been ascertained by the evidence given.

I am further to acquaint you, that, in the Special Case of the liberation of a Vessel attended by the emancipation of the Slaves on board, Mr. Canning has enjoined to His Majesty's Commissioners, that, if they should give to the Captors some Minute of the authority by which they are discharged from the custody of the Slaves, they should be careful to avoid confounding such Document with the ordinary Certificate of Emancipation; lest, under such a Document, a claim should be instituted, on the part of the Captors, for the Bounty, which is presumed to be due only in the Cases of Slaves found, at the time of capture, on board of Vessels which have been afterwards condemned for illegal Slave-trade.

Mr. Canning begs to suggest, for the consideration of their Lordships, that in any Case in which Bounty on Slaves, or the moiety of Proceeds of condemned Vessels, are claimed by the Captors, under the Treaties, their Lordships should, if they feel the necessity of any further information before they decide on such Claims, have the goodness to signify the same to Mr. Canning, who will direct such information to be transmitted to them on the doubtful points, as the Correspondence in this Department can supply; and Mr. Canning will give Instructions to the Commissioners, as the Case may demand, for forwarding to him such further information as the Lords of His Majesty's Treasury may require, and the Commissioners may possess, or be enabled to obtain, upon the Case in question.

On the Minute of their Lordships, purporting that they had directed that the opinion of the Law Officers of the Crown should be taken on the Question:—whether a retrospective effect can be attached to the Article of the 10th December, 1822, additional to the Treaty with Spain of the 23d September, 1817;—I am to acquaint you that I have, by direction of Mr. Canning, transmitted to His Majesty's Law Officers some further Documents which may be useful to them in the decision of this question. And I have, at the same time, submitted for their opinion the Question:—how far it would be advisable to propose any addition to the Treaty for restricting the period for delivering in Appeals under its provisions.

On the observation contained in one of the Inclosures of the Minute, that, if a retrospective effect is not attached to the Article in question, it will be advisable that the Commissioners should pronounce further Sentence of condemnation (and Mr. Canning supposes, also Sentence of liberation), in Cases which they had adjudged upon the principle of the Article, but before the Article was concluded; Mr. Canning desires that I would observe to you that, he apprehends, if a farther Sentence were required, a new hearing of the Case might, in such instances, very properly be demanded, either by the Parties, or by the Foreign Commissioner; and that such a proceeding would, in many Cases, produce very serious inconvenience and expence, and that, from the distance of time, and other circumstances, it would not be likely to answer the ends of justice.

Mr. Canning is inclined to think that it would be advisable that the confirmation, if necessary, of such Sentences should be obtained by a general Declaration of the High Contracting Parties to the Treaties.

George Harrison, Esq. I am, &c. J. PLANTA, Jun.

(Inclosure 2.)—Joseph Planta, Jun. Esq. to J. W. Croker, Esq.

SIR, *Foreign Office, November* 17, 1823.

I have received, and laid before Mr. Secretary Canning, your Communication of the 11th of May, 1823, forwarding sundry Reports from Sir Robert Mends, of the proceedings of His Majesty's Squadron on the Coast of Africa. These Reports, together with other Papers upon the same subject from His Majesty's Commissioners at Sierra Leone, having been submitted to His Majesty's Advocate-General; I am directed by Mr. Canning to state to you, in concordance with the Report of that Officer, that the Practice which the Commanders of British Vessels had adopted of demanding Slaves from Native Chiefs, on the plea that they were held under contract for embarkation in Vessels on the Coast, is not within the provisions of the several Treaties for the suppression of illicit Traffick in Slaves, and is consequently illegal. It is also objectionable as interfering with the Territorial Rights of Third Parties. The Cases of the attack on the Gallinas River, and of Captures made on that principle, as stated in Commodore Mends Letters, are objectionable on these grounds. In the Case of the *Sinceridade*, as described in Captain Phillips's Letters of March 21, 1823, the King's Advocate sees no reason to differ from the opinions and judgment of the Commissioners, as it is not general inference from collateral circumstances, however accurate and strong, but the evidence of a particular fact of having embarked a Slave or Slaves, that was at the time made the test of illegality, warranting condemnation in such Cases.

I am directed by Mr. Canning to request that you will lay this Letter before The Lords Commissioners of the Admiralty, for their Lordships information, and for such Communication as their Lordships may deem it right to make to His Majesty's Naval Officers upon this subject.

I am, &c.

J. W. Croker, Esq. J. PLANTA, Jun.

No. 11.—*Mr. Secretary Canning to the British Commissioners at Sierra Leone, &c.*

GENTLEMEN, *Foreign Office, November* 17, 1823.

Referring you to the Act of the 1st and 2d George IV. cap. 99. the 6th Section of which enacts that there shall be paid a *Bounty* of £10 for every Slave *seized and found on board* of any Vessel, condemned by the Commissioners, appointed under the Treaties with Foreign Powers for repressing illicit Traffick in Slaves; I have to acquaint you, that a difficulty has occurred to the Lords of His Majesty's Treasury, in deciding in certain Cases upon the Claims set forward for the Bounty allowed by the Act:—That this difficulty has arisen from their Lordships not being made acquainted by the Documents on which the Claim is supported, whether, or not, the Slaves, for whom Bounty is claimed, were found on board at the time of capture; and that this difficulty would be

best obviated, by the insertion in the Sentence of condemnation under the Commissions, of a Clause, stating, so far as can be ascertained from the evidence given, whether any and what number of Slaves, *were seized and found on board* at the time of detention and capture.

I have, therefore, to instruct you to suggest to the other Commissioners acting with you, that such a Clause should be inserted as above, provided no judicial inconvenience may thereby occur.

In reference to a Question which has arisen, whether in the Special Case of the liberation of a Vessel, attended, however, by the emancipation of the Slaves, a ticket of emancipation should be granted by the Commissioners, I have to state to you, that the only Case in which it appears that the Commissioners are enjoined to grant a Certificate of emancipation, is, as by the Seventh Article of the Regulations, in the Case of adjudged unlawful trading.

I have further to remind you that, in taking upon yourselves the power of delivering over Slaves for emancipation, in Cases which are not properly Cases of forfeiture, you can be justified only by very special circumstances, and the sanction of Government obtained on a statement of the particular facts.—It may not be unsuitable in such Cases, that the Captors should have some Minute of the authority by which they are discharged from the custody of the Slaves, and their responsibility therein; but you will be careful not to confound such a Document with the ordinary Certificate of emancipation, prescribed by the Treaty; and you will act on such occasions according to the nature of each particular Case, and so as to make the Record, or Minute of your Judgment, strictly to correspond with the principle on which you are acting.

Upon the point of the Examination of Witnesses in Open Court, I have to state to you that, if, as it appears, such a course of proceeding is found to be more suited to the nature of the Questions now raised, than was the practice at first in use in the Court at Sierra Leone, it is not precluded by the interpretation heretofore put upon the terms of the Treaty.—It should however be very cautiously used, and with the greatest moderation and harmony of agreement between the Commissioners, and by their authority, and should be used in the first Trial of the Case, rather than as a new investigation

of fresh points by the Commissioner of Arbitration, when recourse is had to his Judgment in the second stage of the business.

I am, &c.

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone, &c.

No. 12.—*E. Gregory, Esq. to Mr. Secretary Canning.*
(Received February 2, 1824.*)*

Sir, *Sierra Leone, November* 20, 1823.

I have the honour to acknowledge the receipt of your Letter of the 5th of August last, wherein you mention that you had received the Despatches which my late Colleague, *Mr. Fitzgerald*, and myself, had the honour to address to you up to the 29th of April last, inclusive; and wherein you are pleased to express His Majesty's most gracious approbation of the mode in which the Commissioners had in general executed the duties entrusted to their care.

I am most profoundly affected with this mark of His Majesty's most gracious condescension, in noticing with favour the labours of His faithful Servants.

In acknowledging with the most respectful feelings of gratitude this most gracious condescension of His Majesty, I may lament, in proportion to the very great value of His Majesty's approbation, that Mr. Fitzgerald does not exist to reap the reward of his talents and of his virtues.

To Mr. Fitzgerald I attribute the mode in which the duties of our situations were executed. I must acknowledge that all praise belonged to him,—none to myself.

Devoted to His Majesty's service, I have the honour, &c.

E. GREGORY.

The Right Hon. George Canning.

No. 13.—*Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received March* 23.*)*

(Extract.) *Sierra Leone, January* 1, 1824.

The number of Cases adjudicated under the British and Spanish Mixed Commission, in the year 1823, was Two. One of those Cases was deemed to be a Case for liberation; the other a Case for condemnation.—Under the latter Case, some Slaves were decreed to be emancipated; but the number of these Slaves has not been ascertained, they having been landed in a sickly state at Cape Coast.

The number of Cases adjudicated under the British and Portuguese Mixed Commission, in the Year 1823, was Four. Of those Cases, Two were deemed to be Cases for liberation, and Two for condemnation.—Under the Two latter Cases, 199 Slaves were emancipated.

There were not any Cases of adjudication, in the Year 1823, under the British and Netherlands Mixed Court of Justice.

We beg leave to inclose a general List of Cases adjudicated under the Mixed Commissions to this date. You will perceive, Sir, that the number of Cases adjudicated, during the past Year is Six;* the number of Slaves emancipated 199; that the total number of Cases adjudicated since the establishment of the Mixed Commissions, is 46, of which number five were Cases for liberation; and that the total number of Slaves emancipated is 3,915.

We have the honour to be, &c.

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

* (Abstract of Inclosure.)

Spanish.—San Rafael, liberated.
Maria La Luz, condemned.

Portuguese.—Conceiçao, condemned.
Magdalena, condemned.
Sinceridade, liberated.
Nova Sorte, liberated.

No. 14.—*Mr. Secretary Canning to the British Commissioners at Sierra Leone and Surinam.*

GENTLEMEN, *Foreign Office, January* 1, 1824.

I have to acquaint you, for your information, and the information of the other Gentlemen forming the Board of which you are Members, that a Communication has been made to this Court by the *Netherlands* Ambassador, purporting that the Netherlands Frigate, the *Dageraad (Aurora)*, of 32 guns and 250 men, Captain *Van der Hart*, bound for the Coast of Guinea, and the East Indies, has been furnished with a Copy of the Treaty of the 4th of May 1818, between His Majesty and The King of The Netherlands, and of the several Documents annexed thereto.

I am, &c.

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone and Surinam.

No. 15.—*Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received March* 23.)

SIR, *Sierra Leone, January* 5, 1824.

We beg leave to solicit your commands upon two Questions: First, Whether we shall, as heretofore, pay into the Military Chest of this Colony the *British moiety* of the *nett Proceeds* of the sale of Vessels condemned as Prize, under the Mixed Commissions, and transmit the Accounts of the sales of such Vessels *direct* to The Lords Commissioners of His Majesty's Treasury? Second, Whether, in the absence of Spanish Commissioners, we shall continue to pay into the Military Chest the *Spanish moiety* of the nett Proceeds of the sales of Vessels condemned as Prize under the Spanish Commission?

The British moiety of the nett Proceeds of the sales of Vessels condemned as Prize under the Mixed Commissions has been paid into the Military Chest, and the Accounts of the sales of such Vessels, have been transmitted direct to Their Lordships, in conformity with the positive Instructions of Their Lordships, transmitted to the British Commissioners under date of the 26th of July 1820, which Instructions were confirmed by the late Marquess of Londonderry in his Lordship's Letter to the Commissioners, dated the 10th of September, 1820.

The Spanish moiety of the nett Proceeds of the sales of Vessels, condemned as Prize under the Spanish Commission, has been paid, in order to its better security, into the Military Chest, since the departure of the Spanish Commissioners in the Month of April, 1821, as signified in the Letter of Mr. Fitzgerald and Mr. Gregory to Mr. Harrison of the Treasury, dated the 16th of August, 1821, which Letter was forwarded, under the same date, by the British Commissioners to the late Marquess of Londonderry.

The Lords Commissioners of His Majesty's Treasury, under date of the 13th of February, 1822, signified their approval of this mode of disposing of the monies belonging to Spain, arising from the sales of Prize Vessels.

We have the honour to be, &c.

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 16.—*Mr. Secretary Canning to The British Commissioners at Sierra Leone, The Havannah, Rio de Janeiro, and Surinam.*

(Circular.) *Foreign Office, January* 31, 1824.

In reference to the Letter which was addressed to you by the Secretary of State, at the time of your Appointment, specifying the *Allowances* which His Majesty had been graciously pleased to annex to the performance of the services, for which you are appointed to the Situation which you now hold; I have to remind you, by His Majesty's command, that, in the computation of the period of service, after which *a Pension* may eventually be granted to you, that period only can reckon, during which you are upon service at your Post; and I have further to state to you, that, counting from the 5th of this Month, one half only of the *Salary* attached to your present Situation can be granted to you, during the period at which you are absent from your Post. You will therefore be precise in stating the periods of your departure from your Post, and of your return thereto, that the salary to be received by you may be computed accordingly.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone, &c.

No. 17.—*Mr. Secretary Canning to E. Gregory, Esq.*

Sir, *Foreign Office, February* 6, 1824.

The King has been graciously pleased to appoint *Daniel Molloy Hamilton, Esquire,* to be His Majesty's Commissioner of Arbitration, in the Boards of Commission, of which you are the Commissary Judge, at Sierra Leone, for preventing illegal Traffick in Slaves.

The King has, likewise, been pleased to appoint *James Woods, Esquire,* to be Registrar to the said Commissions.

Mr. Hamilton will concert with you the mode of entering regularly upon his Appointment; and you will communicate to him the Instructions which were addressed by His Majesty's Secretary of State to Mr. Fitzgerald and yourself, and which it is intended that Mr. Hamilton should consider as equally addressed to him.

I forward to you, herewith, His Majesty's Commission, appointing Mr. Hamilton and Mr. Woods, together with yourself, to these Situations. I am, &c.

GEORGE CANNING.

The British Commissary Judge at Sierra Leone.

No. 18.—Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received April 26.)

SIR, *Sierra Leone, February 7, 1824.*

We had the honour to receive, on the 1st instant, your Despatch, with its Inclosures, of the 17th November 1823, in which you inform us, that the Despatches of His Majesty's Commissioners, wherein they requested Instructions for their guidance, as to the legality of the practice of the Commanders of British Ships, cruizing under the Treaties for the prevention of the illicit Traffick in Slaves, in demanding and enforcing the *Embarkation of Slaves* from the Coast, had been submitted to His Majesty's Advocate General; and, that you had to acquaint us, in conformity with the opinion of that Officer, that the demand for Slaves from Native Chiefs, on the plea that they were held under contract for embarkation in Vessels on the Coast, is not within the provisions of the several Treaties, and is, consequently, illegal: that it is also objectionable as interfering with the territorial rights of third Parties.

We beg to inform you, Sir, that we shall conform to your recommendation to confine ourselves strictly, in Cases of the sort upon which you have been pleased to instruct us, to the several Treaties and Acts of Parliament.

We beg leave to express how much we feel grateful for your condescension in favouring us, for our information, with Copies of the Letters addressed under your direction to the Secretary of His Majesty's Treasury, and to the Secretary to the Admiralty; the first Letter being upon the subject of the Claims brought forward by the Captors of the *Rosalia*, the *Dichoza Estrella*, and the *Aurora*, for a moiety of the Proceeds of the condemned Vessels, and a Bounty upon the Slaves that were emancipated, as belonging to them;—the second Letter being relative to the Case of the *Sinceridade*, and of the attack on the Gallinas River, by the boats of His Majesty's Ship Cyrene.

We have the honour to be, &c.

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 19.—Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received April 26.)

SIR, *Sierra Leone, February 24, 1824.*

We had the honour to receive, on the 6th instant, your Despatch of the 1st of November 1823, (marked *Portugal*), stating that you had referred to His Majesty's Advocate General the Despatch which His Majesty's Commissary Judge had the honour to address to you on the 7th of June 1823, for an opinion, Whether a Sentence pronounced in full Court by the Mixed Commission under the Treaties for the suppression of illegal Slave-trade, is final; or whether a *New Trial* may, in such Case, be granted?

That the opinion of The King's Advocate, which you had to give us, for our guidance and information, is, that a new Trial cannot be granted on any rules of analogy derived from the practice of the Courts of Common Law, or otherwise, than as matter of special exemption arising out of some conduct of the litigant Parties, of fraud or surprize on the Court.

We are happy, Sir, to have this Instruction upon so important a Point under the Treaties. And we are glad to learn that, in the particular Case of the *Nova Sorte*, The King's Advocate is of opinion that the Commissioners were perfectly right in refusing the prayer for a new Trial.

We have, &c. E. GREGORY.
D. M. HAMILTON

The Right Hon. George Canning.

No. 20.—Messrs. Gregory and Hamilton to Mr. Secy. Canning. (Received April 26.)

SIR, *Sierra Leone, February 9, 1824.*

We beg leave to acknowledge the receipt on the 1st instant, of your Despatches to the 17th of November 1823.

Referring us to the Act of the first and second George 4th, cap. 99, the sixth Section of which enacts that "there shall be paid a Bounty of £10 for every Slave seized and found on board of any Vessel condemned by the Commissioners appointed under the Treaties with Foreign Powers for repressing illicit Traffick in Slaves," you acquaint us that a difficulty had occurred to the Lords of His Majesty's Treasury, in deciding in certain Cases upon the Claims set forward for the Bounty allowed by the Act. That this difficulty had arisen from their Lordships not being made acquainted by the Documents on which the Claim is supported, whether or not the Slaves, for which Bounty is claimed,

were found on board at the time of capture; and that this difficulty would be best obviated by the insertion, in the Sentence of condemnation under the Commissions, of a Clause stating, so far as can be ascertained from the evidence given, " whether any and what number of Slaves were seized and found on board at the time of detention and capture."

You, therefore, instruct us to suggest to the Commissioners acting with us, that such a Clause, as above, should be inserted, provided no judicial inconvenience may thereby occur.

We do not see that any judicial inconvenience can occur by the insertion in the Sentences of condemnation of a Clause, such as the one stated by you, which shall prevent the recurrence of the difficulty that has occurred to the Lords of His Majesty's Treasury, in deciding upon the Claims set forward for the Bounty allowed by the Act of Parliament. We will, therefore, act upon your Instruction, and, in future Sentences of condemnation, we will cause (the concurrence of our Foreign Colleagues being obtained,) that a Clause stating whether any and what number of Slaves were on board of the condemned Vessels at the time of their detention and capture, so far as the same may be ascertained from the evidence given, shall be inserted in such Sentences.

We beg leave to suggest that the enquiries of the Commissioners, as to the number of Slaves that may be on board of Slave-vessels at the time of their capture, would be greatly facilitated, if His Majesty's Naval Officers, who are authorised under the Treaties to make captures of such Vessels, were instructed to ascertain with precision, on the instant of the capture, the number of the Slaves that may be on board of the captured Vessels, in the presence of the Masters, or principal Person or Persons of such Vessels, who may be intended to be sent before the Mixed Court as Witnesses, and who may thus be enabled to satisfy the enquiries of the Commissioners upon the point to be ascertained. In the Eighth Article of the Instructions for the Cruizers under the Convention with Portugal; the Sixth Article of the Instructions for the Cruizers under the Treaty with Spain; and the Third Article of the Instructions for the Cruizers under the Treaty with The Netherlands, it is provided that the Captor of a Slave-ship " shall deliver to the " Master of the detained Ship a signed Certificate of the Papers " found on board, *as well as of the number of Slaves found on* " *board at the moment of detention.*"

We would beg leave, also, to suggest, that the fulfilment of this Instruction be enjoined to His Majesty's Naval Officers employed under the Convention and Treaties; as well as that it be enjoined to them to take, on all occasions of capture, the most efficacious measures, in order that the best possible proof may be afforded to the Commissioners, as to the number of the Slaves on board of Slave-ships detained by them.

We shall bear in mind the observations made in your Despatch, relative to the Question that had arisen, Whether in the special Case of the liberation of a Vessel attended by the emancipation of the Slaves, a Certificate of emancipation shall be granted by the Commissioners. As we shall also attend to your observations upon the point of the examination of Witnesses in open Court. We have the honour, &c.

E. GREGORY.

The Rt. Hon. George Canning. D. M. HAMILTON.

No. 21.—Mr. Secretary Canning to the British Commissioners at Sierra Leone, and at Rio de Janeiro.

GENTLEMEN, *Foreign Office, February* 10, 1824.

I herewith furnish you with ten Copies of *Articles* signed at Lisbon on the 15th of March, 1823, *additional* to the *Convention* for preventing illegal Traffick in Slaves, which was concluded at London on the 28th of July, 1817, between the King and *His Most Faithful Majesty.*

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.

You will communicate these Articles to your Colleagues in the Board of Commission of which you are Members; and you will invite them to act in conformity with the tenour thereof.

I am, &c. GEORGE CANNING.

The British Commissioners at Sierra Leone.

No. 22.—Messrs. Gregory and Hamilton to Mr. Secy. Canning.
(Received April 26.)

SIR, *Sierra Leone, February* 10, 1824.

We had the honour to receive, on the 6th Instant, your Despatch of the 4th November, 1823, stating that you had received the Despatch of His Majesty's Commissary Judge, of 24th of July, 1823, and with reference thereto, that, taking the the whole bearing of the Treaties, and the emergency of the Case,

Sir Charles M'Carthy appeared to have acted on the occasion, in accordance with a fair interpretation of the spirit of the Treaty, on principles of reciprocity as between the Contracting Parties, and with a due regard to the beneficial exercise of the duties required under the Treaty:

That, in the particular instance which was referred to you, Sir, no question of the legality of the Proceedings, could well in any manner, arise, since His Majesty had graciously signified His intention of confirming, *ab initio*, the provisional nomination made by Sir Charles M'Carthy in the Person of Mr. Hamilton, to fill the Office of Judge Arbitrator, vacant by the death of Mr. Fitzgerald. And stating, further, that His Majesty had been graciously pleased to nominate Mr. James Woods to the Office of Registrar to the Mixed Commissions, vacant by the promotion of Mr. Hamilton.

We have the honour, &c.

E. GREGORY.

The Right Hon. George Canning. D. M. HAMILTON.

No. 23.—Messrs. Gregory and Hamilton to Mr. Secy. Canning.
(Received, April 26.)

(Extract.) *Sierra Leone, February* 11, 1824.

We had the honour to receive, on the 6th Instant, your Despatch of the 6th of November, 1823.

We are happy, Sir, to learn that the Despatch, therein referred to, was considered by you to afford a satisfactory explanation of the principles on which the Commissioners had proceeded, in the Appointment of a *Marshal of the Court*, and the Charges rendered in by that Officer, under the directions of the Court.

We shall act, Sir, upon your Instructions, relative to the Charges of the Marshal, in future Cases in which his services may be required. We have the honour, &c.

E. GREGORY.

The Rt. Hon. George Canning. D. M. HAMILTON.

No. 24.— Mr. Secy. Canning to Messrs. Gregory and Hamilton.

GENTLEMEN, *Foreign Office, April* 8, 1824.

In reference to the subject of your Despatch, (marked General) of the 5th of January last, I have to acquaint you, that it appears to be expedient that you should, in the absence of the Spanish Commissioners, pay into the Military Chest, the *Spa-*

nish moiety of the *nett Proceeds* of the sales of Prizes, and that you should continue to pay into the Military Chest the *British moiety* of the *nett Proceeds* of the sales of Prizes. In respect to the accounts of those sales, you will send them, in duplicate, to His Majesty's Secretary of State for Foreign Affairs, who will transmit to His Majesty's Treasury such Papers as it may be necessary to furnish to that Department upon the subject.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 25.—Mr. Secy. Canning to Messrs. Gregory and Hamilton

(Extract.) *Foreign Office, April* 25, 1824.

I have the satisfaction to convey to you His Majesty's gracious approbation of the circumspection, and diligence, and due regard to your duty, which have marked your conduct upon the difficult and doubtful Cases which have come under your investigation, since the date of those Despatches, the receipt of which I acknowledged to you in my Despatch of August 5, of the last year. I am, &c.

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

No. 26.—Mr. Secretary Canning to the British Commissioners at Sierra Leone, The Havannah, Rio de Janeiro, and Surinam.

(Circular.) *Foreign Office, April* 30, 1824.

I herewith transmit to you, by The King's Command, for your information and guidance,——Copies of the Act of the Legislature (5 Geo. 4,cap.17,*) providing that British Subjects, and Persons residing within the British Dominions, who shall be concerned in the Trade in Slaves, contrary to the Statutes now in force, shall be adjudged to be guilty of Piracy, and be subject to the Penalties which are visited upon that Crime according to the Laws of England.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 27.—Mr. Secretary Canning to the British Commissioners at Sierra Leone and Surinam.

GENTLEMEN, *Foreign Office, May* 6, 1824.

I have to acquaint you, for your information and guidance, that Instructions, under the Treaty with The Netherlands for

* See Page 122.

the prevention of the Slave-trade, have been furnished to the following Ships and Vessels of His Majesty's Navy; *Isis*, of 50 guns, Thomas Forrest, Commander; *Maidstone*, of 42 guns, Charles Bullen; *Eden*, of 26 guns, John Lawrence; and *Surinam*, of 18 guns, Charles Crole; and that the Instructions, which had been issued to His Majesty's Ships *Gloucester* and *Cyrene*, have been recalled and cancelled.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone and Surinam.

No. 28.—*Mr. Secy. Canning to Messrs. Gregory and Hamilton.*

GENTLEMEN, *Foreign Office, May*, 7, 1824.

I furnish you, for your information, with the Copy of an Instruction which was given to *Mr. J. P. Clarke*, on proceeding to his Post, as His Majesty's Consul-General at the Cape de Verds;* directing him to collect and transmit to His Majesty's Secretary of State for Foreign Affairs, to the Commanders of His Majesty's Ships upon the Coast, and to yourselves, whatever intelligence he may be able to procure for facilitating the execution of the Treaties and Acts of Parliament, and of His Majesty's Instructions thereupon, respecting the Slave-trade.

Advices have recently been received of the arrival of Mr. Clarke, at his Post at St. Jago.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

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*No.*29—*Mr. Secy. Canning to Messrs. Gregory and Hamilton.*

GENTLEMEN, *Foreign Office, May* 7, 1824.

In reference to your Despatch, (marked General) of the 9th of February, 1824, I furnish you, for your information, with the Copy of a Letter which has been addressed under my direction, by one of the Under Secretaries of State for this Department, to the Secretary to the Admiralty, recommending the adoption of the suggestion which you had made, that His Majesty's Naval Officers might be especially instructed upon certain points, with a view of obtaining Evidence as to the number of Slaves who may be on board of Slave-trading Vessels at the time of their detention. I am, &c.

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

* See No. 33. Page 482.

(Inclosure.)—Joseph Planta, Jun. Esq. to J. W. Croker, Esq.

SIR, *Foreign Office, May 7, 1824.*

I am directed by Mr. Secretary Canning to send to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying Copy of a Despatch from His Majesty's Commissioners at Sierra Leone, written in reference to an Instruction given to them, that, in their Sentences of condemnation of Vessels for illegal Slave-trade, they should insert a Clause, stating, whether any and what number of Slaves were on board of the condemned Vessels at the time of their detention, so far as the same may be ascertained:—and I am to request, that you will be pleased to submit to their Lordships, that it appears to Mr. Canning that it would much facilitate the execution of the Instructions given to His Majesty's Commissioners, if His Majesty's Naval Officers, acting under the Treaties for the prevention of Slave-trade, were enjoined to pay particular attention to the suggestions contained upon this subject in the inclosed Communication.

I am, &c. JOSEPH PLANTA, JUN.

J. W. Croker, Esq.

No. 30.—D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received May 16.)

SIR, *Sierra Leone, March 31, 1823.*

In obedience to the Instructions of the 20th of February, 1819, I have the honour herewith to inclose a certified Copy of the Registry of Slaves that have been emancipated by the Courts established at this Place for the prevention of illicit Slave-traffick, for the period between the 5th day of July, 1822, and the 5th day of January, 1823.*

I have the honour, &c.

D. M. HAMILTON, Registrar.

The Rt. Hon. George Canning.

No. 31.—D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received, September 22.)

(Extract.) *Sierra Leone, July 21, 1823.*

I have the honour to inform you that Sir Charles M'Carthy, the Governor of this Colony, has been pleased to appoint me to perform the duties of Commissioner of Arbitration to the Mixed Commissions, established at this Place for preventing the illicit Traffick in Slaves, in the room of the late Mr. Fitzgerald, till such time as His Majesty's pleasure respecting a Successor to that Gentleman shall be known.

I have the honour, &c.

D. M. HAMILTON.

The Right Hon. George Canning.

* The Inclosure gives an account of the Registry of 1254 Slaves.

No. 32.—*G. Rendall, Esq. to Mr. Secretary Canning.*—

SIR, *Sierra Leone, August* 15, 1823.

I have the honour to transmit, herewith, a certified Copy of the Registry of Slaves emancipated by the Courts of Mixed Commission, established in this Colony for the prevention of the illicit Traffick in Slaves, for the period between the 5th of January, 1823, and the 5th day of July last.*

I have the honour, &c.

G. RENDALL, Acting Registrar.

The Right Hon. George Canning.

No. 33.—*Mr. Secretary Canning to the British Consul-General at the Cape de Verd Islands.*

SIR, *Foreign Office, October* 28, 1823.

I send to you herewith, for your information, a Copy of the Treaties concluded between this Country and Spain, Portugal, and The Netherlands, for repressing illicit Traffick in Slaves.

I send to you, likewise, a Copy of the several Papers which have been laid before Parliament, relating to the execution of those Treaties.

I have to desire that you will transmit to me any information which you may be able to obtain, respecting the carrying on of the Slave-trade, either by any of His Majesty's Subjects, or, contrary to Treaty, by the Subjects of Foreign Powers.

You will furnish to His Majesty's Ships upon the Coast, whatever intelligence you can procure, which may facilitate the execution of their Instructions under the Treaties, and under the several Acts of Parliament, (copies of which I also inclose to you,) upon the subject of the Slave-trade.

You will forward to His Majesty's Commissioners at Sierra Leone, whatever accounts you may collect respecting the proceedings of Slave-traders.

I am, &c.

J. P. Clarke, Esq. GEORGE CANNING.

No. 34.—*J. P. Clarke, to Mr. Secretary Canning.*—

(Received April 5.*)*

(Extract.) *Villa de Praia, St. Jago, January* 20, 1824.

I have the honour to acquaint you of my arrival at Bonavista, on the 22d day of December, 1823, after a passage of 35 days. I proceeded from thence on the 5th, and arrived here

* The Inclosure gives an account of the Registry of 230 Slaves.

on the 6th instant; and have great pleasure in stating, for the information of His Majesty's Government, that the Authorities have evinced every respect to His Majesty's Commission.

So short a time has elapsed since my arrival, that I have not been able to gain any information, that militates against the existing Treaties, relative to the Slave-trade.

I have the honour, &c.

J. P. CLARKE, Consul-General.

The Right Hon. George Canning.

No. 35.— G. Rendall, Esq. to Mr. Secretary Canning.— (Received March 23.)

SIR, *Free Town, Sierra Leone, January 24, 1824.*

I have the honour to acquaint you, that, from the 5th day of July, 1823, to the 5th day of January, 1824, no Slaves have been registered in the Office of the Registrar to the Courts of Mixed Commission, established in this Colony for the prevention of illicit Traffick in Slaves.

In the Case of the Schooner *Maria La Luz, Don Jacinto Llobet*, Master, condemned in the British and Spanish Court of Mixed Commission, on the 8th day of September, 1823, the Slaves having been landed at Cape Coast, no Registry of them could take place here. The number stated to have been so landed, was 183; the survivors of whom were, by the Court, declared to be emancipated.

I deem it my duty to state also, that in the Case of the Spanish Schooner, *Fabiana, M. M. de Compos*, Master, still pending in the British and Spanish Court of Mixed Commission, the Slaves, viz; 50 men, 12 women, and 56 children, being in the whole 118, were landed by the Captors on the 21st day of October, 1823, and handed over to the Colonial Government.

I have the honour, &c.

The Right Hon. George Canning. G. RENDALL.

SIERRA LEONE. (*Spain.*)

No. 36—Messrs. Gregory and Fitzgerald to Mr. Secy. Canning. (Received June 30.)

SIR, *Sierra Leone, April 22, 1823.*

The Case of the Spanish Schooner *San Rafael*, an Abstract of which accompanies this Despatch, is remarkable for the circumstances of the detention. The Declaration of the

Captor, among the many grounds alleged in it, does not impute any embarkation of a Slave or Slaves, for the purposes of the Traffick, during the voyage in which the detention took place; neither did any such act appear in the scanty Evidence which was furnished to the Court.

The Master of the San Rafael was on shore at Whydah at the time of the capture, employed, most probably, in purchasing Slaves, as the Vessel was evidently fitted out for that Trade. The Pilot and Boatswain, and the rest of the Crew, were allowed to land at Princes Island, consequently there was not any Person belonging to the Vessel forthcoming, to be examined by the Commissioners, nor to claim her, nor to receive her, when it was found that no ground of condemnation existed, upon the shewing of the Captor himself.

The indulgence of the wish of the Pilot and Crew of the San Rafael to land at Princes Island, might, probably, have been caused, in a great measure, by a mistaken notion, prevalent among the Captors and Proctors, that the Commissioners are bound to condemn in all Cases in which the detained Vessel is not claimed. This notion has never been countenanced by the Commissioners to the extent that a detained Vessel not claimed, is to be condemned in the absence of all Evidence to criminate her. The Decisions of the Commissioners have uniformly rested upon the Evidence obtained in every Case, and upon the application of the corresponding Provisions of the Treaties to that Evidence.

The inconvenience of having no Person to receive the Vessel upon her being liberated, fell, in the present instance, so forcibly upon the Captor, that we have reason to hope that the Masters and Crews of captured Vessels will, in future, be sent with them for the purposes of justice.

The resource of a condemnation, to realise and preserve the value of the Vessel, which was adopted in the Case of the Spanish Schooner Rosalia, because there was not any Person capable of taking charge of her on the part of the Owners, was not any longer available in the Case of the San Rafael. The Commissioners had not any other means, to dispose of, or to preserve, the Vessel. She was, therefore, left in the hands of the Captor.

An application made by the Captor to be exonerated from liability to demurrage, on the ground of being led into the error of the detention, by a voluntary and reprehensible fault

on the part of the Master of the detained Vessel, was thought to be premature, in the absence of the other Party; but the Vessel, and the Articles of the outward cargo still on board, were appraised by order of the Court, at the Captor's instance.

The Case of the Spanish Schooner *Nuestra Senora de Regla*, taken by His Majesty's Ship *Morgiana*, Captain Strong, is mentioned in the Declaration of the Captor of the San Rafael, as a precedent, according to which he conceived it his duty to detain that Vessel. But the Case of the Regla was different in every material point. There was One Slave on board, who was proved to have been embarked for the purposes of the Traffick, and all the Commissioners present agreed that the One Slave was sufficient. The Master, it is true, was on shore near the Place of capture, and the opportunity was presented to him of claiming his Vessel in the same manner as in the present instance; but the two Mates, the Boatswain, and the Crew, of the Regla, were brought to Sierra Leone for examination, so as to enable the Commissioners to do justice impartially in the Case.

We have thought it right to state these matters in detail, in order to furnish the means for any explanations which may become necessary, touching the Case of the San Rafael; for the same reason the Abstract of the Case is made more comprehensive than is usual, and a Copy of the Declaration, with Copies of the written Decisions delivered by us on the Case, accompany this Despatch.

We have, &c. E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning.

(Inclosure.)—Abstract of the Case of the Spanish Schooner, San Rafael, *Francisco Chinchurreta, Master, liberated on the 29th of January*, 1823.

The Schooner San Rafael, Francisco Chinchurreta, Master and ostensible Owner, was detained by Captain Phillips, of His Majesty's Ship Bann, on the 27th of August, 1822, in Latitude 6 d. 19 m. North; Longitude 2 d. 26 m. East.

The San Rafael, after the capture, was despatched for Sierra Leone, where she arrived on the 15th of November, but, from the peculiar circumstances of the Case, the Agent abstained from taking any proceedings until the arrival of the Captor from his cruize to the Southward; consequently the Case was not brought before the Court until the Month of January, 1823.

It appeared by the Papers of the Vessel, that the San Rafael sailed from The Havannah, on the 19th of February, 1822. She had a Royal Passport for

"free commerce for a voyage to the Island of St. Thomas and the other Portuguese Islands, and thence back to the Port of her destination."

This Paper is entirely in the Spanish language; no mention is made in it of any restriction to legitimate commerce for "gold, ivory, palm-oil and cloths," as we have seen in the other Spanish Passports; neither is there any mention made of the Slave-trade in the prohibitory Forms, that we have been accustomed to find, either inserted in the body of the Document, or indorsed by a Memorandum on the outside, denouncing the penalties of the Law and of the Royal Ordinances on any violation which should be committed in this matter,

There is a Note of Indorsement correcting the amount of tonnage, set down in the body of the Passport at *two* hundred and nineteen tons and a half, to *one* hundred and nineteen. The Passport is dated the 13th of February, 1822.

It appears by a bill of sale executed by Cuesta, Manzanal y Hermano, a Company of Merchants resident at The Havannah, to Francisco Chinchurreta, as well as by the Passport, that Chinchurreta was, at least ostensibly, the sole Owner; but the bill of sale being only dated on the 5th of February, 1822, about fourteen days before the sailing, at a time when the outfit for the voyage may fairly be supposed to be in an advanced state, is liable to the suspicion of being a mere colourable transfer,

There are two log-books, one a rough one and the other apparently copied from that. From these we collect that the San Rafael came in sight of the Coast of Africa, on the 8th April, in Latitude 4 d. 46 m. North. On the the 12th, she was off Piccaninny Bassa, in Latitude 5 d. 43 m. The entries are continued without any thing remarkable until the 19th of April, from which day they cease in the fair copy. The Latitude on that day is 5 d. 9 m. North.

The rough entries in the other book are continued in a very imperfect and irregular manner, intended, apparently, to denote the mere passing of the day, or, if any thing further, to serve as memoranda to guide the memory of the party making them, in matters purposely disguised. It could be ascertained, however, by these entries, that the San Rafael had gone to the Southward, and had been in some Port, and that the Master was not on board of her at the time. The Captor stated in Court, in consequence of some observations from the Bench upon this Paper,—that he had learned from the crew that they had been at the Island of Annabona, where they took in farina as provisions for the Slaves, of which the homeward cargo was to consist.

Nothing beyond the particulars already enumerated could be collected from the Ship's Papers.

The other evidence consisted of the Declaration of the Captor, and of some Affidavits in confirmation of some of the facts alleged in the Declaration. The Declaration is very long. The following Abstract comprehends all the material points:

After stating the Latitude and Longitude in which the detention took place, and that the San Rafael, at the time of the capture, was sailing under Spanish Colours, and that she was armed with two guns, six-pounders, the Declaration adds, that "the Mate, who stated the Master to be on shore at

" Whydah, declared the Vessel to be bound from The Havannah to St. Tho-
" mas, with a Crew of twenty-two men."

The Declaration then states, that the cause of the detention of the Vessel is,—" that she was cruizing off Whydah, without any Master on board ;
" that she endeavoured to elude His Majesty's Ship by every possible
" means, resolutely carrying sail, notwithstanding a heavy fire of grape and
" musketry, until the musket-shot drove the men from their sweeps, which
" she used in the light airs ; that she was fully prepared for the reception of
" Slaves, her irons on board ; that her guns and muskets were all loaded, the
" former with grape ; and in short—every preparation made for action."

The Declaration then states, that " instead of pursuing the honest intent
" of her destination, the San Rafael had been cruizing off, and on the Port of,
" Whydah for four Months, during which time several piratical acts had
" been committed by a Spanish Schooner, particularly one on an English
" Vessel commanded by a Captain Foster."

A former voyage found to have been made by the San Rafael, in the Slave-trade, partly with the same Crew, is mentioned in the Declaration as having strengthened the Captor's persuasion, that the present voyage was in the Slave-trade. The Declaration says, moreover, " that the people, who
" have been all engaged in the same trade, are hired on the condition that
" they shall receive their wages if the cargo arrives safe, and none if it does
" not ; and that if the Vessel be condemned by the Court they will lose their
" pay : that she is a Vessel not calculated for commercial purposes from her
" build, and that she has always been a Privateer or Slave-vessel, and that
" as the Spanish Government have agreed,according to the tenour of the First
" and Second Articles of the Treaty of the 23d of September, 1817, wholly
" to abandon the Slave-trade, the Captor has deemed it his duty, without in-
" fringing on the Tenth Article of the said Treaty, to bring the Vessel before
" the Court for being on the high seas, fitted out for the reception of Slaves,
" and for warlike purposes, and for being within five or six days sail of the
" Port of her destination for nearly four Months without ever going near
" it, thereby causing great suspicion of the honesty of her intentions, and
" making it the Captor's duty, according to his belief, to bring her to the
" nearest Court of Justice for adjudication."

The Declaration further adds,—" as a corroboration of her illicit conduct," that the Captor " sent the San Rafael the Morning after the capture
" to anchor off Whydah, where she remained for 56 hours without any claim
" being made personally, or by writing, by the alleged Master."

It is also stated in the Declaration, that the first Pilot and all his Crew requested to be landed at Princes Island ; and that the Captor " not requir-
" ing his presence as evidence on his behalf before the Court, and at the
" same time being a great saving by not having to support them, complied
" with their wishes by allowing them to go on shore."

This Abstract contains all the material allegations offered on the part of the Captor, in support of his supposed right to detain the San Rafael.

The Declaration was filed on the 14th January, 1823.

In consequence of the absence of the Master at the time of the capture, and of the landing of the first Pilot, and of the rest of the Crew at Princes Island, there was not any Claim nor any Person belonging to the San Rafael forthcoming to be examined.

The whole of the Evidence, in addition to the Ship's Papers, and the Declaration of the Captor, consisted of Affidavits in corroboration of the matters contained in the Declaration.

One of these was the Affidavit on lodging the Papers of the San Rafael in the Registry of the Court, by Captain Phillips.

This Affidavit, filed the 14th day of January, states, that the San Rafael was detained,—"by reason that the said Schooner was employed in the "Trade in Slaves, contrary to the existing Treaties entered into between His "Britannick Majesty and His Catholick Majesty The King of Spain."

An Affidavit of Lieutenant Hudson, proves the opportunity given to the Master of the San Rafael, to claim and defend his Vessel, by anchoring off Whydah, where the Master appeared to be then residing, and remaining there for 56 hours,—as stated in the Declaration.

An Affidavit by Francisco Guandiola states, that the Deponent was a seaman on board of the Spanish Schooner Josefa, lately condemned in the British and Spanish Court, and further, that the Deponent went on board of the San Rafael, when that Vessel was in course of outfit at The Havannah for her present voyage, in order to obtain payment of a debt due to the Deponent from one of the seamen of the San Rafael, named Augustin ; that the said Augustin told the Deponent that the said Schooner was about to proceed to the Coast of Africa, and that it was intended to bring from thence 200 Slaves in her, she having brought but 150 last voyage,—and further, that the said Schooner was in every respect perfectly fitted for a Slave-trading voyage, and that he saw her sail from The Havannah in that state.

The Marshal of the Court, upon a survey made by the order of the Commissioners upon the Petition of the Captor, declared, that the San Rafael "was furnished with leg and deck Slave-irons, Slave-coppers, a ground tier "of leaguers, fore and aft poopoo tubs, mess-kids, and iron hatchway gra-"tings, such as are usually furnished to Vessels fitted out for the Slave-"trade,—that she was supplied with a great quantity of farina, rice, and me-"dicines, also with pistols, muskets, powder, ball, cartridge and cutlasses."

The Commissioners, when they came to pronounce their Judgment upon the Evidence, the material facts of which have been thus minutely recapitulated, found that, although there were unquestionable proofs of Slave-trading intent and outfit, there was not any proof of the embarkation of a Slave for the purposes of the traffick, in any part of the voyage in which the detention took place—consequently they could not condemn the Vessel.

The Captor subsequently applied to the Court, by Petition, for the benefit of that provision of the Eighth Article of the Regulations for the Mixed Commission, which declares the Master of the detained Vessel not entitled to demurrage in the event that the Captor should appear to have been led into the error of the detention, by "a voluntary and reprehensible fault" on the part of the Master of the detained Vessel.

The Court did not think it proper to pronounce upon this matter at present,—it was ordered that the Petition should remain on the file of the Court.

On a further Petition from the Captor, a Commission was issued for the appraisement of the San Rafael, and the goods, wares, and merchandize on board of her ; the Vessel remained in the hands of the Captor, as the Party responsible to the Owner ; no Person belonging to her having been brought

to the Colony, to whom she could be restored; and the Court having no means of well disposing of her without a Decree of condemnatiou.

E. GREGORY.
EDWARD FITZGERALD.

No. 37.—Mr. Secretary Canning to Messrs. Gregory and Fitzgerald.

GENTLEMEN, *Foreign Office, June 2, 1823.*

I have received your Despatch (marked Spain,) of the 15th of August, 1822, inclosing a Statement of the Case of the Schooner *Joseph*, and requesting Instructions for your conduct in certain other Cases therein mentioned.

With respect to the particular Case of the Joseph, there does not appear to be any reason to object to the applications of the principles of Law on the Evidence referred to, as stated in the Papers inclosed in your Despatch. Since the connection of that Ship with Matanzas, and the employment of it in the Spanish Trade prohibited by Treaty, fully warrant the construction put upon the Character of that Ship in the final Sentence.

As to any further Instructions, with a view to meet Cases which may possibly arise, I have to observe to you, in the first instance, that, as His Majesty's Commissioners, you are to act to the best of your judgment, according to the Treaties and Acts of Parliament under the Oath which you have taken; and that it would be vain to attempt to foresee and provide for every variety of Case that may by possibility occur.

I think it only necessary further to caution you, NOT to consider those Clauses in the Treaty, which contain General Declarations of illegal participation in Slave transactions, as grounds of Condemnation of Ships or Cargoes ostensibly belonging to OTHER Powers, not Parties to such Treaty.

I add, for your information, the Copy of a Letter which has been addressed to the Admiralty by my direction, respecting the means resorted to for the capture of the Joseph.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

(Inclosure.)—Joseph Planta, Jun. Esq. to J. W. Croker, Esq.

SIR, *Foreign Office, June 2, 1823.*

I transmit to you the Extract from a Despatch which has lately been received from His Majesty's Commissioners at Sierra Leone, dated 15th of August last, inclosing a Statement of the Proceedings in the Mixed Commission Court, at that Colony, in respect to the Spanish Schooner *Joseph*:—

and I am directed by Mr. Secretary Canning to request you will lay these Papers before The Lords Commissioners of the Admiralty, and call their Lordships particular attention to the circumstance, that Lieutenant Clarkson, of the Iphigenia, effected the capture of the Joseph while on board The United States Schooner *Augusta;* in order that their Lordships may judge how far it may be adviseable to discourage the use of such means (unauthorised by any of the Treaties) on future occasions.

I am, &c.

J. W. Croker, Esq. J. PLANTA, Jun.

No. 38.—*Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received September* 17.*)*

SIR, *Sierra Leone, August* 14, 1823.

We have had the honour to receive your Despatch, (marked Spain,) of the 16th of May, 1823, inclosing Ten copies of certain Articles explanatory of, and additional to, the Treaty of the 23d of September, 1817, concluded at Madrid, for preventing illegal Slave Trade; which Explanatory and Additional Articles were signed at Madrid, on the 10th of December, 1822, between the Plenipotentiaries of His Majesty and The King of Spain, duly authorised to that effect.

We shall, agreeably to your Instructions, consider these Articles as binding upon us, for the guidance of our conduct, in giving effect to His Majesty's intentions in regard to the Stipulations therein recorded.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 39.—*Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received Jan.* 15, 1824.*)*

SIR, *Sierra Leone, September* 10, 1823.

We have the honour to acknowledge the receipt of your Despatch, (marked Spain) of the 2d of June last, with the Copy of a Letter inclosed therein, addressed by Mr. Planta to the Secretary to the Admiralty, relative to the Spanish Schooner *Joseph*, adjudicated in the British and Spanish Court of Mixed Commission at this Colony, in the course of the last Year.

We are happy to understand from you, Sir, that the Mixed Court was fully warranted in the construction put upon the character of that Ship in the final Sentence.

With respect to Cases similar to that of the Joseph, as well

as in other Cases, we shall act to the best of our judgment according to the Treaties and Acts of Parliament, under the oath which we have taken, bearing in mind your caution, that we shall not consider those Clauses in the Treaty, which contain general Declarations of illegal participation in Slave transactions, as grounds of Condemnation of Ships or Cargoes, ostensibly belonging to other Powers, not Parties to such Treaties.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 40.—Messrs. Gregory and Hamilton to Mr. Secretary Canning. (Received Feb. 2, 1824.)

SIR, *Sierra Leone, September 10, 1823.*

We have the honour to lay before you a Report of the Case of the Spanish Schooner *Maria La Luz*, captured by the boats of His Majesty's Ship *Owen Glendower*, in New Calabar River, in 4 deg. 24 min. North Latitude, and 7 deg. 11 min. East Longitude, on the 3d of July 1823.

The Maria La Luz, at the time of her capture, was about to depart from New Calabar River, with a cargo of Slaves for Saint Jago de Cuba. On the approach of the capturing boats, she was abandoned by her Crew, who, at the same time, relanded the greater part of the Slaves.

The Vessel was taken possession of by the British, and the Slaves that had been relanded were given up to them by the Chief of New Calabar, and put on board of the Schooner; but, unfortunately, when leaving the River, the Schooner was run on shore, through the ignorance of a Native Pilot, and was totally lost. The Slaves were conveyed on board of the Owen Glendower, and were subsequently landed at Cape Coast, by Sir Robert Mends, on the ground of their ill health.

You will observe, Sir, by the inclosed Report of her Case, that some of the Crew of the Maria La Luz stated, that the French Flag had been used on board of her, doubtless for the purpose of eluding the search to which, as a Spanish Vessel, she was liable from British Cruizers, under the Slave-trade prevention Treaty. Under the circumstances of the Case, as proved in Evidence, we did not hesitate, so to judge of this use of the Flag of France, and to treat the Case as it merited according to the Treaty.

The Maria La Luz was sentenced to have been liable to condemnation at the time of her capture, and her Slaves were decreed to be emancipated.

By our direction, a Letter was addressed by the Acting Registrar to the Colonial Secretary, requesting that he would communicate to His Excellency the Governor, the fact, that the Negroes of the Maria La Luz had been landed at Cape Coast by Sir Robert Mends. Should these Negroes not be sent hereafter to Sierra Leone, we propose to take such measures as may ensure to them the receipt of the Certificates of their emancipation, which may be of use to them in the present unsettled state of affairs in the Country about Cape Coast.

A Schooner was captured in Old Calabar River, by Commodore *Sir Robert Mends*, on the 10th of June last: she is named the *Conchita*, and is from Saint Jago de Cuba; her character is not determined; she had a Danish Flag; her Log-book, which was kept in the Spanish language, states her to be a Danish Vessel. Sir Robert Mends, the Captor, declares her to be a Spanish Vessel.

The Papers alleged to belong to this Vessel were brought into the Registry of the Mixed Court on the 29th of August, and the Proctor for the Captors wished to institute immediate proceedings against her; but neither the Vessel, nor any Person who could properly depose to particular facts relating to her detention, and to her Papers, had been sent to Sierra Leone by Sir Robert Mends, and no proper reason was assigned why she had not been sent to this Place for adjudication, as we conceive she ought to have been sent upon her capture without delay.

We, accordingly, did not think it right that Proceedings should be instituted as against the Vessel, until her arrival at Sierra Leone, or until her absence was properly accounted for.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

(Inclosure.)—Report of the Case of the Spanish Schooner Maria La Luz, *Jacinto Llobet, Master, condemned on the 8th of September*, 1823.

The Declaration of the Captor in this Case, Commodore *Sir Robert Mends*, was brought into the Registry on the 29th of August, 1823, with a Paper, the only one that was stated to have been found on board the *Maria La Luz*

at the time of her capture. This Declaration, dated on board of His Majesty's Ship Owen Glendower, off New Calabar River, the 6th of July, 1823, stated, that Sir Robert Mends sent the boats of His Majesty's Ship Owen Glendower, under the command of Lieutenant Pringle Stokes, up the River of New Calabar, situated in 4 d. 24 m. North Latitude, and 7 d. 11 m. East Longitude; that on entering the River, Lieutenant Stokes, on the 3d of July, found and took possession of a Schooner abandoned by her Crew, and having on board Seven Slaves, one of whom was in irons; that this Vessel had dropped down to the entrance of the River, and was on the point of sailing with 221 Slaves on board, when, perceiving the approach of the boats, she put back and landed all the Slaves except Seven; that on the following day, 184 Negroes were sent on board by the Chief of New Calabar River, as composing the cargo of this Vessel, which he declared to be Spanish, and that these Slaves had been purchased by her Captain from him and his People, and landed from the Vessel on the approach of the English boats; that Seven of the Spanish Seamen, composing part of the Schooner's Crew, delivered themselves up to the Captor; that, on taking possession of the Schooner, a white Flag and an American Pendant were found, but no Papers except a small Note written in the Spanish language, and signed Llobet; that she was armed with one long nine-pounder; that she appeared to be about 190 tons, and was provided with a sufficient quantity of provisions, water, and every other necessary for a voyage to the Island of Cuba, with 221 Slaves; that this Vessel was recognised by Lieutenant Stokes, and the Officers and men under his orders, to be the same which, on the 4th of June, 1823, in the same place, fired on the boats of the Owen Glendower, when they were proceeding to examine her with English Colours displayed.

This Declaration further stated, that the said Schooner in coming out of the New Calabar River was, through the ignorance and carelessness of a Native Pilot who had the charge of her, run on shore, and, notwithstanding every exertion was made to get her off, was totally wrecked on the 5th of July, 1823; that the Slaves were all taken into the boats, and taken on board of the Owen Glendower.

The Slaves were subsequently landed from the Owen Glendower, at Cape Coast, as appeared from a Declaration of Sir Robert Mends, dated on board of the Owen Glendower, off Cape Coast, the 6th of August, 1823. This Declaration stated that the Slaves having become unhealthy, and the Owen Glendower being unavoidably detained off Cape Coast, for the defence of the Forts against the Ashantee army, her return to Sierra Leone being uncertain, it was indispensably necessary, under these circumstances, to land the Slaves at Cape Coast, to be taken care of in the Castle by the Government of the Place, as their longer detention on board would be attended with greater loss amongst them, with the danger of spreading the contagion through the Ship. It was not stated what was the nature of the contagious disorder which prevailed amongst the Slaves, but, by an Affidavit of an Officer of the Owen Glendower, made in the course of the proceedings in the Case, it appeared that only 183 Slaves were landed at Cape Coast from the Owen Glendower, as belonging to the Maria La Luz, and that the number of deaths that occurred amongst them, betwixt the period of their capture and landing at Cape Coast, was therefore Eight. On the 29th of August, the Proctor for

the Captor prayed that a Monition might be issued, citing the Master or others interested in the Vessel, to appear before the Mixed Court. A Monition was accordingly issued on the next day.

Two of the Seven Seamen who had delivered themselves up to Sir Robert Mends after the capture of the Schooner, and who had been sent by Sir Robert Mends to Sierra Leone in an English trading Vessel, with some of the Officers of the Owen Glendower, were examined upon the Standing Interrogatories.

These Seamen deposed, "that the voyage of the Maria La Luz commenced at Saint Jago de Cuba, and was to have ended there; that the Master, who was named according to the one, Jacinto, according to the other, Jacinto Llobet, was a Native of Barcelona; that there were about Twenty Officers and mariners on board, exclusive of the Master; that there were Ten Spaniards, Four Italians, and others of different Nations; that they were hired at St. Jago de Cuba by the Master; that they all went on board at the same Place; that the Schooner sailed under French Colours; that they did not see any other colours on board; that they proceeded from Saint Jago de Cuba to New Calabar River, and there traded in Slaves; one of the Seamen said, that 221 Slaves, and the other that 231 Slaves, were embarked on board of the Schooner."

In the Depositions of these Seamen no mention was made of the re-landing of the Slaves of the Maria La Luz, which Sir Robert Mends, in his Declaration respecting the capture of the Vessel, had stated as having taken place on the approach of the English boats. The Commissioners required of the Proctor for the Captor to prove that the Slaves were re-landed from the Maria La Luz, as stated by Sir Robert Mends, and to prove that the Slaves that were delivered to Sir Robert Mends by the Chief of New Calabar, were the same that had been purchased by the Master of the Schooner, embarked on board of that Vessel, and re-landed from her by her Crew.

This proof was given on the 4th of September, by the Proctor for the Captor, by the Affidavits of Six of the Seamen of the Maria La Luz: they deposed as follows, viz.: "that they embarked upwards of five months ago, (that is from the 5th of September), at the Port of Saint Jago, in the Island of Cuba, as seamen on board of a Spanish Schooner, called the Maria La Luz, proceeding on a voyage to the coast of Africa for Slaves, and commanded by Don Jacinto Llobet, a Native of Barcelona, in Spain; that the Captain was the person who engaged them for the voyage, and he paid each of them the sum of 25 Spanish dollars as one Month's advance; that the Crew consisted of 21 in number, all Spaniards, except four, who were Italians; that they fitted out at Saint Jago de Cuba, with a cargo of goods suitable for the African trade, and sailed from that Place, on or about the 13th day of March last, and without touching at any Port arrived at New Calabar, in the Bight of Biafra, about the middle of last May: and Deponent, Andrew Gomez, states, that the Owner of the Maria La Luz is a Merchant residing at Saint Jago de Cuba, of the name of Jean Jacques; and Deponent, Joze Azucre, saith, that the said Jean Jacques sold the said Schooner to the Captain, Don Jacinto Llobet; and Deponent, Simon Auguere, saith, that, previous to his embarkation, Spanish Colours were always used on board of her; but all the Deponents declare, that they sailed from Saint Jago de Cuba without hoist-

ing any Colours, but on their approaching towards the Coast of Africa, the Captain ordered a white Flag to be hoisted."

"That immediately upon their arrival at New Calabar, they commenced trading for Slaves, and had collected 25, when, on the 4th of June, 1823, they observed a great many English boats advancing towards them, displaying English Colours, upon which they immediately got under weigh in the Schooner, and went farther up the River, where they landed their Slaves by the Captain's orders, and, in concert with the war canoes opened a fire on the boats—that two or three days after the departure of the boats from the River, they re-embarked the Slaves, and continued purchasing others; and when they had bought to the number of 221 Negroes, they dropped down to the entrance of the River, and were on the point of sailing for Cuba, when they received intelligence of the approach of the boats a second time. That they immediately returned with the Schooner to New Calabar, where they landed some of their Slaves, and abandoned the Vessel. That on the 3d day of July, 1823, these Deponents were taken by the English boats and conducted on board His Majesty's Frigate, the Owen Glendower." The Six Seamen, who deposed as above, further swore, that, " at the time when the boats of the Owen Glendower were approaching the said Schooner, Don Jacinto Llobet ordered the whole of the Slaves then on board, amounting to the number of 221, to be landed: and Deponents say, that the Slaves so landed were the identical Slaves that were afterwards delivered up by King Agu, Chief of the River New Calabar, as composing the cargo of Negroes purchased from him by the said Don Jacinto Llobet.—That the said Captain Don Jacinto Llobet, absconded at the time when the crew and Slaves abandoned the Vessel, and has never since been heard of, or seen by any of these Deponents, nor are they able to form any conjecture as to where or whence he is gone." An Affidavit made by an Officer of the Owen Glendower shewed, that 183 Slaves belonging to the Maria La Luz, were landed at Cape Coast from the Owen Glendower.

Upon this evidence, the Case was decided on the 8th of September. The Commissioners were of opinion that the Maria La Luz, being owned by a Spanish Subject; navigated by a Spanish crew; fitted out at a Spanish Port; and designed to return to that Port, with a cargo of Slaves; must be taken, in the absence of all proof to the contrary, to be a Spanish Vessel, and as such liable to the operation of the Treaty of the 23d of September, 1817. The Commissioners were of opinion that, as a Spanish Vessel, she had violated that Treaty, by having on board Slaves for Traffick, and were, therefore, of opinion, that she was liable to condemnation at the time of her capture, and that the Slaves belonging to her should be emancipated.

E. GREGORY.

Sierra Leone, September 10, 1823. D. M. HAMILTON.

No. 41—*Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received Feb.* 2, 1824.)

SIR, *Sierra Leone, November* 20, 1823.

In our Despatch of the 10th of September, we had the honour to address you, informing you of the adjudication of a

Spanish Vessel, named the *Maria La Luz*, and of some circumstances relating to a Vessel named the *Conchita*, that had been taken by *Sir Robert Mends*, commanding His Majesty's Ship *Owen Glendower*.

We have now the honour to acquaint you with certain proceedings, that have recently passed in the British and Spanish Court of Mixed Commission, relative to a Spanish Schooner named the *Fabiana*.

The Fabiana was brought to Sierra Leone on the Evening of the 16th of October. On the next day her arrival was reported to us by the Principal Clerk of the Mixed Commission, and by the Medical Officer attached to the same. In the Report of the Medical Officer it was stated that the Fabiana had on board 170 Negroes, of both sexes, the whole of which number, with the exception of three men and three women, were in a healthy condition. The Report of the Clerk stated that two Negroes had died on the passage from Bonny River, the place of capture, to Sierra Leone.

On the 18th of October, a Petition was presented by the Proctor for the alleged Captor, Sir Robert Mends, praying that all the Negroes might be landed, on the ground of the great sickness that then prevailed, and of the great mortality that had existed amongst them.

The matter of this Petition being considered to be quite at variance with the statement contained in the Report of the Medical Officer, it was withdrawn by the Proctor for the Captor, and another Petition, referring to the matter of that Report, as a ground for the landing of the sick Negroes only, was substituted in its stead. It had been represented to the Proctor for the Captor, that a landing of the Negroes, who were in a healthy state, would not be expedient, until the Papers of the Vessel had been brought into the Registry, and until the Commissioners were satisfied that she had a Spanish character. The sick Slaves were landed in the Evening of the 18th of October.

On the 20th, the Papers alleged to belong to the Fabiana were brought into the Registry, and presented to the Commissioners, with an Affidavit of a Mr. Batt, acting Second Master on board of His Majesty's Ship Owen Glendower, who brought the Fabiana to Sierra Leone.

The Affidavit made by Mr. Batt was to the effect, that the Papers delivered in by him were the same as were given by the

Mate of the Schooner to Lieutenant Gray, the Officer in charge of the boats capturing the Schooner, and afterwards given to Mr. Batt.

The Papers stated to belong to the Fabiana seemed to shew that she was a Spanish Vessel, which had sailed from The Havannah on the 5th of May, 1823. There were some Clearance Papers from the Authorities of that Place, allowing her to sail from thence for the Island of St. Thomas for purposes of a traffick of a licit nature.

To her Passport a Note was subjoined, expressing, that "the Fabiana was to return from St. Thomas with Articles of a legal commerce, and on no account was she to return with Slaves, as the Traffick in Slaves was prohibited by several Royal Orders, and by the Penal Code." The name of her Master was Manoel de Maria.

On the 21st, a Petition was presented by the Proctor for the Captor, praying, that all the Negroes on board the Fabiana might be landed. This petition was granted, and the Negroes were landed on the same day. On the 21st also, a Paper purporting to be a Declaration of Mr. Joseph Batt, was presented to the Commissioners. This Declaration was as follows, viz.

"I, Joseph Batt, acting Second Master of His Majesty's "Ship Owen Glendower, do hereby declare, that on the 14th "day of September, 1823, being in about 4 d. 28 m. North "Latitude, and 7 d. 21 m. East Longitude, the Vessel or "Schooner, called the Fabiana, sailing under Spanish Colours, "armed with one long six-pounder gun, commanded by Ma-"noel de Maria, was seized by the boats of His Majesty's "Ship Owen Glendower; that the Captain of the said "Schooner Fabiana, declared her to be bound from Bonny "River to The Havannah, with a crew consisting of 21 per-"sons, including the Captain and Mate, the greater part of "whom were Spaniards; that on the boats boarding her, she "had every appearance of having just landed her Slaves; "coppers large enough to cook for 200 persons were fitted "up, with every other article and apparatus usual in those "vessels, and necessary for the maintenance of Slaves; that "the Captain, Mate, and Crew, excepting two sailors, went on "shore to Bonny.

"That on the 16th day of September, after the said Vessel "had been so taken, King Peppel, one of the Chiefs of Bonny,

"delivered up 120 Slaves, stating that they were the Slaves "that were landed from the said Schooner on the Evening of "the 8th of September, 1823, and that they were only a part of "her cargo, the rest having been lost in the hurry of landing "them."

The general practice in the Courts of Mixed Commission had been, that the Commander of a capturing Vessel should send into the Registry a Declaration, stating the circumstances of, and the reasons for, the detention of a Vessel suspected to be engaged in the illegal Traffick in Slaves. No such Declaration was sent into the Registry in the present Case. The Declaration before the Commissioners was merely that of a very subordinate Officer of the Owen Glendower, which Ship was alleged to have detained the Fabiana.

Besides this departure from the general practice of the Courts of Mixed Commission, the Declaration of Mr. Batt was in itself defective, as it did not state that the detention of the Fabiana was made under the authority of Sir Robert Mends, the Commander of the Owen Glendower, to which Ship Mr. Batt was attached. In the Affidavit of Mr. Batt, made upon bringing the Papers of the Fabiana into the Registry, it was stated that the Fabiana was taken by the Owen Glendower, commanded by Sir Robert Mends. It is always expected, that the Affidavit made in regard to the Papers of a detained Vessel, and the Declaration detailing the circumstances of the detention, should agree with regard to the person by whom the detention was made. Further, no reason was given for the absence of a Declaration on the part of Sir Robert Mends; nor were the circumstances attending the detention clearly explained. Taking all these matters into consideration, we, on the 24th, intimated to the Proctor for the Captor, that we would hold a Court to receive proof, touching these matters, and touching the absence of the Master, and inferior Officers of the Fabiana, and to consider of the other matters of the Case, as soon as the Captor should be ready to offer such proofs.

On the 4th of November, an Affidavit of Mr. Batt was presented to the Commissioners by the Proctor for the Captor, with Depositions of two of the seamen of the Fabiana, and with a Petition, praying that a Monition might be issued, citing all Parties in the Case to appear before the Court.

Mr. Batt in his Affidavit, after re-stating most of the mat-

ters contained in his Declaration, deposed, that "the Captain "and Mate of the said Schooner Fabiana, together with all "the Crew, except two, by their own consent and request, were "allowed to go on shore to Bonny on the day the seizure was "made; that the Instructions of Commodore Sir Robert Mends "to him, Mr. Batt, and to the Officer in charge of the boats "employed on the expedition, at the time of their quitting His "Majesty's Ship Owen Glendower, were to the effect, that in "the event of any captures being made, any Vessel so captured, "was to be immediately dispatched to Sierra Leone under the "charge of the Deponent, without waiting to report the same "to the Commodore."

The two seamen of the Fabiana, amongst other matters, with which we will not now, Sir, trouble you, deposed that the Captain and Crew, excepting themselves, went on shore at the River Bonny at the time of the capture of their Vessel.

Upon a consideration of the facts disclosed in Mr. Batt's Affidavit, that the Fabiana was sent hither for adjudication at the discretion of a subordinate Officer of the Owen Glendower, that her detention was not expressly sanctioned by the Commander of the Owen Glendower, we were of opinion, that such a sending in, for adjudication, was irregular, inasmuch as it appeared to be opposed to the letter and to the spirit of the Treaty with Spain. We conceived that that Treaty, solely vested in the Commander of a Ship of the Royal Navy, properly authorized to make seizures of Vessels suspected to be engaged in the Traffick in Slaves, the discretion to send in for adjudication, Vessels detained by him, or under his authority, by boats of his Ship.

The Limitations to the Right of Search are such, under the Treaty, that it appears to be the very foundation of that Right, that it should be exercised with the greatest precaution by the Commanders of Ships of War, to whom the Instructions under the Treaty are issued;—that, consequently, the more important right of sending in a Vessel for adjudication should only be exercised by those Commanders, in order that the Powers concerned in the Treaty, may be fully assured that such Right will not be exercised, but upon a mature consideration of the reasons for her detention, and upon a proper reference to the Commander's Instructions.

We, therefore, did not think ourselves authorized to proceed further with the Case, unless the Proctor for the Captor

should give us good reasons why we should adopt a contrary course, and this we signified to the Proctor on the 4th of November, intimating to him at the same time, that we would hold a Court for the purpose of hearing him, should he think fit to address us. He has not hitherto expressed any desire to do so.

The Fabiana remains under the care of the Prize Master.

We entreat, Sir, your attention to the point of irregularity in this Case, which it has been our duty to bring under your view, in order that the inconvenience, which may follow the continuance of such irregularity, may be prevented by such Measures as you, Sir, in your wisdom may think fit to adopt.

It may not be unlikely that the irregularity which prevents, for the present, our proceeding with the Case of the Fabiana, may be removed hereafter by Sir Robert Mends, the alleged Captor. Should it be removed, we think that it may be proper to proceed with the Case.

It is said that Sir Robert Mends is at present at Cape Coast,and that he may be expected here about Christmas.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 42.—Messrs. Gregory and Hamilton to Mr. Secy. Canning.
(Received April 26.)

SIR, *Sierra Leone, January 20, 1824.*

We have had the honour to address to you, on the 20th of November last, a Despatch, acquainting you with certain Proceedings that had then recently passed in the British and Spanish Court of Mixed Commission, respecting a Spanish Schooner, named the *Fabiana.*

Towards the conclusion of that Despatch, we stated, that we did not think ourselves authorised to proceed further, at that time, with the Case of the Fabiana, unless the Proctor for the alleged Captor should give good reasons why we should pursue a contrary course; that we had signified the same to the Proctor, intimating to him, besides, that we would hold a Court for the purpose of hearing him, should he think fit to address us; that, up to the date of our Despatch, the Proctor had not expressed any desire to do so.

We further stated, that it might not be unlikely that the irregularity which prevented our proceeding with the Case,

might be removed by Sir Robert Mends, the alleged Captor, on his arrival hither from Cape Coast; and that, should the irregularity be removed, we thought that it might be proper to proceed with the Case.

His Majesty's Ship Owen Glendower, arrived at Sierra Leone on the 14th December, 1823, but without Sir Robert Mends, who had, unhappily, died at Cape Coast, on the 4th of September.

Until the 20th of December nothing further was done in the Case of the Fabiana, except that a Petition was presented towards the end of November, by the Proctor for the alleged Captor, praying that some of the Stores of that Vessel might be landed, in order to their better security; but the Petition was subsequently withdrawn, as it was conceived that the Stores would, without causing expence, be as safe, at that Season of the Year, on board of the Vessel as on shore.

On the 20th of December, a Declaration was tendered of Lieutenant Gray, dated on that day, on board of His Majesty's Ship Owen Glendower, then lying in this Harbour. Lieutenant Gray was the Officer who commanded the boats of the Owen Glendower, that made the capture of the Fabiana, as stated in our Despatch above-mentioned.

In his Declaration, Lieutenant Gray stated, that he was deputed by Commodore Sir Robert Mends, Captain of the Owen Glendower, with part of the Crew, and two boats of that Vessel, to seize and detain any Vessels which he, Lieutenant Gray, might find in the River Bonny, under the Spanish, Portuguese, or Netherlands Flag, trading in Slaves. Lieutenant Gray then stated the circumstances of the capture of the Fabiana, in the River Bonny, and proceeded to declare, that, having Orders from Sir Robert Mends to send such Vessels as he, Lieutenant Gray, might capture, direct to this Port, for adjudication, and finding her supplied with a sufficient stock of provisions, and other necessaries, for that purpose, he sent her to this Port forthwith. Lieutenant Gray further declared, that Sir Robert Mends died before he returned to the Owen Glendower.

With the Declaration of Lieutenant Gray, was presented a Petition of Mr. Macauley, as Agent for *the Captain* of His Majesty's Ship Owen Glendower, her Officers and Crew. This Petition prayed that the Commissioners would direct the usual Monition to issue in the Case.

Upon the 24th of December, we heard Mr. Macauley in open Court in support of his Petition.

Mr. Macauley stated, that it had not been intended that the Case of the Fabiana, should have been brought before the Court, immediately after the arrival of the Vessel at Sierra Leone; that the intention of Sir Robert Mends had been that the Vessels captured by Lieutenant Gray, should be sent to Sierra Leone to await his arrival, in order to his, Sir Robert Mends, bringing their Cases before the Court; that, if Sir Robert Mends' intention had been followed, and Sir Robert Mends had lived to arrive at Sierra Leone, his Declaration of the capture would have been filed, and the Case would have been adjudicated in the usual manner.

The proceedings against the Vessel had not been commenced by Mr. Macauley.

Mr. Macauley stated, that he was prevented by the circumstance of Sir Roberts Mends' death, from filing his Declaration; but he conceived that if Captain Stokes, who succeede Sir Robert Mends, in the Owen Glendower, were here, that it would be competent for him to file a Declaration in the Case. That Captain Stokes' Declaration could not at present be filed, by reason that Captain Stokes had proceeded to England from Cape Coast. Mr. Macauley stated, that for these reasons, he had filed the Declaration of Lieutenant Gray, who had made the capture of the Fabiana.

Mr. Macauley particularly urged the unavoidable absence of Captain Stokes, as a reason why the want of a Declaration of the Senior Officer of the Owen Glendower, at the time of the capture of the Fabiana, should not prevent the issue of a Monition. Mr. Macauley seemed to place Captain Stokes in the situation of a Captor of the Fabiana. Mr. Macauley read part of a Letter which Captain Stokes had addressed to him from Cape Coast, stating, that he would share in the benefit to be derived from the condemnation of the Fabiana, as Captain of the Owen Glendower, the capture of the Fabiana having taken place on the 14th of September, ten days after the death of Sir Robert Mends.

Mr. Macauley, with reference to the opinions that had been expressed by us,—that a Declaration placed the Captor of a Vessel to be adjudicated before the Court, and fixed upon him the responsibility attending the adjudication, asked us whether we would admit Captain Stokes' Letter, or such part of it as

related to the Fabiana, as an acknowledgment on the part of Captain Stokes, that he would take upon himself the responsibility attending the adjudication of the Fabiana, or, in effect, whether we would admit that Letter, or such parts of it as were applicable to the Case in question, instead of the usual Declaration.

Taking the matters urged by Mr. Macauley into consideration, we gave our opinions upon them in open Court on the 15th instant.

The principal reason for our not proceeding with the Case, when it was first brought before us, was, as you are informed, Sir, by our former Despatch, the irregularity of the act of Lieutenant Gray, in capturing and sending the Fabiana hither for adjudication, at his sole discretion, contrary, as it appeared, to the letter and to the spirit of the Treaty with Spain. The want of a Declaration on the part of Sir Robert Mends, who was set forth in the Papers as the Captor of the Fabiana, was another irregularity which required that we should not proceed immediately with the Case.

In deciding upon the matters urged by Mr. Macauley, in support of his Petition for a Monition in the Case, as already mentioned, we expressed our opinions, that it appeared from the Papers before us, that Lieutenant Gray had captured the Fabiana, and had sent her hither, not that she should await the arrival of Sir Robert Mends, in order to his bringing her before the Court, as stated by Mr. Macauley, but, in order that she should be promptly brought to adjudication; that this act was irregular, as it was done by a subordinate Officer of the Owen Glendower, unauthorised by the Treaty to send in Vessels for adjudication.

That, it had been conceived, that, if this irregularity could have been removed by Sir Robert Mends, the Case might have been prosecuted in the usual manner, but it was now doubted, upon an extended consideration of the Case, whether the irregularity could have been removed by Sir Robert Mends, as the capture, and the sending for adjudication, had been the sole act of an unauthorised Person.

At all events, Sir Robert Mends was no more, and the original irregularity, as before, existed to stop our proceedings.

The impediments in the way of our proceeding in the Case, were greatly increased by the knowledge of the fact, that the capture of the Fabiana had been made ten days after the death

of Sir Robert Mends, in whose name the prosecution had been commenced, and by the fact of a pretender to the benefits to be derived from the condemnation of the Vessel, or, which was the same, that another Captor had sprung up in the Case.

We conceived, Sir, that Cases for adjudication ought to come before the Commissioners unembarrassed by such questions as the Case of the Fabiana now involved. We conceived that it ought not to be for the Commissioners to determine who shall be the Prosecutor in a Case, but that the Prosecutor shall be determined before the Case be brought into the Court for prosecution.

With regard to Captain Stokes' Claims, to be considered as the Captor of the Fabiana, we expressed an opinion that we could not admit that his Letter to Mr. Macauley brought him formally before the Court. That it was not to be overlooked that the Case was burthened with an irregularity which did not arise from any act of Captain Stokes, and that Captain Stokes was not aware of this irregularity, as he had proceeded to England from Cape Coast without having any knowledge of the view which the Commissioners had taken of the Case. We stated that we were unwilling, however, to close the proceedings in the Case against Captain Stokes, as there was not any particular reason which called for a speedy decision. That if Captain Stokes should choose, hereafter, to appear formally before the Court, the Commissioners would consider how they should act with respect to him, but we wished it to be clearly understood that we did not pledge ourselves to admit him as the Captor in the Case.

Expressing the above opinions we did not direct the issuing a Monition.

We were inclined to think that, as the capture and sending in for adjudication appeared to be the acts of an unauthorised or incompetent Person, that the Case did not come under the operation of the Treaty, and that, as it stood, it could not be adjudicated by the Mixed Court.

Mr. Macauley then asked whether the Fabiana might not be sold by order of the Court; the proceeds of her sale to be lodged in the Registry of the Court. We did not see any objection to the sale of the Vessel, and, upon the motion of Mr. Macauley, she was ordered to be sold accordingly.

In our former Despatch we took leave, Sir, to draw your attention to this Case. We (now that all the circumstances of

the Case have been presented to you,) respectfully request that it may again be taken into your consideration, and hope that we may be honoured with your Instructions upon the particular points which the Case involves.

Of Forty-six Cases that have, to the present period, been adjudicated in the several Courts of Mixed Commission, there are, we believe, only Two Cases of adjudication which bear any analogy to the present Case of the Fabiana. One of those Cases was that of the Portuguese Brigantine *Conde de Villa Flor*. That Vessel was taken by the boats of His Majesty's Ship Iphigenia, commanded by Sir Robert Mends, and no Declaration was given in to the Registry by that Commander. But in that Case, Sir Robert Mends, who was at Sierra Leone when the Conde de Villa Flor was brought hither, informed himself of the circumstances of the capture, and the proceedings were commenced and almost brought to a close under the view of Sir Robert Mends, so that the want of a Declaration in that Case, can only be considered as a mere informality.

The other Case, was that of the Spanish Schooner Joseph. The Case of the *Joseph* certainly approaches very near to the Case of the Fabiana, but in that Case, which involved many points for consideration, the question of the capture by a Lieutenant of the Iphigenia, and the want of a Declaration of the Commander of that Ship, did not come so naked before the Commissioners, as does the point which is involved in the Case of the Fabiana.

The Joseph was captured at the Gallinas, by a detachment from the Iphigenia, whilst the Iphigenia was lying in this Harbour. The Joseph arrived at Sierra Leone before the Iphigenia quitted the Harbour. The Joseph was not immediately brought into this Court, but was, in the first instance, prosecuted in the Court of Vice Admiralty. Sir Robert Mends, who commanded the Iphigenia, was absent from Sierra Leone when the Case of the Joseph was brought into the Mixed Court; but as the Joseph was brought into this Harbour, whilst Sir Robert Mends was still within it, the question of the capture, by the Lieutenant of the Iphigenia, did not attract particular attention.

The principal object of attention, was the fact that the detachment from the Iphigenia, was on board of The United States Schooner Augusta, when the Joseph was detained. This fact gave rise to some discussion betwixt the Parties in

the Case. The Commissioners decided in favour of the Captor, but they have since learnt from you, Sir, that the means by which the Joseph was detained, are not altogether to be encouraged.

We think it right, Sir, to observe, for your further information in the Case of the Fabiana, that two seamen of that Vessel deposed, on their examination upon the standing Interrogatories, that the Fabiana, at the time of her capture, was about to sail from the River Bonny for The Havannah, with about 230 Slaves on board; that perceiving the capturing boats, she put back and landed the Slaves, who were afterwards given up to the English by the Native Chiefs.

We have, &c. E. GREGORY.

The Rt. Hon. George Canning. D. M. HAMILTON.

No. 43.—Mr. Secretary Canning to the British Commissioners at Sierra Leone and The Havannah.

GENTLEMEN, *Foreign Office, February* 25, 1824.

I herewith furnish you, for your information and guidance, with the Copy of a *Declaration** which His Majesty's Ambassador at Madrid and the Spanish Minister of State concluded and signed at Madrid, on the 2d of February 1824, in correction of a Clerical Error which had crept into the Additional Article of the 10th of December, 1822, to the Treaty between His Majesty and The Catholick King, for the prevention of illegal Traffick in Slaves.

I am, &c. GEORGE CANNING.

His Majesty's Commrs. at Sierra Leone and The Havannah.

SIERRA LEONE. *(Portugal.)*

No. 44.—Messrs. Gregory & Fitzgerald to Mr. Secy. Canning. (Received June 2.)

SIR, *Sierra Leone, April* 22, 1823.

We have the honour to address to you, in connection with our present Despatch, a Statement of the first part of the Case of the Portuguese Schooner *Sinceridade*, terminating with the restitution of the Vessel. The Case respecting the Slaves found on board of the Sinceridade, at the time of her detention, was reserved for further consideration.

* See Class A. Spain, p. 355.

The Sinceridade was taken on the 3d of December, 1822, by His Majesty's Ship Bann, Captain Phillips, in Lat. 0 deg. 8 min. South; Long. 5 deg. 26 min. West.

The Sinceridade had on board of her at the time of capture, one hundred and twenty-three Slaves, embarked at Fetiche Point, near Cape Lopez, in about 1 deg. 20 min. South Lat. The Territory of Cape Lopez is not subject to the Crown of Portugal, neither is it within the range of Coast in which the Slave Trade is preserved and declared legal for Portuguese Subjects, by the Second Article of the Convention.

The illegality of this embarkation was urged in argument in various forms, as being contrary to the direct object of the Treaty and Convention, between His Britannick Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffick in Slaves. It was thence contended, that this illegality should countervail and outweigh the consideration of the restraint imposed on the detention of all Portuguese Merchantmen and Slave-ships to the Southward of the Equator, by the Fourth Article of the Instructions for Ships-of-War, annexed to the Convention:—Art. 4. "No Portuguese Merchantman or Slave-ship "shall, on any pretence whatever, be detained, which shall be "found any where near the Land, or on the High Seas, South "of the Equator, unless after a chase, which shall have com-"menced North of the Equator."

The Commissioners considered the terms of this Article to admit no exception, but the single one included in it,—of detention after a chase, commencing North of the Equator. No chase of that description had preceded the capture of the Sinceridade; consequently the detention was illegal, and the Commissioners felt themselves bound to decree—that the Vessel should be restored, reserving for further consideration the Case of the Slaves found on board of her at the time of capture.

We trust, Sir, that it will be satisfactory to you to be informed, that an arrangement has taken place respecting the Slaves, by which they are exempted from being personally liable to restitution. That arrangement has been framed by the Parties, under the sanction of the Court, upon the principle of a reserved Case. The amount for compensation of the Slaves, to be paid in the event of a decision in favour of the

Claimants, upon the point reserved, is estimatcd according to the original cost, with the expences incurred.

The amount thus calculated, is to be received in full satisfaction, if, upon a question reserved, as to the right to receive compensation under the circumstances of illegality, connected with the Place of embarking the Slaves, and the want of a legal Passport for the voyage, such question should be determined in favour of the Claimant.

This Question is to be decided by the two Governments, or by those to whom they may refer it.

If the decision should be—that the illegality of the Place of purchase, and shipment, and the further illegality of the want of a Passport, extinguish the right to compensation for the Slaves, all further claim respecting them is renounced.

A composition for all other damages is included in the arrangement. We shall have the honour to transmit to you, Sir, the particulars by the next conveyance. The total amount very little exceeds Ten pounds for each Slave.

We have, &c. E. GREGORY.
EDWARD FITZGERALD.

The Rt. Hon. George Canning.

(Inclosure.)—Abstract of the Case of the Portuguese Schooner Sinceridade, *J. Gomez de la Roche, Master, liberated the 13th of February,* 1823.

The Declaration of the Captor, Charles Phillips, Esquire, Commander of His Britannick Majesty's Ship Bann, states, "that, on the 3d day of December, 1822, being in or about the Latitude of 0 deg. 8 min. South; and Longitude, 5 deg. 26 min. West; he detained the Sinceridade, sailing under Portuguese Colours, commanded by Joze Gomez de la Roche, who declared her to be bound from Cape Lopez to Pernambuco, with a crew consisting of 14 men, and having on board 123 Slaves, said to have been taken on board at Cape Lopez."

The Declaration concludes thus, "and I do further declare that the Sinceridade was fallen in with to the Southward of the Line, without any regular Passports."

This Declaration is without a date, but it is to be supposed that it was made out, as it ought to be, immediately upon the detention. The Declaration is attested by John Hudson, and by Alexander Stewart, second Surgeon.—Mr. Hudson is one of the Lieutenants of the Bann.

The time and place of the Capture, as well as the other circumstances included in the Declaration, are, therefore, to be considered as marked and authenticated with perfect precision on the part of the Captors,—the circumstances of the locality being of the utmost importance towards the decision to be passed upon the Case, inasmuch as the detention took place so very near to the Line,—but still distinctly to the South of the Line.

In a Memorandum, found in the private Note-book of the Master of the Sinceridade, it is stated that "the Sinceridade was taken by an English Frigate, under American Colours, in Latitude 0 deg. 8 min. South; Longitude 4 deg. 54 min. East, from London." The Memorandum adds, that "the Captors detained the Sinceridade as a good prize, with 123 Slaves; that from the time when the Sinceridade had commenced trading, 152 had been purchased, of whom 29 had died in Port, leaving 123 when taken.

This Statement of the Master of the detained Vessel, coincides with the Declaration of the Captor, as to the point of Latitude in which the detention took place.

It appeared by the Papers of the Sinceridade, that the Vessel belonged to Joze Manoel Vieyra da Silva and to Doarte Joze de Mello, of St. Paul de Loando; that she was despatched thence, about the 9th of August 1822, professedly on a legal Slave-trading voyage, to go first to the Island of St. Thomas, with a particular shipment of goods, to be then sold or exchanged for particular goods in return, which were to be carried to Brazil, for the benefit of the Owners. At St. Thomas provisions were to be laid in for the Slaves that were to compose the cargo; and these were to be taken on board at Molembo, to which Place the Sinceridade was to proceed from St. Thomas for the purpose.

There was not any Royal Passport for the voyage, in the form required by the Convention, nor yet any local Passport, such as the Persons in Authority, in the Portuguese Settlements on the Coast of Africa, are in the habit of substituting for Royal Passports.

The only Official Document that had reference to the nature of the voyage, was one from the Custom House of St. Paul de Loando, which makes mention of a bond and sureties for the payment of The King's duties, within twelve months. This Paper states that the Sinceridade was to go to Molembo, and to take in a cargo of Slaves to be carried to Pernambuco: no mention is made of the specifick number to be carried, nor of the tonnage of the Vessel, according to which that number should be fixed, in the proportion of five to every two tons, according to the Alvara of His Most Faithful Majesty.

It appeared, by examination of the Master and seamen of the Sinceridade, upon the standing Interrogatories, that the Slaves on board of the Sinceridade, were embarked, not at Molembo, but at Fetiche Point, near Cape Lopez, about 1 deg. 20 min. South of the Line,—a Place not within the Dominions of the Crown of Portugal on the Coast of Africa, and not included within the limits in which the Slave-trade is declared legally open to Portuguese Subjects, by the Second Article of the Convention added to that Treaty.

When the Commissioners came to pronounce their Judgment upon the Case, (all the material facts and circumstances of which are comprized in the preceding recapitulation,) it appeared to them that the provision of the Law of the Court most immediately applicable, was the Fourth Article of the Convention. That Article declares, that "no Portuguese Merchantman or Slave-"ship shall, on any pretence whatever, be detained, which shall be found any "where near the land, or on the high seas, South of the Equator, unless after "a chace which shall have commenced North of the Equator."

It appeared to the Commissioners that the prohibition imposed by that Article was so absolute and universal, as not to admit any qualification or ex-

ception beyond the single one included in it—of captures to the South of the Line, after a chace commencing to the North of the Line.

The Captor did not in any way allege that there had been a chace commencing North of the Equator; but it was stated particularly by him, in Court, that he had gone in search of the Sinceridade, in consequence of information derived from Papers found on board of the Magdalena, taken by him some time before. A Letter written by the Master of the Sinceridade, addressed to a Person at St. Thomas, forwarded by the Magdalena, and found among the Papers of that Vessel, was invoked by the Captors at the close of the proceedings, for the purpose of putting the Court in possession of the information supposed to be contained in it; and it was contended, in argument, that going in search of the Sinceridade, in consequence of this information, was to be regarded as equivalent to a chace.

This Letter was translated on the Bench, by Mr. Altavilla and Mr. Gregory; but it did not contain the information that was supposed by the Captors, and it had no date of time or place. The Magdalena, however, had taken in her Slaves at the same Place, and the Master of the Sinceridade had proved on the trial of that Vessel, that two Slaves, mentioned in this Letter, were sent by him on board of the Magdalena to the Person to whom the Letter was addressed. The Commissioners, therefore, from their previous knowledge of these and other circumstances, were disposed to give full credit to the statement, alleging that Captain Phillips had gone in search of the Sinceridade in consequence of information derived by him from the previous capture of the Magdalena; which information, as he further stated to the Court, led him to think that the Sinceridade would be ready to sail about the time.

The Magdalena was taken by the Bann, on the 29th September, off Princes Island, and was delivered over to the Persons in Authority in that Island, on the 30th of that Month, for safe custody until adjudication. The Sinceridade was taken on the 3d of December; and the Declaration of Captain Phillips simply states, that "the Sinceridade was *fallen in with* to the "Southward of the Line," without saying any thing of being in search of her. The Commissioners could not think themselves warranted to consider a going in search, at so long an interval after the information received, equivalent to the kind of chace contemplated by the Fourth Article of the Convention, which appears to be a chace actual and immediate. It was also argued that a capture so near to the Line as 8 minutes could hardly be regarded as beyond the boundary. The Commissioners seeing that the Equator was fixed by the Convention as the Line beyond which detention should not be legal, could not avoid holding as illegal any detention distinctly beyond that Line.

The other principal arguments were—that the object of the Treaty and Convention was to put a stop to illegal Slave-trade; that the limitation imposed by the Fourth Article upon the exercise of the Right of detention, ought not to be so construed as to exempt a Vessel, having a cargo of Slaves embarked on a part of the Coast where the traffick is illegal, from the penalties and forfeitures by which the Treaty and Convention sought to restrain and prevent such illegal traffick. The want of a proper Passport was represented as an aggravation of the illegality.

The Commissioners considering the restraint upon the detention of Portuguese Vessels to the Southward of the Equator as absolute and peremptory, with the single exception of Cases in which there should be a previous chace commencing North of the Line, could not allow the restraint to be superseded by the consideration of the illegality of the shipment of the Slaves found on board, or of the other points of illegality stated in argument.

It was, therefore, the opinion of all the Commissioners—that the Vessel should be restored to the Master, who had filed his Claim a few days before. The admission of this Claim at so late a period was opposed on behalf of the Captor; but the Commissioners were sensible, from experience, of the extreme difficulties that are attendant upon the liberation of detained Vessels when there is not any Person qualified to receive them: they were desirous also to give every facility to those, having rights and interests in matters before the Court, who may be restrained, in the first instance, by prejudices natural to Foreigners, or by the dread of incurring legal expences too burthensome for the limited means that they possess, independent of their Vessels. The Claim was therefore admitted. Mr. Altavilla had previously suggested to the Claimant, the expediency of giving a Claim.

On the 13th of February the Court passed a Decree for the restitution of the Vessel. The Case respecting the Slaves on board of her was reserved for further consideration.

E. GREGORY.
EDWARD FITZGERALD.

No. 45.—E. Gregory, Esq. to Mr. Secretary Canning.—(Received August 20.)

SIR, *Sierra Leone, June 6, 1823.*

I have the honour to transmit to you with this Despatch, a Statement of the Proceedings of the British and Portuguese Courts of Mixed Commission, upon the question of compensation and damages consequent upon the restitution of the Portuguese Slave-trading Schooner *Sinceridade*, illegally detained by His Majesty's Ship Bann, Captain Phillips, on the 3d December 1822, in Latitude 0d. 8m. South of the Equator.

The decision, as you will observe, Sir, is in the form of a reserved Case. The Slaves found on board of the Sinceridade, were delivered over to the Colonial Authorities, and the damages in compensation for them, are fixed at £1250, to be paid, contingently, in the event that those to whom the reserved Question may be referred, shall decide that the Claimant is, under all the circumstances, entitled to compensation for those Slaves. Upon this Question the Commissioners could not themselves satisfactorily decide, for, while on one side the illegality of the capture appeared to imply a right to such compensation as would replace the Claimant in the situation from

which he was illegally taken, the illegality of the embarkation of those Slaves, in a Territory not belonging to the Crown of Portugal, without a regular Slave-trading Passport, or even a Passport from the Persons in Local Authority at Saint Paul de Loando, the Port from which she sailed, appeared to defeat the right of compensation, so far as the Slaves were concerned, and more especially to defeat that right, with respect to the eventual profits upon the conveyance of those Slaves to Brazil.

If compensation should not be allowed, it would seem that encouragement was given to the infringement of the special prohibition against the detention of any Merchantman or Slave-ship found to the South of the Equator; and if compensation should be allowed, it would seem that encouragement would be given to the violation of the special object of the Convention, which is to prevent illegal Slave-trade.

In this dilemma the Commissioners felt that they could not come to a decision in either way, without overstepping considerations of the most serious importance in the due administration of justice under the Treaties; and although they were extremely unwilling to trouble the Superior Authorities with questions which it might be thought that they were themselves bound to decide, without any ulterior reference, they were persuaded that the justice of the particular Case under deliberation, would be best consulted by placing it at once, unencumbered by any decision of theirs, under the view of those Authorities who might, by reference to the views in which the Convention was concluded, more easily ascertain which branch of the alternative that embarrassed the Commissioners was to be preferred; and, if the dilemma arose from defect or inconsistency in the Convention might immediately apply the proper remedy by supplementary provision.

I have the gratification, Sir, to execute the intention which my lamented Colleague, Mr. Fitzgerald, entertained, of laying before you the inclosed Statement of the reasons for which he persevered in promoting an arrangement between the Parties in the Case. I, at the same time, beg leave to transmit herewith a Copy of the Agreement that was entered into by the Parties, in regard to the matters at issue between them. I trust, Sir, that the terms of this Agreement will be satisfactory to you; and that you will see in the motives, sufficient reason to excuse the reference with which His Majesty's Com-

missioners would not have troubled the Superior Authorities, if they could themselves have properly decided the question referred.

Conceiving, Sir, that you will be desirous to be in possession of the Evidence upon which the Commissioners gave their decision on the question of the legality of the detention of the Sinceridade, I beg leave to add to the Inclosures already mentioned, Copies of the Examinations of the Witnesses taken, with Copies of several Documents brought forward in the Case.

I have, &c. E. GREGORY.

The Right Hon. George Canning.

(*Inclosure.*)—*Statement of the Proceedings of the British and Portuguese Court of Mixed Commission, upon the Question of Compensation and Damages, consequent upon the Restitution of the Portuguese Schooner* Sinceridade.

Immediately after the Judgment for the restitution of the Sinceridade was pronounced, the Proctor for the Claimant intimated to the Court, a disposition to make an arrangement respecting the Slaves, on conditions which would leave them in this Colony, in possession of the benefits of the Establishment for liberated Africans, subject to the decision of the British and Portuguese Governments, as to the Compensation that may be due to the Claimant.

It was recommended by the British Commissioners, that the Captor should communicate with the Proctor for the Claimant, so as to inform himself of the precise nature of the arrangement pr posed, and, if it should appear reasonable, that it should be brought before the Court by both Parties conjointly.

The Parties did not come to any understanding in consequence of this recommendation, and the Case was brought to a hearing on the adverse views which the Parties reciprocally had of their rights respecting the Slaves.

In the argument in behalf of the Captor, it was contended, that the Slaves ought to be emancipated, inasmuch as they had been illegally embarked on a part of the Coast of Africa, not under the Dominion of Portugal, and not included in the limits within which the Slave-trade is by the Convention preserved to Portuguese Subjects. The want of the Passport necessary to a legal Slave-trading voyage, was enforced as a further reason for not holding the Claimant entitled to the restitution of these Slaves.

On the part of the Claimant, a right to the full restitution of the Slaves was maintained, and generally to full compensation, in order that he may be replaced in a situation equivalent to that in which the illegal detention took place.

The restitution of the Vessel, as having been detained illegally, implied, as it was contended by the Proctor for the Claimant, a right to the restitution of every thing on board, at the time of capture, in the condition in which it was at the time, or to compensation for every thing that might be deficient or deteriorated. It was further contended, that the Place of the embarkation of the Slaves was not within the limits in which the Trade is declared illegal;

and the want of a Royal Passport might be considered sufficiently supplied, by the Paper from the Custom House of St. Paul de Loando, describing the intended Slave-trading voyage from Molembo to Bahia. A right to all the farther compensation provided by the Eighth Article of the Regulations for the Mixed Commissions, was also asserted.

The Commissioners, on consulting together, after they had heard the arguments of the Parties, felt considerable difficulty; or rather the British Commissioners,—for Mr. Altavilla, the Portuguese Commissioner, regarding a Decree for the restitution of the Slaves as consequent of right, according to the provisions of the Convention, upon a Decree for the restitution of the Vessel, as having been illegally detained, had not the same feeling of the difficulties which stood in the way of the execution of such a Judgment; conceiving that the British Government would be bound to carry the Judgment into effect.

Mr. Gregory thought, that any Judgment that he might give upon the Case, might be liable to objection, considering that the arguments of both the Parties in the Case had considerable weight. Mr. Gregory confessed, that his mind inclined to the restitution of the Slaves to the Claimant; yet he felt that a Decree of restitution would be attended with difficulty in its execution, in regard to a portion of the Slaves that had been landed through sickness; and that it would be a measure painful to humanity in regard to those that remained on board.

Mr. Fitzgerald had doubts of the right of the Claimant to the restitution of the Slaves personally, or to any compensation for them. The personal restitution could not be carried into effect, if it should be decreed; nearly half of the Slaves had already been landed under the orders of the Medical Officer attached to the Court, and others were landed in the same manner every day: these could not again be put on board. It was known to the Commissioners that the provisions for the original voyage were consumed, and that the Claimant had not the means to lay in a fresh stock for the voyage from Sierra Leone to Pernambuco. It would not be fair towards the Claimant, if he were justly entitled to restitution, to require him to accept the Slaves without the means of subsisting them; much less would it be fair towards the Slaves, to re-consign them to slavery, with the additional misery of exposing them to the hazard of famine. Upon these considerations, Mr. Fitzgerald recommended a decision upon the principle of a reserved Case, in which the Slaves should be exempted from liability to personal restitution; and a pecuniary compensation for them, calculated upon fair and moderate principles, should be adjudged in lieu of the Slaves, subject to a question as to the right of the Claimant to receive compensation under the circumstances of illegality, attached to the Place of the embarkation of the Slaves, and the want of a legal Passport.

Mr. Fitzgerald, on a subsequent occasion, explained his proposition further, by stating—that the question of the right to compensation should be determined by the British and Portuguese Governments, or those to whom they should refer the determinations, upon the alternative, whether the illegality of the detention of the Sinceridade to the South of the Equator, should be held to supersede the illegality of the embarkation of the Slaves on a part of the Coast of Africa, not subject to the Crown of Portugal, and not within

the limits in which the Slave-trade is preserved to Portuguese Subjects by the said Article of the Convention; or whether the illegality of the embarkation in the Place described, together with the further illegality of having no legal Passport for a Slave-trading voyage, should be held to extinguish the right to compensation for the Slaves thus illegally embarked and carried. The compensation to be awarded, subject to this decision, should not, as Mr. Fitzgerald thought, exceed the original cost of the Slaves on board at the time of capture, together with the expences incurred respecting them.

Mr. Gregory expressed his desire to favour any arrangement, which might bring the question that was involved in the Case, at its outset, before Superior Authority, and that might enable him to avoid the personal restitution of the Slaves; but Mr. Gregory considered that the consent of the Captor to such arrangement, was absolutely necessary, before a pecuniary compensation could be substituted in lieu of personal restitution.

Mr. Altavilla would be disposed to give his sanction to a pecuniary compensation, if the Parties should concur in praying for it, but not otherwise.

On the next Court-day, the 22d of February, Mr. Fitzgerald urged to the Court, and to the Parties, the expediency and the necessity of an arrangement upon the principle of a reserved Case. Besides the arguments already mentioned, he stated, that it was a fallacious supposition that funds might be obtained for provisioning the Slaves for a voyage to Brazil, by means of pecuniary damages, to be awarded under collateral heads. Demurrage, the principle head of pecuniary damages, could not be adjudged in this Case, as the Vessel was under 100 Tons burthen, and the scale annexed to the 8th Article of the Instructions for the Mixed Commissions, was formed on an ascending principle, from 100 Tons upwards, without any provision for Vessels under that size. The Commissioners, therefore, in the present Case, could not award demurrage under that Article. It could hardly be supposed that any damages which might be awarded, would be in cash, neither could it be expected that a certificate of the award of damages could be discounted in the present state of the exchange and money market at Sierra Leone, (as, in a former instance, that of the Gaviao,) when the means of remittance to England were difficult to be obtained in the Colony.

Mr. Gregory stated, that he could not object to the arrangement which had been proposed by Mr. Fitzgerald, and would feel happy in giving to it his concurrence, if the Captor would consent to its adoption; but Mr. Gregory conceived, as the tenour of the proposed arrangement affected the interests of the Captor, inasmuch as it required the Captor to pay for the value of the Slaves, in case of an adverse decision, that the Captor's consent to the arrangement was, therefore, necessary. Mr. Gregory joined his earnest wishes to those of Mr. Fitzgerald, that the Captor would consent to such arrangement.

After some further discussion, it was again strongly recommended to the Parties, that they should endeavour to come to an understanding for an arrangement on the principle proposed. The Court adjourned, in order to afford further opportunity.

When the Court met, on the 25th of February, after the adjournment, it was found that the expected agreement had not taken place. The Judgment

of the Court was moved for by the Proctors on both sides. Mr. Fitzgerald, thinking that the arrangement that had been proposed by him had been prevented, by not bringing the matters in question to any distinct and precise basis, therefore put it to the Proctor for the Claimant, whether he would agree to receive compensation for the Slaves in the amount of their original cost, and of the expences incurred respecting them, subject to the decision of the two Governments, or of those to whom they should refer, upon the question previously stated of the existence of any right to be compensated. It was to be understood that, in the event that the right to compensation should be established, the sum to be agreed upon should be taken in full satisfaction; in the event that the right should be negatived, all Claims whatever should be abandoned, and that the exemption of the Slaves from being in any event liable to personal restitution should be considered as the first principle of the arrangement. If the Proctor for the Claimant should agree to this proposition, Mr. Fitzgerald did not think that the Captor could reasonably refuse to come to an arrangement upon it.

The Proctor for the Claimant having expressed his assent, the Proctors for the Captor, stated, that they would use their endeavours with the Captor to induce him to consent to the adoption of an arrangement which to them appeared to be reasonable. The British Commissioners urged the Proctors for the Captor to consult with their Client upon the matter. Mr. Gregory stated, that if he were compelled to pronounce a decision upon the Case, by the refusal of the Captor to accede to the proposed arrangement, his decision must be for the restitution of the Slaves to the Claimant; that it must be felt that to pronounce such a decision must be painful in the extreme, under the circumstances of doubt in which the question of the restitution was involved; he intreated the Proctors for the Captor to save him the pain of pronouncing upon a question which involved the freedom or slavery of a portion of his fellow-creatures, by exerting their best endeavours with the Captor to consent to the proposed arrangement.

The Captor subsequently concurred in adopting the basis of the arrangement, proposed by Mr. Fitzgerald. The agreement formed in consequence was submitted, on the 15th of March, to the Court for the sanction of the Commissioners, who approved of it, in the form of which the accompanying Paper is a Copy.

When the Paper containing the agreement between the Parties in this Case, was presented to the Commissioners in Court for their approval, the Proctors for the Captor said, that they requested the attention of the Commissioners to the Ninth Article of the Regulations for the Commissioners, which provides that "when the Proprietor of a Ship suspected of carrying "on an illicit Trade in Slaves, released in consequence of a Sentence of one "of the Mixed Commissions, (or in the case as above-mentioned, of total loss,) shall claim indemnification for the loss of Slaves which he may have "suffered, he shall in no case be entitled to claim for more than the number "of Slaves which his Vessel was, by the Portuguese Laws, authorized to "carry, which number shall always be declared in his Passport."

The Proctors for the Captor thought that this provision of the Convention, barred the Claimant in this Case from claiming the Slaves brought to Sierra Leone, in the Sinceridade, as the Claimant had no Passport to produce

which could shew the number of Slaves that the Sinceridade was allowed to carry, by the Portuguese Laws. Certainly, the Proctors for the Captor thought that the Claimant in this Case could not claim the value of the Slaves that might have died on the passage to, or after their arrival at, Sierra Leone. The Proctors for the Captor said, that, as they had already entered into an agreement with the opposite Party, in regard to the Slaves, they would not then contend for the construction of the Ninth Article, that the Claimant was not entitled to compensation for the Slaves; but they requested that the Commissioners in reporting the Case to their Governments, would bring under their notice this provision of the Ninth Article of the Regulations for the Commissioners. The Commissioners said, that this Article had not escaped their observation. The British Commissioners would bring it under the notice of the British Government, as requested by the Proctors for the Captor. E. GREGORY.

(Inclosure.)—Agreement between the Captor and the Claimant.

The Commissioners being disposed to make their further Judgments, consequent upon the restitution of this Vessel, in the form of a Case, reserving to the two Governments the decision upon certain questions arising out of the particular circumstances connected with the detention of the Vessel, and also out of the particular circumstances connected with the embarkation and carriage of the Slaves, found on board of her at the time of her detention, so as to render it doubtful in the view of the Commissioners, whether the Claimant should be entitled to compensation for those Slaves, on the ground of the illegal detention of the Vessel, to the Southward of the Equator, or held to be debarred from all right to such compensation, by the want of a legal Passport for the Slave-trade, and by the illegality of the embarkation of the Slaves at Cape Lopez, where the Trade in Slaves is not permitted to Portuguese Subjects:

It was recommended to the Parties by the Commissioners, to agree upon a certain sum to be given and accepted in lieu of all claims, on account of the detention of the said Vessel, and more especially of the said Slaves, who must be understood in such a reserved Case, to be altogether exempted and excluded from restitution in their persons; the sum so agreed upon to be paid and accepted in full satisfaction, in the event that the two Governments, or those to whom they should refer the decision of the points reserved to them, should decide that the Claimant is entitled to compensation for the detention of the said Slaves, notwithstanding the want of Passport, and the embarkation at a Place where the traffick for Slaves is not permitted to Portuguese Subjects: but in the event, that the decision upon these points, so to be reserved, should be, that the want of Passport, and the embarkation at a Place where Trade is not legally open, should be considered to deprive the Claimants of all right to such compensation, then, that the sum agreed upon, should no longer be demandable, nor any other sum in lieu thereof, but that the Captors and all others concerned, or liable in any way, should be released for ever, from all claims on account of such detention.

The Parties, in pursuance of the recommendation so given, and for the purpose of facilitating the decision of the Case so to be reserved, have agreed as follows, viz:—

The Claimants agree to relinquish all claim to the personal restoration of the said Slaves, and to agree to their full and complete emancipation, in any manner which may be thought proper by the said Commission-Court, or the British Government.

The Captors and the Claimants agree, that if the two Governments, or the Person or Persons to whom they may refer this Question, shall decide that the Claimants are entitled to compensation for the seizure, detention, and freedom of the said Slaves, the sum of twelve hundred and fifty pounds (without interest, until such Decision shall have been given) shall be paid and received as a full and complete satisfaction and compensation for the cost of the said Slaves, the freight, and provision of the same, and all other claims whatsoever, on account of the seizure, detention, or freedom, of the said Slaves.

The Captors and Claimants further agree, that in case the said Governments, or the Person or Persons to whom the said question may be referred, shall decide that the Claimants are not entitled to such compensation, then the said sum shall be no longer demandable, nor any other sum in lieu thereof, but that the Captors, and all others concerned or liable in any way, shall be released for ever from all claims whatsoever, on account of such seizure, detention, and emancipation.

And it is further agreed between the said Parties, that a Decree of the Commission Court for one hundred pounds, shall be allowed and received as a full and complete satisfaction and compensation for all claims whatsoever, for costs of suit, damages, demurrage, or expences, on account of the seizure, detention or prosecution of the said Vessel.

CHARLES PHILLIPS,
Capt. of H. B. M. Ship Bann.
JOSEPH GOMEZ DE LA ROCHE,
Master and Claimant of Sumaca Sinceridade.

K. MACAULEY, Proctor of Captors.
W. H. SAVAGE, Proctor for Claimants.
Free Town, Sierra Leone, March, 10, 1823.

No. 46.—E. Gregory, Esq. to Mr. Secretary Canning.—(Received October 16.)

(Extract.) *Sierra Leone, June* 7, 1823.

I have the honour to lay before you a Report of the Proceedings of the British and Portuguese Court of Mixed Commission in the Case of the Portuguese Schooner *Nova Sorte*, E. C. Lima, Master.

I have thought it best, Sir, to lay before you a detailed Report of this Case, rather than such an Abstract as the Commissioners have been accustomed to form for your information, in Cases that have hitherto come before them. My motive for this has been that you may be enabled to judge upon the merits of this Case with a knowledge of every circumstance that the Case contained. You will think it right,

Sir, that you should have this knowledge, that you may form a proper estimate of the proceedings of the Commissioners, and be enabled to decide betwixt them and the unsuccessful Suitor in the Case. A brief account would not have sufficed for this purpose, in a Case that presented some extraordinary points for consideration.

I may, however, Sir, considering the length of the Report, be permitted to present for your immediate information, a Summary of the principle matters which the Report contains.

The Nova Sorte was taken off Mina Piccaninny, in Latitude 6d. 5m. North, and in Longitude 1d. 25m. East, on the 14th October 1822, by His Majesty's Brig Snapper, Lieutenant Rothery. The pretence for the detention was an embarkation of Slaves on board of the Nova Sorte, which embarkation, in reality, took place at the instance of the Captor. The Nova Sorte was brought to Sierra Leone, on the 20th December 1822, with the Slaves, 122 in number, that had been put on board at the instance of the Captor. The Case was brought before the Mixed Commission. Witnesses were examined in the Case by the Registrar. As the Case came to be developed, it was seen that it was not the intention of the Captor to prosecute the Vessel on the original ground for which he detained her, (as indeed he could not prosecute her on that ground with success, the embarkation of the Slaves having been his own act, and not the act of the crew of the Nova Sorte,) but to proceed against her on account of an embarkation of Slaves, said to have taken place four days previous to the arrival of the Nova Sorte at Mina Piccaninny, which Slaves were said to have been concealed on board of the Nova Sorte at the time that the Captor first visited her, which was in the evening of the 12th of October, and to have been relanded in the night of the 12th of October. A day, the 21st of January, was appointed for the decision of the Commissioners; when this day came, Mr. Altavilla, the Commissioner on the part of His Most Faithful Majesty, declared that he could not then satisfactorily decide upon the Case; he had not made up his mind upon it, nor could he determine upon the Case as it then stood; he wished that the Master should be allowed further time to come forward, in order that the Case might be presented to him in a clearer form than it was then presented. The Master had not hitherto appeared to defend himself, or to claim the Vessel. The British Com-

missioners consented to the postponement of the Case, that the Master might have the further opportunity to defend himself, and that Mr. Altavilla might be enabled to come to a decision upon the Case. The Master formally appeared as Claimant; fresh evidence was taken in the Case; the 1st of February was the day appointed for the decision of the Commissioners. The Commissioners met in Court on that Day. Mr. Gregory thought that an embarkation of Slaves on board of the Nova Sorte had taken place previous to the arrival of the Snapper at Mina Piccaninny; that these Slaves had been re-landed unknown to the Captor, on the night of his arrival; and Mr. Gregory's opinion was, that the Nova Sorte should be condemned as prize. Mr. Altavilla did not believe that any embarkation of Slaves had taken place before the arrival of the Snapper at Mina Piccaninny; that therefore there had not been any re-landing of Slaves unknown to the Captor; and his opinion was that the Nova Sorte should be restored to the Claimant. Upon this difference of opinion betwixt the two Commissary Judges, Mr. Fitzgerald, His Majesty's Commissioner of Arbitration, to whom the Case then went for final decision, said, that it was necessary for him, in order that he might be enabled satisfactorily to arbitrate betwixt his brother-Commissioners, that he should examine some of the Slaves who were stated to have been embarked and re-landed by the crew of the Nova Sorte; he wished that the Slaves should be examined in open Court by himself. Seven of these Slaves were accordingly examined in open Court by Mr. Fitzgerald; some of them had been previously examined in the Case by the Registrar on the part of the Captor, but they had not been asked what became of them after they were put on board the Nova Sorte by the Portuguese, and hid by the Portuguese, as they had said they were, on the approach of the Snapper. This question was asked by Mr. Fitzgerald. Six of the Slaves said that they had never gone on shore after the time that they were embarked; that they had never, to use their own expression, put their feet on shore from that time until they came to Sierra Leone. The answers of the Seventh Slave were contradictory; but they raised an opinion on the part of the Proctor for the Captor, that if the Slaves had not been re-landed they had remained concealed on board. The Proctor for the Captor brought forward a Boy, to prove that part of the Slaves had been re-landed, and part concealed on

board. The Boy was said to be one of the Slaves who had been put on board of the Nova Sorte by the Portuguese. The Proctor for the Captor wished that this Boy should be examined out of Court by the Registrar, but, as the Court was sitting when this wish was expressed, and as the Slaves recently examined, had been examined in open Court, Mr. Fitzgerald refused this request. The Boy was examined in open Court. Upon being asked who had put him on board of the Nova Sorte, he said that the Person who had put him on board was not then in Court; the Master and some of the crew of the Nova Sorte were in Court at that time; the Boy had pointed to the Master as the Person who had bought him. The Boy said, that the Person who had put him on board had something on his shoulder like what was on the shoulder, to which he pointed, of a Person who was sitting near to him. This Person was Captain Phillips, the Commander of His Majesty's Ship Bann. It was clear that Lieutenant Rothery was meant as the Person who had put the Boy on board of the Nova Sorte. The Proctor for the Captor, when the Boy pointed to the Epaulet on the shoulder of Captain Phillips, said, that the Interpreter was not a good one. Mr. Fitzgerald told him that he might get another. The Proctor for the Captor asked whether the Boy might be examined out of Court. Mr. Fitzgerald said no. The Proctor for the Captor then said that he should not go on with the examinations, and that he protested against the examinations being taken in open Court, as being irregular. The examination was thus not continued. The Case was closed, and Mr. Fitzgerald gave Judgment upon it, on the 5th of February. Mr. Fitzgerald did not think that there had been an embarkation and a re-landing of Slaves by the Portuguese; and his opinion was that the Nova Sorte should be restored to the Claimant. When Mr. Fitzgerald had delivered this opinion, Mr. Gregory said, that he deemed it to be a duty that he owed to his Situation, to his Colleagues, and to himself, to state, that the evidence of the Slaves, who had been examined in open Court, had changed his opinion upon the Case; he concurred in the opinions of Mr. Fitzgerald and of Mr. Altavilla. The Nova Sorte was accordingly restored to the Claimant.

The foregoing, Sir, is a Summary of the principal matters contained in the Case of the Nova Sorte.

Much dissatisfaction was expressed on the part of the Captor upon two points in this Case; the first point was, the

postponement of the Trial, on the 21st of January, in order to allow the Master of the Nova Sorte a further opportunity to appear, for the satisfaction of Mr. Altavilla's mind.

I think it may be necessary to observe, that an impression has existed in the minds of many in this Colony, that the British Commissioners ought to use every means to bring about the condemnation of Slave-ships. It is not matter of surprise, then, that dissatisfaction should be expressed at the postponement of the Trial. But, Sir, the British Commissioners have ever turned from the idea that they should seek pretences to bring about the condemnation of all Vessels prosecuted in the Courts of Mixed Commission, or that they should act in opposition to the just opinion of their Foreign Colleagues. The British Commissioners have deemed themselves to be, not Advocates for Captors, but Judges betwixt Captors and the Party against whom charges of illegal Slave-trade might be brought. The British Commissioners have strived to rule their judicial conduct by the Convention, and to act in the execution of their Office, according to the tenour of their oaths, " faithfully, impartially, fairly, and without " preference, or favour, either for Claimants or Captors."

In consenting to the postponement of the Trial, the British Commissioners had a regard to Mr. Altavilla. It was obvious that Mr. Altavilla could not give a decision that should be reconcileable to his conscience. Were the British Commissioners to press Mr. Altavilla to a decision at that moment? Supposing it to have been possible that Mr. Altavilla would have allowed himself to have been so pressed,—could the British Commissioners be instrumental to the wrong, which Mr. Altavilla would do to himself, and to the Parties in the Case, by pronouncing a decision of which his conscience could not approve? The British Commissioners I am sure, Sir, you will think, could not press Mr. Altavilla to a decision: it would neither have been decorous nor honest in them to have done so, however they might regret, as they did, that time would be lost by a postponement of the Trial.

The second point, in the Case, upon which much dissatisfaction was expressed on the part of the Captors, was the examination of Witnesses in open Court. I have stated that the Proctor for the Captor said, that he protested against this mode of examination as being irregular. The Witnesses who had been examined, previous to the 1st of February, had been examined by the Registrar.

The authority under which the British Commissioners acted, in taking the examination of Witnesses in open Court, was contained in the Letter, dated the 30th of October 1821, which the British Commissioners had received from His Majesty's Secretary of State for Foreign Affairs, in which Letter it is said "With respect to the Question, whether or not the Commissioners should be present when the Interrogatories are put to the Witnesses, I have to acquaint you, that it is the opinion of His Majesty's Legal Advisers that, unless such examination takes place in open Court, it will be more proper that the Commissioners should not be present, more especially under the particular form of Judicature authorised by the Commissioners under the Treaties."

The examinations did take place in open Court, in presence of the Proctors for both Parties, and in as publick a manner as they could take place. Mr. Altavilla, the Portuguese Commissioner, conceived that it was quite competent for him to interrogate Witnesses in open Court.

I must confess, Sir, that it appeared strange to the Commissioners, as the Court had been changed from a close Court to an open Court, upon the representation, principally, of the Naval Gentlemen, (as the Commissioners were given to understand,) that Captors should turn round and desire that proceedings, which they before wished should be as publick as possible, should now be as private; an irregularity, Sir, that would defeat the ends of justice:—the Commissioners conceived there could be, possibly, none in those public examinations, neither that there could be any irregularity as proceeding from an assumption of power on the part of the Commissioners which did not belong to them; for they conceived that the exception made in the Despatch, that I have mentioned, gave to them the power of examining Witnesses in open Court.

Possibly, Sir, there may be reasons why examinations should not be taken in open Court. The Commissioners, however, saw no substantial reason why they should not be so taken in the Case of the Nova Sorte.

As it is likely that the Commissioners may again think fit to examine Witnesses in open Court, and as perhaps such examinations may again be objected to; I beg leave to request that you will be pleased to instruct His Majesty's Commissioners upon this point. I would only beg leave to re-

peat, for your consideration, that the Portuguese Commissioner thinks that he has authority to take the examinations of Witnesses in open Court.

If the Case of the Nova Sorte was not deemed to be one which came within the operation of the Convention, it certainly was a Case that shewed the necessity of an enlargement of the powers given to the Mixed Commission under the Convention. The Slaves that had been put on board of the Nova Sorte, by Lieutenant Rothery, and brought to this Colony, were proved to have been purchased by the Master of that Vessel, and to have been collected in depôt on shore, to be in readiness for embarkation. I need not, Sir, make any detailed observations upon these facts.

I beg leave to inclose, with the Report of the Case of the Nova Sorte, Copies of the whole of the Examinations taken, with Copies of the several Papers brought forward in that Case, up to the period of the decree of restitution.

I have the honour to remain, &c.

The Rt. Hon. George Canning. E. GREGORY.

(Inclosure.)—Report of the Proceedings of the British and Portuguese Court of Mixed Commission, in the Case of the Portuguese Schooner Nova Sorte, *Estevao Cazado Lima, Master.*

The Portuguese Schooner *Nova Sorte*, belonged to Bahia, and was owned by Wenceslaus Miguel d'Almeida, of that Place; she had Slave-trading papers authorizing her to proceed to Molembo for Slaves; her Royal Passport stated her burthen to be one hundred and forty-one and a half tons, by which rate she was authorized to carry three hundred and fifty-three Slaves. There was amongst her Papers a Certificate of Admeasurement, according to which the rate of tonnage was stated in the Passport; there were also amongst her Papers two Documents, which stated the burthen of the Nova Sorte to be eighty-four tons; the first of these was a Certificate, dated Bahia, 15th May, 1820, of the President and Deputies of the Board of Inspection of that Captaincy, stating, that the Schooner Nova Sorte, bound for Rio de Janeiro, and belonging to Wenceslaus Miguel d'Almeida, was rated at eighty-four tons, by skilful persons appointed to ascertain her burthen; that, according to that rate, she would have to pay eight thousand and four hundred Reas for Light Dues. The second Document was a Certificate, bearing two signatures, stating, that in the Book of Receipts for the Contribution for Lights, there appeared eight thousand and four hundred Reas, paid by Francisco de Souza Lapas, for eighty-four tons, at which the Schooner Nova Sorte, bound for Molembo, was rated; this Certificate was dated Bahia the 11th May, 1822, and was one of the Papers for the voyage in which she was detained. Betwixt these Papers and the Royal Passport, there is a difference of fifty-seven and a half tons, a material difference which calls for explanation, as to the mode adopted in the Brazils of measuring Vessels, when intended for

Slave-trading purposes, and when intended for purposes of innocent commerce. The cargo of the Nova Sorte consisted of 1520 rolls of tobacco, five pipes of aqua ardente, and eight bales of cloth goods; her Muster-Roll stated her to have a crew of twenty men, she was commanded by Estevao Cazado Lima. In the course of Trial, the Proctor for the Captor objected that the Person who appeared as Claimant in the Case, was not in reality the Master of the Nova Sorte; he said that the name of the Master was written, Silva, in the Passport. The Person who appeared as Claimant stated his name to be Lima; this name appeared twice in the Muster-Roll, first in its abbreviated form *L^a* and secondly, at length, *Lima*. In another paper the name, Lima, appeared at length. In a Petition for a Royal Passport, the name is written in its abbreviated form *L^a* the *L.* is formed like an *S.* As the name *Silva* is often, amongst the Portuguese, written abbreviatedly *S^a* it was taken by the Commissioners that the Person who made out the Royal Passport for the Nova Sorte, mistook the name Lima for Silva; and the Commissioners did not think otherwise than that the Person who appeared as Claimant, was the Person who had sailed, as Master of the Nova Sorte, from Bahia. This minuteness will be excused by reason of the objection advanced against the Person who appeared as the Claimant of the Nova Sorte. The Nova Sorte sailed from Bahia on the 24th of May, 1822. The Nova Sorte was brought to Sierra Leone, on the 20th December, 1822. She was on her arrival visited, by the Marshal of the Court, who reported to the Commissioners, that she was prize to His Majesty's Brig Snapper, and had on board one hundred and twenty-two Slaves. The Surgeon, Dr. Shower, attached to the British and Portuguese Mixed Commission, reported that he had found the whole of the Slaves, with the exception of two, who were rather emaciated, to be in a good state of health and strength, and perfectly free from any disease.

On the same day the Papers of the Vessel were brought into the Registry by Lieutenant Thomas Henry Rothery, commanding His Majesty's Brig Snapper. Lieutenant Rothery brought with these Papers a Declaration, to the truth of which he made oath, stating himself to be the Captor of the Nova Sorte, and stating the reason for her detention. Lieutenant Rothery at the same time presented a Petition, praying that a Monition might be issued, citing all Persons interested in the Nova Sorte to appear before the British and Portuguese Mixed Commission. A Monition was issued for this purpose on the 23d of December.

The Declaration made by Lieutenant Rothery in the Case, was as follows, viz.:

I, Thomas Henry Rothery, Commander of His Britannick Majesty's Brig-of-War, Snapper, hereby declare, that on the 14th day of October, 1822, being at Mina Piccaninny, in Latitude 6 deg. 5 min. North, and Longitude 1 deg. 25 min. East, of London, I then and there seized and detained the Polacca, or Vessel, called Nova Sorte, sailing under Portuguese Colours, and commanded by Estevao Cazado da Silva, bound from Bahia to Molembo, for being engaged in the unlawful Traffick in Slaves, contrary to the Convention entered into between His Britannick Majesty and His Most Faithful Majesty The King of Portugal.

And I further declare, that, on the 7th day of August, 1822, I boarded the said Vessel, she lying and being at anchor at the said Port of Mina Piccaninny,

in Latitude and Longitude aforesaid, at which time she had on board her cargo of merchandize complete, as it was shipped at Bahia.

And I further declare, that, on boarding the said Vessel, on the 14th day of October aforesaid, I found that the said cargo had been landed at the same Place, viz. Mina Piccaninny aforesaid, and had been there disposed of by the said Master and the Supercargo, for a cargo of Slaves.

Given on board His Majesty's Brig Snapper, this 14th day of October, 1822 — T. H. ROTHERY.

The Declaration made no mention of the Slaves that had been brought to Sierra Leone in the Nova Sorte. On the 26th December, the Master, and on the following day the Boatswain, of the Nova Sorte were examined upon the Standing Interrogatories: in their answers to these Interrogatories, no Slave-trading pursuits were acknowledged to have engaged them on the Coast. They both denied that any Slaves had been on board of the Nova Sorte at any time during the voyage in which she was taken, They contradicted each other in regard to the intended disposal of the cargo. The Master said, in answer to the 13th Interrogatory, that the part of the cargo which was on board at the time of his examination, was to have been delivered at Mina Piccaninny, for the account, risk, or benefit of the Owner; whilst the Boatswain stated, in answer to the same Interrogatory, that the cargo on board when he was examined, was to be delivered at Molembo, for the risk or benefit of the Owner. The Master stated, that the Nova Sorte anchored at Elmina for water and provisions; at Mina Piccaninny also for water and provisions. The Boatswain stated, that the Nova Sorte anchored at Elmina to take in water and to repair the main boom; and at Mina Piccaninny, for water and to repair the top-gallant mast.

After the examination of the Boatswain was taken, on the 27th of December, the Case remained stationary for a few days. The Proctor for the Captor fell sick, and the examination of Witnesses was not immediately resumed. In this suspension of the Case, it was reported to the Commissioners by Dr. Shower, that since his last Report (the Report made by him on the arrival of the Vessel in the Harbour), some of the Slaves of the Nova Sorte had been affected with bowel complaints; that the number of cases was increasing daily, and he submitted that the whole of the Slaves should be landed as soon as possible.

It was the wish of the Commissioners to give every relief to the Slaves that their state might require. It had been the practice of Captors, or their Agents, to pray for the immediate landing of the Slaves brought to Sierra Leone in Slave-ships. But in this Case of the Nova Sorte, the practice had not been followed by the Captor, or his Agent. The Commissioners considering that the Captor, in this instance, might have grounds for not seeking the landing of the Slaves, either as they might be objects of adjudication, and might be demanded should a Claimant appear in the Case, or either as they might otherwise be connected with the Case, thought it proper that the matter of the Surgeon's Report should be communicated to the Captor. Mr. Sawyer, the First Clerk of the Mixed Commission, accordingly communicated, personally, with Lieutenant Rothery on board of the Snapper. Lieutenant Rothery was not aware that the Slaves were seriously unwell; the Surgeon of the Snapper had reported favourably of the general state of

their health; the cases of bowel complaint were very few in number, and proceeding only from accidental causes; he was not disposed to consent to their landing, but would cause every care to be taken of their health. The Commissioners were not willing to cause the landing of the Slaves, under these circumstances, in opposition to the wishes of the Captor.

On the 4th January the Case was resumed, by the presentation of a Petition of the Proctor for the Captor, praying that two Affidavits, thereunto annexed, might be filed in the Court. These Affidavits were made, one of them by a Slave brought to Sierra Leone in the Nova Sorte, named Quashee; the other by a black seaman, named Joachim, a Slave, of the Nova Sorte. By these Affidavits the Case at length appeared to assume a tangible shape. They alleged an embarkation of a certain number of Slaves on board of the Nova Sorte, a short time before the appearance of the Snapper; a concealment of these Slaves on board of the Nova Sorte, when she was visited by the Captor; and a relanding of them in the Night succeeding the visitation of the Captor. These allegations, if proved, would cause the condemnation of the Vessel.

The Affidavit of Quashee was as follows, viz.:

Saith, that he was the Slave of Captain Blenkarne, Governor of the British Fort of Accra; that about the time Sir Charles M'Carthy, Governor and Captain-General of this Colony and its Dependencies, visited that said Fort of Accra, Deponent was by the said Captain Blenkarne given to a woman, a Native of Africa, who then lived with the aforesaid Captain Blenkarne; that said woman sold the Deponent to a man named Quarte Cudjó a Native of Africa, and then resident at Accra; that said Quarte Cudjó took Deponent, ironed by the wrists, in a canoe to a Place on the Western Coast of Africa, called Mina Piccaninny, and then and there sold him, the said Deponent, to a Portuguese man, Master of the Portuguese Polacca Nova Sorte, which Vessel was then and there lying at anchor, viz.; at the aforesaid Place called Mina Piccaninny, which Portuguese Master being present he identifies, and which Portuguese Polacca, he points out lying at anchor in this Harbour. That Deponent being on the beach of the said Place, called Mina Piccaninny, he there saw and witnessed the embarkation of many men and women Slaves, Natives of Africa, on board the long-boat of the said Polacca, which long-boat conveyed the said Slaves and put them on board the said Polacca, said Slaves being then and there in irons by the neck and wrists; that four days after the aforesaid Slaves were so put on board the aforesaid Vessel, he, the Deponent, with other Slaves not then embarked, perceived a vessel approaching the said Place where said Polacca was lying at anchor, which Vessel he points out to be His Britannick Majesty's Brig-of-War Snapper; that before the Sun rose on the following day, he saw and witnessed the aforesaid Slaves, which were so embarked, land on the beach of Mina Piccaninny aforesaid, from three canoes and the aforesaid long-boat, and that he was with the said Slaves, and others which were not embarked, driven by the people of Mina Piccaninny aforesaid into the bush to a considerable distance.

The Affidavit made by Joachim was as follows, viz.:

Saith, that he is a seaman on board the said Portuguese Polacca Nova Sorte, in which Vessel he sailed from the Port of Bahia, in the Brazils, about six or seven months ago; that he made three voyages to the Western Coast

of Africa in the saidVessel, viz.: two voyages to the River Calabar, and one voyage to Mina Piccaninny, from which Places the said Vessel took at each time a cargo of Slaves, Natives of Africa, to the aforesaid Port of Bahia; that about two months and a half ago, being at the aforesaid Port of Mina Piccaninny, on the Western Coast of Africa, in the aforesaid Polacca, then and there lying at anchor, many men and women Slaves, Natives of Africa, were then and there brought and received on board the said Polacca at two several times, in the long-boat belonging to the aforesaid Vessel, the said Slaves being ironed by the neck and hands in four separate chains; that, four days after the said Slaves were so embarked on board the said Vessel, a strange Vessel came in sight, which said strange Vessel proved to be His Britannick Majesty's Brig-of-War Snapper; that on the appearance of the said Brig-of-War all the aforesaid Slaves were driven by the Portuguese mariners of said Polacca into a part of the hold of the said Polacca (which places he describes to be under that part of the Vessel called the Fore Pic), and that the said Slaves were then and there covered and concealed by sails and provisions, the Portuguese mariners of said Vessel threatening to stab with a knife any one of the said Slaves who should speak or make any noise; that a short time after Sun-set of the same day, the boat of the English Brig-of-War aforesaid came alongside the said Polacca and shortly after left her; that about the middle of the night of that same day, the Portuguese mariners put into three canoes, and the aforesaid long-boat, all the aforesaid Slaves then on board the said Polacca, viz.; one chain of Slaves into each boat, and conveyed them on shore to the aforesaid Place called Mina Piccaninny, and that Deponent remaining on board the said Polacca, he does not know how they were after disposed of.

This Affidavit of Joachim was made through the interpretation of the Slave Quashee. The Commissioners thought that such interpretation might be liable to objection; on the ground that the bias of Quashee's mind might incline him to an interpretation that might tend to confirm the statement made by himself, in regard to the Slaves in question. Mr. Fitzgerald suggested to the Proctor for the Captor, that it would be proper that the Deposition of facts by Joachim should be taken through the medium of another Interpreter than Quashee.

On the 8th of January, Interrogatories were put on the part of the Captor to three men Slaves, Accootoo, Desay, and Cooma; and to three women Slaves, Accoopee, Caucaw and Elooko, brought to Sierra Leone in the Nova Sorte. The importance that was attached to the Answers of these Slaves may require that their Answers should be particularly inserted here. They are as follows, viz.:

Accootoo.—1st Answer. Saith, his name is Accootoo, and his Country, Paupaw. 2d. He is a Slave, and identifies the Captain of the said Polacca as having bought him. 3d. Saith, the Portuguese of the Polacca put him on board the Vessel which brought him here. 4th. He points out the above-mentioned Polacca, now at anchor off Free Town. 5th. Saith, that the said Vessel was then lying off Anucoo, or Mina Piccaninny. 6th. Saith, he was put on board before the English Man-of-War came in sight. He was so put on board four days before her coming in sight. 7th. Saith, that on the appearance of the Man-of-War, he was put down below, and covered with sails and yams.

Desay.—1st Answer. Saith, his name is Desay, his Country, Coromantine. 2d. Saith, he is a Slave, and was bought by the Captain of the Polacca afore-mentioned. 3d. Saith, he was put on board said Polacca by the Town's-people of the Place at which the Captain bought him. 4th. Points out the Polacca Nova Sorte, now lying at Free Town. 5th. Saith, the said Polacca was then lying off Mina Piccaninny. 6th. Saith he was put on board four days before the appearance of the English Man-of-War. 7th. Saith, that upon the appearance of the English Man-of-War, the Portuguese mariners put him and other Slaves below, and put sails over him and them.

Cooma.—1st. Answer. Saith, his name is Cooma, and his Country Wigaw. 2d. Saith, he is a Slave, and points out the Captain of said Polacca, who is present, as having bought him. 3d. Saith, that the Town's-people of the Town, where said Captain bought him, put him on board the Vessel which brought him here. 4th. Points out the Polacca Nova Sorte, aforesaid, at anchor off Free Town. 5th. Saith, that the said Polacca was lying at Mina Piccaninny at the time he was put on board her. 6th. Saith, he was put on board the said Polacca four days before the English Man-of-War came in sight. 7th. Saith, that on the appearance of the English Man-of-War, the Portuguese mariners of the said Polacca put him below, and covered him with sails.

Accoopee.—1st Answer. Saith, her name is Accoopee, and her Country, Choma. 2d. Saith, she is a Slave, and identifies the Captain of the Nova Sorte as having bought her. 3d. Saith, the Portuguese mariners put her on board the Vessel which brought her to this Place. 4th. She points out the above-mentioned Polacca Nova Sorte, as the Vessel which brought her here. 5th. Saith, that the said Vessel was then lying off Minna Piccaninny. 6th. Saith, she was put on board the said Polacca, Nova Sorte, four days before the English Man-of-War came in sight. 7th. Saith, that on the appearance of the English Man-of-War, the Portuguese mariners put her below, and covered her with sails.

Caucaw.—1st Answer. Saith, her name is Caucaw, and her Country Tanjapaw. 2d. Saith, she is a Slave, and identifies the Captain of said Polacca, Nova Sorte, as having bought her. 3d. Saith, the Portuguese mariners of the Polacca put her on board the said Vessel, which brought her to this Place. 4th. She points out the Polacca, Nova Sorte, now lying off Free Town, as the Vessel that brought her here. 5th. Saith, that the said Vessel was then lying off Mina Piccaninny. 6th. Saith, she was put on board said Polacca, four days before the English Man-of-War came in sight. 7th. Saith, that on the appearance of the English Man-of-War, the Portuguese mariners of the said Polacca put her below in the Vessel, and covered her over with sails.

Elooko.—1st Answer. Saith, her name is Elooko, and her Country, Geau. 2d. Saith she is a Slave, and identifies the Captain of the Polacca, Nova Sorte, as having bought her. 3d. Saith the Portuguese mariners of the said Polacca put her on board the Vessel which brought her here. 4th. She points out the above-mentioned Polacca, Nova Sorte, now lying at anchor off Free Town. 5th. Saith, that the said Vessel was then lying off Mina Piccaninny. 6th. Saith, she was put on board four days

before the English Man-of-War came in sight. 7th. Saith, that upon the appearance of the English Man-of-War, she was put below, and covered with sails.

On the 8th of January also, Special Interrogatories were put, on the part of the Captor, to the Master and Boatswain of the Nova Sorte, with the view to elicit particular information as to the disposal of the greater part of the cargo at Mina Piccaninny, and also the object of remaining so long at that Place.

The Master said, that it took all the part of the cargo that was not on board at the time of the capture to buy water, provisions and palm-oil. The part of the cargo that was on board at the time of capture was a very inconsiderable part. He said, that he had a Factory with goods, at Molembo, with which goods the Slaves were to have been purchased; that the remainder of the cargo on board was to have been carried to Molembo, and there landed. In answer to the 13th Standing Interrogatory, as already mentioned, he said, that the remaining part of the cargo, which was on board, was to have been delivered at Mina Piccaninny for the account, risk or benefit of the Owner. He said, that he remained at Mina Piccaninny only two Months; he laid there so long, on account of the strength of the current not allowing him to proceed to his destined Port. He said, that he would swear, on the Holy Cross, that no part of the cargo so landed at Mina Piccaninny was employed by him, or the Supercargo, in the purchase of Slaves. The Boatswain said, that they landed the cargo at Mina Piccaninny to purchase provisions, palm-oil, and a top-gallant-mast; the cargo was landed by canoes, and the launch of the Polacca. He said that he would swear, on the Holy Cross, that not one of the Slaves brought to this Port in the Nova Sorte was purchased by the Master or Supercargo of that Vessel. At the same time the Cook of the Nova Sorte was specially interrogated, on the part of the Captor, as to whether he would swear that none of the Slaves brought to this Port, in the Nova Sorte, were purchased by the Master or Supercargo of that Vessel. He said, that he would swear, on the Holy Cross, that none of the Slaves which were brought to Sierra Leone in the Nova Sorte were bought by the Master or the Supercargo of that Vessel.

On the 9th of January, according to the suggestion made to him by Mr. Fitzgerald, as before stated, the Proctor for the Captor obtained the information which Joachim had to give in regard to the Slaves, through the medium of another Interpreter than Quashee. This information was not given in the form of an Affidavit as before; it was given in Answers to Questions put to him by the Proctor for the Captor. The Answers are as follows, viz.:

1st Answer. His name is Joachim. 2d. Saith, he is a mariner on board the Nova Sorte. 3d. Saith, he has been on board the said Schooner Nova Sorte, ever since she sailed from Bahia. 4th. Saith, said Schooner was lying off Mina Piccaninny at the time the said Schooner was seized by His Majesty's Brig Snapper. 5th. Saith, Slaves had been on board said Schooner the four days previous to seeing the Man-of-War. 6th. Saith, that, on the appearance of the Capturing Vessel, the Slaves that were on board were put in a small room where the yams were. 7th. Saith, that, in the course of the night, the Slaves were sent on shore by the Portuguese mariners of said Schooner.

As yet the appearance of the Slaves in the Nova Sorte had not been explained or accounted for, by the Captor or others. The Case remained imperfect in consequence. Presuming that the Statements of Quashee and Joachim were true, it could hardly be taken that the 122 Slaves that had been brought to Sierra Leone, were embarked by the Portuguese. The Slaves said to have been embarked by the Portuguese were stated to have been relanded on the night of the arrival of the Snapper at Mina Piccaninny; a re-embarkation was not likely to have taken place, at their instance, in sight of the Snapper. Lieutenant Rothery's Declaration did not state that he found any Slaves on board of the Nova Sorte when he detained her. The Commissioners wished that some information should be given on this point. At the suggestion of Mr. Fitzgerald, this information was given by Lieutenant Rothery, in an Affidavit made by him on the 10th of January, as follows, viz.:

That being on the 12th day of October last past, in pursuance of Orders, in His Britannick Majesty's said Brig, the Snapper, in Latitude 6 d. N. and Longitude 1 d. 20 m. E. he saw a Polacca at anchor, off Mina Piccaninny; that at half-past Six o'Clock of the same Evening he anchored His Majesty's said Brig off the same Place, and proceeded in his boat to examine the said Polacca, she being under Portuguese Colours; that, on boarding her she proved to be the Portuguese Polacca, Nova Sorte, completely ready for taking on board a cargo of Slaves, she having landed her former cargo, consisting of tobacco, rum and cloth, except a few rolls of the former; that on looking into the usual Slave-rooms he did not perceive any Slaves, and Deponent consequently left her; that, on the same Evening, the Caboceer of Mina Piccaninny aforesaid, conceiving His Majesty's said Brig to be a Slave-trading Vessel, sent his Messenger on board her, stating that he would be happy to supply her with any number of Slaves she might want, as he had already supplied the Portuguese Polacca, Nova Sorte, then at anchor in company, with a cargo of Slaves; that Deponent immediately returned an answer, desiring the said Caboceer to send the Slaves so supplied, to the Portuguese Polacca aforesaid, on board of her immediately; that, on the 14th day of the said Month of October, said Slaves, to the number of twenty, were put on board said Polacca, by the canoes and people of the said Caboceer, when Deponent sent his boat, and seized her; that 102 Slaves, being part of the aforesaid Cargo of said Polacca, were subsequently put on board her when she was sent to this Port for adjudication.

This Affidavit shewed that the embarkation of the 122 Slaves had not been the act of the Portuguese, but of the Captor of the Nova Sorte.

On the 14th of January, a further Affidavit was made by Quashee, the Slave, as follows, viz.:

That on the landing of the Slaves from the Nova Sorte, as deposed by this Deponent, in an Affidavit sworn in this Cause before Daniel Molloy Hamilton, Esquire, Registrar to your Honourable Court, that he and they, with other Slaves which had not been embarked, were driven together into the bush, to a place where the aforesaid Captain had a Factory for the purposes of purchasing Slaves, and of keeping them until he could embark them; that all the Slaves which came to this Port in the Nova Sorte were kept in iron in the said Factory or House, and fed by two Portuguese sailors of the said

Polacca, one of whom was left in the aforesaid bush, and the other being present, he identifies.

This Affidavit, with a further one made by Lieutenant Rothery, on the 21st January, to the effect, that having boarded the Nova Sorte off Elmina, about the 30th July, he found that she was furnished with one large copper, such as is usually used for the purpose of cooking provisions for the Slaves, closed at this time the evidence for the prosecution.

On the Petition of the Proctor for the Captor, the 21st January was the day appointed by the Commissioners for giving their Decision upon the Case.

The impression made by the evidence brought forward in the Case, on the minds of the Commissioners, was, that the original detention of the Nova Sorte, by Lieutenant Rothery, was illegal and unjustifiable, the embarkation of the 20 Slaves, which formed the ground of detention, being the act of Lieutenant Rothery, and not the act of the Portuguese of the Nova Sorte. With regard to the alleged embarkation of a number of Slaves by the Portuguese, prior to the arrival of the Snapper at Mina Piccaninny, and of the alleged relanding of the Slaves on the Night of her arrival, the British Commissioners were impressed with the belief, that such an embarkation and relanding had taken place, and that, therefore, the Vessel must be condemned, (the illegality of the original detention being outweighed by the illegality of the act of the Portuguese,) for having had Slaves on board, intended for the purposes of traffick, during the voyage in which she was taken. Mr. Altavilla, His Most Faithful Majesty's Commissioner, in the first stages of the proceedings, was understood by the British Commissioners, in the communications that they had with him, to incline rather to the belief of such embarkation and relanding of the Slaves, but as the proceedings were drawing to a close, the balance of doubt in Mr. Altavilla's mind inclined more to the disbelief of such embarkation and relanding, than otherwise. On the 20th January, the day before that appointed by the Commissioners to meet in Court, to give their decisions upon the Case, Mr. Altavilla expressed to Mr. Fitzgerald and to Mr. Gregory, the great doubts which existed in his mind as to the truth of the alleged embarkation and relanding of Slaves by the Portuguese of the Nova Sorte. He had seen, he said, the Master of the Nova Sorte, who had positively denied the truth of the facts alleged against him; the Master had complained that he had not had the opportunity to defend himself. With respect to this complaint, the Registrar, Mr. Hamilton, had told him, when his first examination was taken, that he might defend himself from the charge brought against him, if he thought proper; and that he might be present at the examination of the Witnesses if he pleased, and put such questions to them, in the usual course, as he might think fit. The Master, soon after his arrival, had complained that he was not allowed by the Prize Master of the Nova Sorte, to come on shore when he wished it. Mr. Gregory had mentioned this to the Proctor for the Captor, as well as that it would be right that the Master should have such facilities as the Vessel afforded for his coming on shore. The Proctor for the Captor said that he would give special directions to the Prize Master of the Nova Sorte, not to give ground of complaint to the Master in this particular.

On the next day, the 21st January, before the meeting of the Court, Mr. Altavilla called on Mr. Gregory, and again expressed to him his doubts upon the Case; he was not determined in his mind what decision to give; he had every wish to do justice between the Parties; justice, he conceived, would best be done by postponing the decision, in order to give to the Master of the Nova Sorte the opportunity of making his defence. Mr. Gregory conceived that so much time having elapsed since the arrival of the Master at Sierra Leone, he had had the opportunity to come forward. Mr. Gregory was rather averse to extending the proceedings; but if Mr. Altavilla could not immediately come to a decision upon the Case as it then stood, and justice did require that the proceedings should be extended, by giving to the Master a further opportunity to defend himself from the charge brought against him, Mr. Gregory could not dissent from the course proposed by Mr. Altavilla. Mr. Gregory intimated that it would be well to proceed to the Court-House where they would meet Mr. Fitzgerald, to whom Mr. Altavilla could also state the perplexity of his mind, and his wishes in regard to the postponement of the Case.

It is right here to mention that, with the Papers of the Vessel, the Captor gave into the Registry a sort of Protest drawn up by the Master, and dated the 14th of October, wherein he protested against the detention of his Vessel.

The Commissioners having met at the Court-House, Mr. Altavilla again expressed his wish that the Case should be postponed, in order that the Master might have the opportunity to make his defence, and again stated that he had not come to a decision upon the Case as it then stood; he conceived that the Master might give an explanation of the matters that affected him; he repeated that he was anxious to do justice between the Parties, and he conceived that justice would best be done by allowing the Master a further opportunity to come forward.

Mr. Fitzgerald, who ever made it a point of duty to pay every attention to the Foreign Members of the Mixed Commissions, was disposed to accede to the wishes of Mr. Altavilla, particularly in consideration of the doubts which existed in Mr. Altavilla's mind, of the truth of the statements, touching the alleged embarkation and re-landing of Slaves. Mr. Gregory considered that further delay in the Case would be hard upon the Captor, as some time had elapsed since the proceedings had been commenced by him, but Mr. Gregory was also disposed to accede to Mr. Altavilla's wish to postpone the decision, considering that, in the state of Mr. Altavilla's mind, he could not press him to pronounce any Judgment upon the Case.

The British Commissioners, in acceding in this instance to Mr. Altavilla's wishes, bore in mind His Majesty's special commands "that throughout the whole of the functions respectively entrusted to them, they should be careful not to lose sight of their judicial character, and should uniformly endeavour to combine a fair and conscientious zeal for the prevention of the illegal Traffick in Slaves, with the maintenance of the strictest justice towards the Parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's Subjects and those of The King of Portugal." The British Commissioners did not conceive that it would be decorous in them to press Mr. Altavilla to a decision; it was not for them to gain a point by the condemnation of the Vessel, but to see that they dis-

charged a judicial duty with impartiality, and with fairness towards all concerned, particularly towards Mr. Altavilla.

It was agreed that the Case should be postponed, that the Master might have the further opportunity to defend himself. It was proposed by Mr. Altavilla, that the Master should be sent for by the Commissioners, and be informed of the postponement of the Case, and of the opportunity that this postponement would afford him, to state what he might have to state in his own behalf, and to bring forward Witnesses in support of his statements.

The Master was sent for by the Commissioners. The British Commissioners wished that he should be spoken to in open Court, and in the presence of all who were assembled to hear the Trial.

The Commissioners, on taking their seats in Court, informed the Proctor for the Captor, that it was found necessary to postpone the Case, and to allow the Master the further opportunity to appear as Claimant. The Proctor for the Captor observed, that such a postponemcnt would bear hard upon his Client; that he would have to re-commence proceedings; and that the Master, if he had thought proper, might have appeared as Claimant before, he having had ample opportunities for so appearing.

The Master having appeared in open Court, he was addressed by the Commissioners and asked why he had not appeared to defend his Cause; he replied that he was ignorant of the language and of the ways of the Place: he was told that he might now apply to a Proctor of the Court to conduct his Suit; he said that he had not the means to employ one; he was informed of the particular charge that was against him; he said that the charge was not true: it was observed to him, that his own statement would not be regarded as sufficient, he must bring Witnesses to support his statement: he said that he would do so: he was told to take them before the Registrar, who would receive their Depositions. The Registrar observed upon this, that he had already told the Master that he would receive the Depositions of any Witnesses that he might think fit to bring before him, and had told him to apply, if he thought proper, to some Legal Adviser.

It may be proper to state that, in the first stages of the proceedings, there were only two Proctors of the Court in the Colony. One of them was the Proctor for the Captor in this Case; the other was a Gentleman who had always been retained by Captors, and whose feelings were likely not to be in favour of the Master of the Nova Sorte. It was only about the close of the Captor's Case that a third Proctor returned to the Colony, to whom the Master could apply for advice and assistance. To him the Master did apply on the breaking up of the Court on the 21st January.

On the Evening of the 21st January, a Petition was presented to the Commissioners, by the Proctor for the Captor, regarding the Slaves which still remained on board the Nova Sorte. It is proper to insert the matter of this Petition here, to shew the situation of the Slaves, and the view that the Proctor for the Captor had taken of the situation of his Client with respect to the Slaves: The Petition is as follows, viz:—

That on the 20th day of December last, the said Polacca was brought into this Port, for adjudication by your Honourable Court; that up to this day, a period of 31 days, no claim was made by any Person or Persons for the said Vessel, although the Master was perfectly at liberty to claim, was he

minded to do so. That on this day, *the day named by your Honours for passing Sentence*, the Master puts in his Claim, which Claim is by your Honours admitted, which will not only put off the Trial of the said Vessel for some time longer, but will be the means of increasing considerably the costs of the Suit; that the provisions which were on board the Nova Sorte are entirely consumed, and as your Honourable Court has declined to make the Claimant liable for costs, should he fail to substantiate his Claim, your Petitioner is at a loss to know in what manner, or by what means, the said Slaves are to be supported. That your Petitioner cannot venture so far to commit his Client as to land the Slaves, as, in the event of a decision against him, it would render him liable to pay the value of them. And that, as neither Captor nor Claimant have any funds for their support, your Petitioner humbly prays that your Honours, taking all these Cases into consideration, will be pleased to order your Marshal to supply them with provisions, until your Honourable Court shall be pleased in its wisdom to give Judgment.

Mr. Altavilla was not disposed to give any order to the Marshal to feed the Slaves, he thought that the Captor who had brought them to Sierra Leone should feed them. But it being represented to him, that it could not be allowed that the Slaves should perish with hunger, whilst it was in deliberation who should bear the charge of feeding them, and that the British Commissioners would be responsible that the charge should not fall upon him, Mr. Altavilla concurred with the British Commissioners to issue an order that same evening to the Marshal, to feed the Slaves until further orders.

The British Commissioners, in acting thus, deemed that they were not going beyond the bounds of a fair discretion under the emergency of the Case.

On the 23d of January, the Master, with the assistance of the Proctor of the Court, who has been already alluded to, filed a Claim to the Nova Sorte, her tackle, apparel and furniture, goods, wares and merchandizes on board thereof at the time of capture, and for all costs, charges, losses, damages, demurrage, and expences, as had arisen, or might arise, by means of the capture and detention thereof. The Affidavit of the Master, annexed to the Claim, after some preliminary matter respecting the time of capture and the Ownership of the Schooner, stated as follows, viz:—

And Deponent further maketh oath, that he verily believes the said Polacca and cargo are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty; that the Natives of Africa now on board the said Polacca, are not part of the cargo, or in anywise belonging or appertaining to the said Polacca; that they have, without exception, been put on board the said Polacca by the capturing Officer, his boats and Crew, without the concurrence of this Deponent; that the said Natives of Africa, before their forcible entry on board as aforesaid, were never on board the said Polacca, and that since the arrival of the said Polacca, on the Coast of Africa, this present voyage, she has not received any Slaves, Natives of Africa, on board, otherwise than those put on board as aforesaid.

On the 25th of January, with a view of confirming the other Evidence brought forward on the part of the Captor, the Proctor for the Captor, had

taken the following answers to questions put by him to a female Slave of the Nova Sorte, named Cosebah, viz.

1st Answer. Saith her name is Cosebah, and her Country, Quegia. 2d. Saith, she is a Slave; she was purchased by the Boatswain. 3d. Saith, she was purchased on shore. 4th. Saith, she was five days on shore after being purchased, and on the 6th day she was put on board. 5th. Saith, she was put on board the Vessel that brought her here, by the Natives of Mina Piccaninny. 6th. This Witness points out the Nova Sorte, now lying in the Harbour, from the Commission-House. 7th. Saith, there were not any Englishmen at that Place at the time. 8th. Saith, she was on board the said Schooner, four days before the English Ship came in sight. 9th. Saith, that on the appearance of the Man-of-War, they were put down in the hold and there concealed, by first locking them up, and then covering the hatchway over with sails. 10th. Saith, that they were relanded from the Nova Sorte, after the arrival of the Brig-of-War. 11th. Saith, that they were relanded the same Night that the Brig-of-War came there. 12th. Saith, she co-habited with the Boatswain. 13th. Saith, she did not cohabit with the Boatswain until she came on board the said Schooner Nova Sorte. 14th. The Question was, did you cohabit with the Boatswain since you were embarked? The Note of the Registrar, the Examiner, is "already answered." 15th. Saith, she did not understand the Boatswain when he spoke to her.

The Proctor for the Captor, to account for the absence of the usual coppers, or boilers, and irons, on board of the Nova Sorte, took the answers of Joachim to questions put to him touching their absence. The answers of Joachim were to the effect, that the Nova Sorte had sailed from Bahia, with one large boiler, and with a great quantity of Slave-irons, and Slave-chains; that they were sent on shore at Mina Piccaninny—the boiler to cook rice in for the Slaves, and the irons and Slave-chains to be put on the Slaves.

On the 27th of January, the Proctor for the Claimant brought forward, in support of his Case, Affidavits of the Boatswain, José Louis Fernandez, and of a seaman, Francisco José Bellem, to the effect, that at the time the Nova Sorte was detained by the Snapper, the Nova Sorte, had no Slave or Slaves then on board; that the Nova Sorte, during her then voyage, had not received any Slave or Slaves on board from any part or Place on the Coast of Africa; that the Natives of Africa, or Slaves on board the said Vessel, when she arrived at Sierra Leone, were brought from the shore in the boats of the Brig-of-War that were manned by her Officers and men, and also in canoes procured for the purpose by the Commander of the Snapper.

The Proctor for the Claimant at the same time brought forward the Affidavit of another seaman, Francisco Gomez, touching some particulars of the seizure of the Nova Sorte, at Mina Piccaninny. The Affidavit was as follows, viz.:

That, on the 11th of October now last past, the said Brig Snapper hove in sight, with a Colour flying, which Deponent took either for a French or Portuguese Colour, was not certain which. Soon after said Brig fired a gun, and hoisted English Colours, the Polacca at same time hoisted Portuguese Colours; when the Polacca was boarded by the boat of the said Brig Snapper, the Officer in which ordered his men, who were armed with cutlasses to go below and search the said Polacca, which they did; but said Polacca

not having Slaves on board, the said boat left her, and the next day the Brig-of-War went closer in shore; heard her fire great guns; same day a boat came from said Brig Snapper, commanded by an Officer, who stated they came in order to be able to keep watch for another Vessel-of-War they expected to pass, as their own Vessel, the Snapper, lay so much more in shore. Same day saw a canoe come from on shore, and go along-side the said Brig Snapper. The boat which had brought the men of the Snapper on board, had left to return to their Vessel, but soon after, she came back, and took away her men; after this, the canoe which Deponent had seen a-stern of the Brig-of-War came along-side the Polacca, with Slaves; the said canoe was also accompanied by a boat from the said Brig-of-War. The Slaves were ordered out of the canoe on board the said Polacca, by the Crew of the boat belonging to said Brig-of-War. The Captain of the Polacca, E. C. Lima, objected to this, but the Officer of the Brig-of-War forced compliance in the Night of the same day, being the 12th instant. The Master of said Brig-of-War came on board, and took charge of the said Polacca, and on the Morning of the 13th instant, said Polacca was in charge of the said Brig-of-War, and so hath remained; that on the said 13th instant, other Slaves were brought on board the said Polacca.

With this Affidavit the proceedings, on both sides, were closed. The 1st day of February was appointed by the Commissioners to hear the arguments of the Proctors for the Captor, and for the Claimant, and for the Commissioners to give their decision upon the Case.

Shortly after the Master had formally appeared as Claimant in the Case, there was presented to the Commissioners a Petition, purporting to be from the Negro Quashee, on his own behalf, and on the behalf of his fellow Negroes on board of the Nova Sorte, to the effect—that understanding he was not claimed as a Slave by the Master of the Nova Sorte, as neither were his fellow Negroes on board of the Vessel so claimed; conceiving that no other Person than the Master had a right so to claim him, or his fellows, he prayed the consideration of the Commissioners towards his and their Case, and that the Commissioners would allow him and them to be landed, and disposed of as the Commissioners might think fit.

This Petition was first presented to Mr. Altavilla, who, following the natural impulse of humanity, acceded to the prayer of the Slave, by putting the word "granted" on the back of the Petition, with his signature subscribed thereto. The Petition was next presented to the British Commissioners who, though as they trusted they were, alive to the generous feeling which had prompted Mr. Altavilla immediately to grant the prayer of the Petition, could not but be struck with so unusual a proceeding as the one which purported to emanate from an illiterate Negro. It appeared to the British Commissioners, that, even allowing that the Petition originated with Quashee, they could not permit him to start up as a Third Party in the Case. It would be well understood why the Master of the Nova Sorte, did not include the Negroes in his Claim for the Vessel and her stores; he had been taken on a part of the Coast where the Slave-trade was prohibited; but it was a part of the Question that the Commissioners had to try, whether Quashee and his Companions were, or were not, the Slaves of the Master, and he and they must abide by the event of the Trial. The Proctor

for the Captor had stated, in a Paper that had been given in by him, that he could not venture so far to commit his Client, as to land the Slaves, as, in the event of a decision against him, it would render him liable to pay the value of them. For the Commissioners to direct the landing of the Negroes, with this Declaration on the part of the Captor before them, and without the state of their health requiring an immediate landing, might embarrass the proceedings in the Case. The Trial would soon take place, and the fate of the Negroes would soon be decided. Mr. Altavilla acquiesced in this representation that was made to him; the Negroes remained on board, and the Petition was withdrawn.

Mr. Hamilton, Registrar, subsequently called on Mr. Gregory, and stated, that having understood that the Petition of Quashee was not approved of by the Commissioners, he took the opportunity to say— that he had been instrumental in the drawing up of the Petition in a professional capacity; that there was not the least intention to embarrass, in any way, the proceedings of the Commissioners; on the contrary, that it was thought the best way to facilitate a landing, to which difficulties had been opposed. Mr. Gregory explained to Mr. Hamilton the reasons already stated, why the Commissioners did not grant the prayer of the Petition.

On the 1st of February, the Case came on for trial before the Commissioners. The Proctors for both Parties moved the Judgment of the Court upon the Case.

Mr. Gregory delivered, first, his opinion upon the Case. Mr. Gregory commenced by detailing the circumstances connected with the outfit of the Nova Sorte, at Bahia, as already detailed at the commencement of this Report; he then proceeded to comment upon the circumstances attending the detention of the Nova Sorte, by Lieutenant Rothery, at Mina Piccaninny. It appeared by Lieutenant Rothery's Declaration, that the Nova Sorte was detained, on the 14th of October, 1822, for being engaged in the illegal Traffick in Slaves. The Declaration of Lieutenant Rothery simply charged this. No Slaves were stated to have been on board of the Nova Sorte at the time of her detention, or at any time previous, nor was any mention made by Lieutenant Rothery of any Slaves being sent to Sierra Leone in the Nova Sorte. The Report of the Marshal of the Court, however, made on the arrival of the Vessel at Sierra Leone, stated the Nova Sorte to have brought to Sierra Leone 122 Slaves. The Declaration of Lieutenant Rothery was deficient, inasmuch as it did not give information of the circumstance of Slaves being on board of the Vessel, which circumstance was material to the prosecuting of the Captor's Case, without confusion, at the outset; for confusion would be introduced into a Case when the grounds of seizure were not properly explained. Certainly the Commissioners were in the dark as to the ground of seizure, in this Case, until Lieutenant Rothery, in an Affidavit made by him on the 10th January, which Affidavit might be regarded as a Supplementary Declaration of the facts attending the detention of the Vessel, stated the manner in which the Slaves brought to Sierra Leone in the Nova Sorte came to be on board of that Vessel. From that Affidavit it seemed that it appeared to Lieutenant Rothery, that no Slaves were on board of the Nova Sorte at the time that he visited her on the 12th of October, and that he had no information of Slaves having been on board of her at anytim e

previous to that day; that the ground of seizure was the fact of twenty Slaves being on board of the Nova Sorte on the 14th day of October. There did not appear to be any other ground than this. However the embarkation of twenty Slaves, on the 14th of October, might have been the original ground of seizure, the Case, as it then stood before the Court, did not shew that it was the intention of the Captor to seek a Decree of condemnation on that ground. The embarkation of the twenty Slaves, on the 14th of October, was asserted by the Crew of the Nova Sorte, to have been the act of the Captor, and it clearly appeared from Lieutenant Rothery's Affidavit of the 10th of January, that, in fact, the embarkation of these and of the other Slaves, making in all 122, was the act of Lieutenant Rothery, and not the act of the Master, or of others belonging to the Nova Sorte. The Slaves were demanded of the Caboceer of Mina Piccaninny, by Lieutenant Rothery, and were given up by the Caboceer, in consequence of the demand.

It appeared as if the mind of the Captor misgave him as to what might be the result of the Suit, if prosecuted on the ground that 20 Slaves were on board of the Nova Sorte, on the 14th of October; for, after the examinations of the Master and Boatswain of the Schooner were taken, on the Standing Interrogatories, it was found that the Case hinged upon the Question, whether certain Slaves were on board of the Nova Sorte, unknown to the Captor, on the Evening of the 12th of October, and whether they were conveyed out of the Sehooner and relanded by her Crew or not. This question must be the result of recent enquiry, for Lieutenant Rothery said in his Affidavit, that when the Schooner was visited, on the Evening of the 12th of October, the usual Slave-holds were looked into, but no Slaves were found in them; the misgivings of the Captor's mind upon the legality of the original detention, were not without cause, as had the Case come before the Commissioners, on the ground alone of that detention, they would have decided it against him, for this reason—that such an embarkation as that of the 20 Slaves, could not have been considered as the act of the Master of the Nova Sorte, but only as the act of the Captor, and consequently, not an embarkation of Slaves for the purposes of Traffick, according to the meaning of the Convention.

Having commented thus much upon that part of the Case, Mr. Gregory proceeded to observe upon the other prominent part which related to the Question, whether certain Slaves were on board of the Nova Sorte, unknown to the Captor, on the Evening of the 12th of October, and whether or not they were conveyed out of the Schooner and relanded by her crew. With respect to that question, Mr. Gregory observed, that it was material to bear in mind that the Nova Sorte was properly equipped at Bahia, for purposes of Slave-trade.

The Vessel sailed from Bahia on the 24th of May 1822, about the 30th July she was found by the Snapper, off Elmina; on the 7th of August, she was found by the Snapper off Mina Piccaninny, with her Cargo on board; and nine weeks afterwards, on the 12th of October, she was again found by the Snapper, off Mina Piccaninny, with but a small part of her cargo on board.

It was stated by the Master, that he anchored at Elmina for water and provisions. How he came to be so far North of the Equator, and out of the track from Bahia to Molembo, he does not explain. The Master stated, that he went to Mina Piccaninny also for water and provisions. The Boatswain said, that the Vessel anchored at Elmina to take in water, and to repair the main boom, and at Mina Piccanny for water, and to repair the top-gallant-mast. They denied having traded in Slaves at Mina Piccaninny, and having had any Slaves on board. Some others of the Crew also denied that any Slaves were on board of the Nova Sorte at any time previous to her detention by the Snapper. The Master had said, in answer to Special Interrogatories, that it took all the part of the cargo that was not on board at the time of capture, to buy water, provisions, and palm-oil. Now, this was the most considerable part of the cargo, and the part that remained on board was insignificant in comparison with it. Was it to be believed, that this cargo, which at Bahia was intended for Slave-trading purposes, could have been employed in the purchase of provisions at Mina Piccaninny? An extravagant price, indeed, must be supposed to have been given for the provisions, if it could possibly be believed that the greater part of the cargo had been employed in the purchase of them. but the Master had said, in answer to one Question, that the remaining part of the cargo which was on board at the time of capture, was to have been delivered at Mina Piccaninny, for the account, risk, or benefit of the Owner: and in answer to another Question, that the remainder of the cargo on board was to have been carried to Molembo, and there landed. What did these inconsistencies and contradictions indicate? They indicated, certainly, that the man had no honest design in remaining so long at Mina Piccaninny. If his pursuits there had been those of lawful commerce, his statements would have been consistent with each other.

Mr. Gregory concluded that the Master was engaged at Mina Piccaninny in the illegal Traffick in Slaves; he held, that if positive proof of this Traffick were required, it was furnished by the evidence given in the Case, by the Slaves that had been brought to Sierra Leone, in the Nova Sorte.

Mr. Gregory, before he referred to this evidence, adverted to what had been observed by the Proctor for the Claimant, that the evidence of the Negroes brought to Sierra Leone in Slave-ships was not to be relied upon, principally because they were interested Persons, in Cases where their freedom or slavery was at issue. Mr. Gregory did not think that such Negroes were disqualified to serve as Witnesses; for, uninformed and ignorant as they were, they could not possibly be aware how their answers were to affect the Case in which their Evidence was required. Their situation was widely different from the situation of Europeans who had the misfortune to fall into slavery in some part of this Continent or elsewhere. In Cases which affected their state of Slavery, they would be held to be interested Witnesses, and might be deemed incompetent to give their Evidence impartially; as, possessed of general information, as they might in general be imagined to be, the Europeans would be supposed to give such evidence as might favour their own particular Cases. But what general information had the poor Africans of the Slave-ships that were brought to Sierra Leone? Untutored as they were when they arrived at Sierra Leone,

what knowledge could they possibly have of the Convention respecting the Slave-trade, that existed between the Governments of Great Britain and Portugal, or how could they possibly know the manner in which their Evidence was to affect their state of slavery? Mr. Gregory considered the Evidence of the Negroes to be good, generally, and that their Evidence was to be depended upon in Cases of adjudication before the Mixed Commissions.

Considering the Evidence of the Negroes of Slave-ships to be good, generally, Mr. Gregory placed more confidence in the particular Evidence of the Negroes in this Case, that in the Evidence of the Master and Crew of the Nova Sorte. Mr. Gregory said, that placing out of view the Affidavit of Joachim, which in a manner had been impeached by the Proctor for the Claimant, and the examination of the female Slave, Cosebah, which had been objected to by the same Party, he should place reliance on the Affidavit of Quashee, and on the statements of the five other Slaves who had been examined in the Case. Mr. Gregory referred to Quashee's Affidavit, and considered that the statement made by him was consistent, and that it was supported by the statements of the five Slaves, as far as the embarkation went. Mr. Gregory considered it strange that no questions had been put to Quashee, and to his Companions, by the Proctor for the Claimant: Mr. Gregory thought that the Proctor for the Claimant considered that it would be dangerous to meddle with their Evidence, by questioning them upon the statements which their Evidence contained. Mr. Gregory concluded, by giving it as his opinion, that the Nova Sorte had been illegally engaged in the Traffick in Slaves; that Slaves had been put on board of her by her crew, for purposes of Traffick, and that she should, therefore, be condemned as Prize. Mr. Altavilla dissented from Mr. Gregory's opinion; disbelieving the statements of Quashee and of Joachim, he did not think that there had been any embarkation of Slaves by the Crew of the Nova Sorte, for the purposes of Traffick. Mr. Altavilla's opinion was, that the Nova Sorte should be restored to her Master, with compensation for all losses that the Master might have suffered by her detention.

Upon this disagreement of opinion betwixt the Portuguese and British Commissary Judges, the British Commissioner of Arbitration, Mr. Fitzgerald, was required to pronounce betwixt them, agreeably to the provision of the Convention.

Mr. Fitzgerald observed, that having considered the conflicting Evidence of the Case, upon which the two Commissary Judges had disagreed in opinion, he should deem it to be his duty to examine Quashee and the Slaves themselves, who were stated to have been embarked on board of, and re-landed from, the Nova Sorte by her Crew. Mr. Fitzgerald wished that the examination of these Slaves should take place in open Court. Some of the Slaves were landed, and brought before the Court. The Court continued its Sitting after the Commissary Judges had delivered their opinion upon the Case, in order that the examination of the Slaves should be proceeded in without delay.

The Slaves that were brought before the Court at this Sitting were—Appear, Accommo, Desay, and Quamin. Their Evidence cannot be well abridged; it is, therefore, given as it was taken upon questions put to them by Mr. Fitzgerald, as follows, viz:—

Appear.—Saith, his name is Appear, and his Country, Ashantee; he is a Freeman in his own Country, but not at this Place; he is a Slave here; he was purchased by the Captain and Mate of the said Schooner (the Nova Sorte) whom he points out in the Court-room; he was put on board the Schooner which brought him here by his own Countrymen. This Witness points out the Nova Sorte from the Court-room, lying in this Harbour. Saith, that at the time of his going on board, the said Vessel was lying at Noocoo; he was put on board before the English Vessel came in sight; he was on board four days before that time; on the appearance of the Man-of-War Ship, the Portuguese people put him down and covered him up.

To the question, after the time that they, (the Slaves,) were hid, what was done with them?

Appear answered, that at the hour of breakfast they were brought upon deck, after which they were taken back again; after they had done eating their breakfast, they were desired to wash themselves, and if they did not, they were flogged and locked up again; he was never on shore after the first time of his being put on board, until his arrival at this Place; they were sent on board in three parties; one consisted of thirty-three, another of twenty, and another of fourteen; the Party that he went with, were the fourteen (was the party of fourteen); the party of fourteen, was the first that went on board; the fourteen (the party of fourteen) remained on board four days before they went on shore for the others; during these four days, in the day-time they were brought on deck, and at night-time they were taken below to sleep; he did not see the Snapper at that time; at all times they were put below in the same manner; they never covered his body with sails; when they put him below, they put over one thing that fits it, (meaning they put the hatches over the hatchway), and then put over it a sail; from the time of his first going on board, he did not go on shore again until his arrival here; he was on board the Schooner as one of the fourteen, four days before the others were brought.

Accommo.—Saith, his name is Accommo, his Country, Kagoo; he is a Slave; he was bought by the Master of the Nova Sorte whom he points out in the Court; he was put on board by the people where he was; points out the Nova Sorte from the Court-room, now lying at anchor in the Harbour; the said Vessel was at that time at Adina; he was put on board the said Schooner four days before the Brig-of-War came in sight; on the appearance of the Man-of-War, the Portuguese locked them up, and covered them over with sails.

To the question, after the time that they (the Slaves) were hid, what was done with them?

Accommo answered, at the time the Man-of-War came, they told him not to talk, that if he did, they would flog him; that at the time the Man-of-War came they were locked up in a hole, but they were afterwards set at liberty by the Man-of-War's people; he remained on board the said Schooner four days, and on the fifth day, the Brig-of-War took them; he did not go on shore at that Place after he went on board, until his arrival at Sierra Leone.

Desay.—Saith, his name is Desay, and his Country, Acomb, he is a Gentleman's son, but having got into a little trouble, he was in consequence sold; points out the Captain and Boatswain, who are now in Court, as the Persons who bought him; he was sold as a Slave for having had connexion with another man's wife.

To the question, after the time that they (the Slaves) were hid, what was done with them?

Desay answered, after they were locked up, they were put in irons, and remained so until liberated by the English people; they were afterwards brought upon deck, and did not go on shore until his arrival at Sierra Leone; he was put on board the first time by the Natives; he was on board the Schooner four days before the English came; does not know the difference between English and Portuguese, unless when he is told; he knows the difference from those who came from the Schooner who bought him, and those who came from the Man-of-War to take him; he repeats that from the first time of his going on board, he never went on shore again until he came here; those who put them below belong to the Schooner; they are now on board and would know them.

Desay re-examined.—Saith, he knows the two mariners now before the Court, as they used to bring them up to breakfast, and then again to supper; this was done in the same manner every day; the men had one place to stop in, and the women another; he came on board the Schooner with the first party of twenty with the other Witness Appear.

Quamin.—Saith, his name is Quamin, and his Country, Cormantin; he is a Slave; he was purchased by the Captain of said Schooner, whom he points out in the Court-room; he was put on board by his own Country people. This Witness points out the Nova Sorte from the Court-room, lying at anchor in the Harbour; the said Vessel was lying at the time he went on board at Noocoo; he was on board four days before the English Vessel came; on the appearance of the Brig-of-War the Portuguese locked them below.

To the question, after the time that they (the Slaves,) were hid, what was done with them?

Quamin answered, at the time the Brig-of-War came, he heard them fire; he was at that time down below; it was in the Evening; that at the time the English people took them, they were brought upon deck, and the irons which were at that time on them, were knocked off; from the time of their being taken on board, they continued to remain down below, until the English came on board; from the time of his first going on board, he did not go on shore again at that Place, until his arrival at Sierra Leone; at the time that they fired, one half of the Slaves were on shore; the English then sent a boat and brought off that part of the Slaves that remained on shore; they were put down below always in the same manner; he repeats, that he did not go on shore again at that Place, after having been put on board, until his arrival at Sierra Leone.

On the 3d of February, Monday, the examinations of the Slaves were proceeded with. The Slave, Quashee, whose evidence had principally determined Mr. Gregory's decision, was examined. This Slave spoke

English, not so well but that it was necessary to have the assistance of an interpreter in the course of his long examination.

Quashee.—Saith, his name is Quashee, he was a Slave of Daendals, (General Daendals, formerly Governor of the Dutch Fort of Elmina) then of Mr. Blenkarne; after that, he was bought by the Master of the Nova Sorte; Mr. Blenkarne's woman sold him to Quarte Cudjó; Quarte Cudjó then put irons upon him, and put him on board a Schooner belonging to Akotejo, who lives at Quittah; the said Schooner took him from Accra to Mina Piccaninny; Quarte Cudjó put him in irons; he was put in irons to prevent him from getting away; Akotejó was the Person who bought him, and the Person who sold him to the Portuguese People; the Portuguese Captain put irons on his neck, on the shore at Mina Piccaninny; saw the Captain in Akotejó's Schooner, who said he wanted to buy Slaves; the Captain purchased all of them on board, and sent a boat on shore to purchase more Slaves at Mina Piccaninny; and Akotejó sent his own Schooner to Accra for more Slaves; the Portuguese Captain sent Akotejó's Schooner to Accra for more Slaves; they sent him (this Deponent) on shore, and put him in a house; after they had put them on shore, and sold them to the Portuguese, Akotejó went and told the English that he had sold his Slaves to the Portuguese people; on the appearance of the English People, they were sent into the bush; when the Vessel came that took them, he was on shore; the others that were left on shore were locked in a house, and would not be allowed to come out; he was one of them; one half put on board, the other half got away on shore; while he was kept on shore, they took him for necessary purposes in the back yard; he could see the Schooner; they were not otherwise allowed to walk out; a sentry was kept over them; he could see people go on board the Portuguese Schooner from that house; every time the Captain came on shore he took a party of Slaves and sent them on board the Schooner; the Captain did this every time, but when the Man-of-War came, he stopped sending off any more; those that they carried on board, they did not put back on shore again; at the time the Snapper took them, one half the Slaves were on shore, and the Snapper's boat was sent on shore to take them; the first party that was put on board was put down below; one of those who were on board told him so; it was Accotia told him so when this Witness and the rest were put on board; Accotia was the only Person who told him, and the only one who could speak Cormantin; the time the Snapper came, the Portuguese told him the Snapper came to take them, and took them aback of the Farm in the bush; he only saw the Snapper one day from the Farm; the Portuguese Vessel and the Snapper were close to each other; saw the Portuguese Vessel every time; while he was on the shore, he saw landed every day, tobacco, rum, and cloth; the time the Snapper came, the Captain had purchased all his Slaves, and he was about to provide wood, and water and victuals to feed the Slaves; after the Snapper came he did not see any thing more landed; at the time the Snapper sent on board the Schooner, the Portuguese were going to put Slaves on board from the shore, but on seeing the Snapper, they did not; after the Snapper came, he did not see any

boat come from the Portuguese Schooner to the shore; after the Snapper came he did not see any Slaves come on shore from the Schooner; a great number of Slaves went on board at the same time with him; does not know the number.

Quashee re-examined,—Saith, he saw Accotia on shore before his going on board the Schooner; he saw Accotia on board when he (this Witness) was put on board; Accotia was put on board four days before this Deponent; the same day that he, this Deponent, went on board, the same day he saw Accotia on board; the time Accotia went on board, he did not see the Brig Snapper.

Accotia examined.—Saith, his name is Accotia, and his Country, Zanah; he was sold for having another man's wife; he was bought by the Master of the Nova Sorte, whom he points out in Court; he was put on board the said Schooner by desire of the Master of the Nova Sorte; points out the Nova Sorte from the Court-room, now in the Harbour; the said Schooner at that time was lying off Adina; he was on board said Schooner before the English Vessel came in sight; he was on board four days before that time, and on the fifth day the Man-of-War took them; on the appearance of the Man-of-War they were sent down below, and the door shut upon them and covered over with sails, they wanted to talk, but they would not allow them to do so.

To the question, after the time that they (the Slaves) were hid, what was done with them?

Accotia answered, that after they were put below, they put a man over them, and told them not to talk; they remained in the hold for a long time; when the English came, the English cook pulled the irons off their necks; he did not go ashore again after having been put on board the first time, until his arrival at Sierra Leone; they were always put down in the same place every day; he repeats, that Sierra Leone was the first Place he went on shore at, after being put on board the Schooner, from the time of his going on board, he did not go on shore at the same Place.

Accotto examined.—Saith, his name is Accotto, and his Country, Taffee; he is not a Slave in his own Country, but he is one now; he was bought by the Master of the Nova Sorte, whom he points out in Court; he was put on board the Schooner by the people of the said Schooner; points out the Nova Sorte from the Court-room, now in the Harbour; the said Vessel was lying off Adina at the time of his first going on board; he was put on board the said Schooner before the Man-of-War came in sight; he was put on board four days before that time; on the appearance of the English Man-of-War, the Portuguese put them down below, and shut the door upon them, after which they covered it with sails.

To the question, after the time that they were hid, what was done with them?

Accotto said, after they were locked up, they were flogged; they were locked up for a long time down below; the English caught them first, and let them out; at day-light they were brought upon deck, and at night they were taken down below; he did not go on shore again after having, in the first instance, been put on board the said Schooner, until his arrival at Sierra Leone; at the time the Man-of-War came, they were told

to go down below, they shut the door upon them; it was in the same place that they were always put (meaning that the place in which they were confined, was the same place into which they were always put) those that did not go down below, were flogged with a rope.

Cosebah examined—Saith, her name is Cosebah, and her Country, Amfoy; she is a Slave; she was bought by the Boatswain of the Nova Sorte, whom she points out in Court; she was purchased on the shore; after she was bought she remained on shore three days, and on the fourth day was put on board the Schooner; she was put on board the Schooner by some Cormantins who lived there: points out the Nova Sorte from the Court-Room; the English ship was there at the time she went on board the said Schooner; she went on board the said Schooner in the Morning; the Sun had risen at the time; she saw the Snapper at that time; at the time she went on board the said Schooner not any Englishman were on board of that Vessel; a considerable number of Slaves were on board—more than twenty; they were on a chain; they kept them below, four days; they sent them below, and would not give them water to drink; they were told not to talk so much, or the English would catch them; they were at the bottom of the Schooner; they pulled them out, and sent them into the bush. Some were left on board; the Sun had risen, at that time it was not very light at that time; they only remained one day in the bush, and on the second day they were put again on board the Schooner; there were about twenty in the same boat with her when she came on shore; those that remained in the Schooner, she did not see again in the bush; when she went back again to the Schooner, she did not see them; the two men now before the Court, Accotto and Accotia, did not go on shore with her; these two men were sent into the bush with her; did not know them in the Schooner before; she and those men walked the same road into the bush; herself and other women were on one chain, and these men, with others, were on another chain; these two were on board at the same time she was; after that, they put them in the bush.

Accotto re-examined.—Saith, he saw Cosebah the first day on board the Schooner; he saw her also the second, third, and fourth day on board the said Schooner; he repeats again that he never went on shore after being put on board the said Schooner; they brought the men on board before the women.

Accotia re-examined.—Saith, himself and Cosebah were bought at the same time by the Portuguese Captain; they brought the men on board before the women; Cosebah was put on board the Schooner on the same day as himself; it was day-time when he was put on board, and it was also day-time when Cosebah was put on board; he also saw her the second and third day on board the Schooner; he has seen the woman Cosebah every day since that; on the appearance of the Snapper, they put them below, and told them not to talk much, else the Brig Snapper would catch them; he was on board the said Schooner four days; the women were also on board the whole of that time; they were confined the whole four days; they were liberated by the Snapper's people; they gave them a pail below for the purposes of nature; they

remained down below four days and four nights; they did not come on deck during that time; the people said if they did they would talk too much.

Accotto re-examined.—Saith, he was put down below four days; he was liberated by the English people,

Towards the close of the examinations of these last Witnesses, the Proctor for the Captor expressed an opinion that if the Slaves had not been re-landed, as originally stated by Quashee and Joachim, they had remained concealed on board the Nova Sorte. The reason for this opinion was founded upon the statements of some of the Slaves—that they were kept on board for four days, from the time that they were put below, on the approach of the English, until they were released by the English, having already repeated, that they were put on board four days before the English came, and the woman Cosebah having said, that some Slaves were left on board when she came on shore, whom she did not see again in the bush. The Proctor for the Captor thought that this alleged concealment might be substantiated, and he wished to examine Witnesses in order that it might be so substantiated. The Proctor for the Claimant observed, that it would be a great grievance to his Client if the opposite Party were allowed to raise a new Case, upon such slight foundations as might be laid in the Evidence that had recently been brought forward. The Captor had already been allowed to build one Case upon the Case of the original detention. Both these Cases, as the Proctor for the Claimant contended, had fallen to the ground; and he was now to be called upon to prepare fresh defences against the Case intended to be raised by the Proctor for the Claimant, and which, after a waste of time and trouble, might prove to be without any foundation at all; he thought that the Proctor for the Captor had been sufficiently indulged by the Court.

Mr. Fitzgerald was of opinion that the Court was bound to investigate every matter that might arise, which might appear to be substantially connected with the ends of justice, but it was not bound to pursue every fleeting shadow that might rise in one moment and pass away the next. In this opinion the other Commissioners concurred. The Proctor for the Captor thought that the concealment of part of the Slaves might be proved. The Proctor for the Claimant was told, that he might examine such Witnesses as he thought proper upon this new Case, and have the opportunity of cross-examining the Witnesses brought forward by his Opponent. Upon this the Court adjourned until the next day.

On the next day, the 4th of February, the Commissioners met in the Court.

Mr. Fitzgerald addressed the Proctor for the Captor and informed him that, if he conceived that he possessed the means of establishing by proof, the new Case of a possible concealment of the Slaves on board, instead of a re-landing, the Court was ready to go with him into the subject of that Case. The Proctor for the Captor said, that, from enquiries made by him, in the interval since the adjournment of the Court on the preceding day, he had reason to think that a part of the Slaves had been landed, and a part had been kept in concealment on board; and that he had brought as Witnesses, to prove these last newly discovered matters, two Boys, who were in attendance: it was desired that the Boys might be brought into Court.

One of the Boys was accordingly brought into Court; the Proctor for the Captor requested that the Boy might be examined out of Court. The Proctor for the Claimant begged that the Court would not allow the Boy to be examined out of Court.

Mr. Fitzgerald said, that the Examinations must take place in Court: the Proctor for the Captor then requested that a woman, named Jenny Andrews, should be allowed to interpret between the Boy and the Court. The Proctor for the Claimant objected to the employment of this woman: the request was also refused by Mr. Fitzgerald, who had thought, in the course of the previous examinations, that Jenny Andrews, and the other Interpreters, who had acted much in those examinations, got into a kind of hackneyed train, and led the Witnesses in that train. If the Proctor for the Captor would examine the Boy, he must examine him in Court, and through the means of another Interpreter than Jenny Andrews.

Another Interpreter was procured. The Proctor for the Captor committed to writing the questions which he wished the Boy to answer: the Paper containing these questions was given to the first Clerk of the Commissioners, who was in attendance upon the Court, in the absence of the Registrar: the questions were put by the Clerk to the Boy: the answers of the Boy were as follows, viz.

Loochoo examined—Saith, his name is Loochoo; he is a Slave, he was bought by the Persons who are present; points out the Master of the Nova Sorte, at this time in the Court House; he does not see the person here, who put him on board the Schooner, which brought him here; he was put on board by a Person, who had something on his shoulder, (at the same time he points at the epaulets on Captain Phillips shoulder,) who is at this time in the Court-room.

When the last answers were given by this Witness, marks of impatience were manifested by the Proctor for the Captor, but when the Boy pointed to one of the Epaulets on the shoulder of Captain Phillips, the Commander of His Majesty's Ship Bann, who was sitting near to the Boy, the Proctor for the Captor said, he did not think the Interpreter a good one. Mr. Fitzgerald, "you can get another." The Proctor for the Captor, "may the Witness be examined out of Court?" Mr. Fitzgerald, "No." The Proctor for the Captor, "then I cannot go on with the examination." The Proctor for the Captor said, that he protested against the cross-examination in open Court as being irregular. The Proctor for the Captor had previously said, that the examination was not his; it was the examination of the Court.

The examination of Witnesses in open Court in this Case, had originated with Mr. Fitzgerald. But all the Commissioners were of opinion, that it was quite competent for them to examine Witnesses in open Court, if, in order to the conscientious discharge of their duty, they thought proper so to examine them. The British Commissioners, for themselves, thought that they were fully authorized to take the examinations of Witnessess in open Court, under the Instructions, dated the 30th October, 1822, received by them from His Majesty's Secretary of State for Foreign Affairs, respecting the examination of Witnesses under the Mixed Commissions. These Instructions were as follows, viz.: "With respect to the question, whether or not the Commissioners should be present when the Interrogatories are put to the Witnesses,

I have to acquaint you, that it is the opinion of His Majesty's Legal Advisers, that, unless such examination takes place in open Court, it will be more proper that the Commissioners should not be present; more especially under the particular form of judicature authorized by the Commissions under the Treaties."

The examinations in this Case, of the Nova Sorte, were, as the British Commissioners conceived, within the exception contained in the foregoing Instructions, *they had been taken in open Court*, in the presence of the Proctors for both Parties; and in as publick a manner as they could be taken.

The Proctor for the Captor declined to examine further the boy Loochoo; he wished the Case to take its course: and that final Judgment might be given upon it. Mr. Fitzgerald said, that he would pronounce Judgment upon the Case the next day, the 4th of February.

On the next day the Commissioners met in Court.

The Proctor for the Captor moved that the Nova Sorte be condemned as Prize, and the Slaves on board of her be emancipated.

The Proctor for the Claimant, in moving that the Nôva Sorte be restored to the Claimant, with compensation for losses and damages, took occasion to observe, that it was impossible that there could have been a concealment of Slaves on board of the Nova Sorte, in the manner that had been latterly supposed by the Proctor for the Captor; for it appeared from Lieutenant Rothery's Affidavit, of the 10th of January, that he caused 20 Slaves to be embarked on the 14th of October; and, subsequently, 102, making in all 122: this number of Slaves only had been brought to Sierra Leone, as appeared by the Report made by the Marshal, on the arrival of the Vessel in the Harbour. If Slaves had remained concealed on board, a greater number of Slaves than the number that was put on board at the instance of the Captor, must now be on board; this was not, however, the case.

Mr. Fitzgerald proceeded to give Judgment upon the Case. Mr. Fitzgerald's Judgment was in the following terms, viz.:—

The original detention of the Nova Sorte, was decidedly illegal. The only grounds for that detention, alleged in the Declaration, are—that when visited by the Snapper, off Mina Piccaninny, on the 9th of August, the Nova Sorte had on board her cargo of merchandize complete, as embarked at Bahia; and that when visited again, on the 12th October, that cargo, with the exception of a trifling quantity, (a few rolls of tobacco,) had been landed and exchanged at the same Place for a Cargo of Slaves.

It is not alleged that any Slave or Slaves had been found on board at the time of capture, or that any had been embarked in the course of the voyage preceding the capture, although it is well known that, according to the Sixth Article of the Convention between Great Britain and Portugal, "no British "or Portuguese Cruizer shall detain any Slave-ship not having Slaves actu- "ally on board," and that the utmost extension given to this Provision is by the Additional Article, declaring that, "if there shall be legal proof that "one Slave has been taken on board, in any part of the voyage, for the pur- "poses of the Traffick, the Vessel may be lawfully detained by the Cruizer, and "shall be condemned by the Commissioners."

I take occasion here to say—that the sufficiency of one Slave, was consi-

dered to be according to the correct understanding of the Convention, long before the Additional Article was obtained. The British Commissioners were instructed, in the name of His Majesty's Government, to press that understanding upon the Foreign Commissioners, and the Foreign Commissioners resident in the Colony at that time, coincided in it, with some minute circumstances of reservation: in the present Case not any embarkation of any Slave or Slaves, in any manner, or at any time, was alleged.

In the Affidavit of Lieutenant Rothery, of the 10th of January last, stating the manner of the embarkation of the Negroes brought to the Colony on board of the Nova Sorte, we are informed that, on learning from the Caboceer of Mina Piccaninny that the said Caboceer had supplied a cargo of Slaves to the Nova Sorte, the Deponent, Lieutenant Rothery, returned an answer desiring the said Caboceer to send the Slaves so supplied to the Polacca aforesaid, on board her immediately; that, on the 14th day of the said Month of October, said Slaves to the number of twenty, were put on board the said Polacca by the canoes and people of said Caboceer, when Deponent sent his boat and seized her; that 102, being part of the said cargo of said Polacca, were subsequently put on board when she was sent to this Port for adjudication.

In this Affidavit, which has been considered as a kind of Supplementary Declaration, the detention is stated to have been made upon the embarkation of the Twenty Slaves put on board on the 14th of October, by the Caboceer, at the instance of Lieutenant Rothery, and this was evidently done in order to lay ground for the detention. The Commissioners have always declared that such embarkations cannot be considered legal grounds of detention; and, therefore, the detention of the Nova Sorte must be considered, in the first instance, illegal.

But, in the course of the proceedings, upon this originally illegal detention, a disclosure was made by the Negro, named Quashee, by which it would appear that, before the detention of the Nova Sorte, and before the arrival of the Snapper at Mina Piccaninny, a considerable number of Slaves were put on board of the Nova Sorte, which Slaves were landed privately in the Night, after the Snapper's arrival at that Place.

A question having been raised in the latter arguments upon this Case, as to the right of engrafting, upon the matters originally alleged against the Claimant, other matters, altogether new, and calling on the Claimant to answer those new matters, I think it expedient to meet that Question here, and to declare it as my opinion that, if any matters amounting to apparent acts of illegal Slave-trade shall be found in any stage of the proceedings, the right, and I will add the duty, of investigating those acts, immediately follows. But the proper mode of pursuing that investigation should be settled and understood. The Claimant should be duly informed of the further charges against which he is required to make his defence; and the Court should be apprized of the further questions which it is called upon to try. This may be done, as I conceive, by adding to the original Declaration, a Supplementary Declaration, intimating that the Captor hath further detained the Vessel in question, for the acts newly brought forward, which acts should be substantiated by Affidavit; and the intention of proceeding upon them should be made known to the Party, by delivering a Copy of the further Declaration

to himself or to his Proctor, or by some mode equivalent to that. In cases of the total insufficiency of the original Declaration, the Commissioners might be moved or petitioned to allow it to be withdrawn and a new one to be substituted, due notice being given to the opposite Party in that case also.

But, in the present instance, the Court is in the situation of investigating, as the entire substance of the Case, matters which are not alleged, either in the original Declaration, or in the Supplementary Affidavit of Lieutenant Rothery, respecting the embarkation of the Slaves put on board of the Nova Sorte. These matters were first brought under notice in the Affidavits of the Negro named Quashee, and Joachim, which were filed upon the application of Mr. Austin, by Petition for that purpose. In the present Case, there is not only the irregularity of a Trial without any Declaration of the matters to be tried; but the further irregularity of investigating those undeclared matters upon a detention originally illegal.

I have been led to consider that point in the form of a Question of this kind:—Can a Decree of condemnation be passed upon a detention altogether illegal? Unless such a decision could be pronounced upon such a detention, it would be useless to pursue the investigation of this Case further. I think that we may go thus far, at least, in this view;—that if the Case should come to this alternative, whether gross and clearly established acts of illegal Slave-trade should be suffered to escape the punishment provided for them by the Treaties, on account of illegality in the detention, or such illegality of detention be considered to be superseded by the illegal acts, I should not hesitate to prefer the punishment of the illegal acts, especially if that punishment should be attended with the emancipation of a number of Slaves, illegally purchased and kept in thraldom. This was the course adopted in the Case of the Conde de Villa Flor, and the decision in that Case was governed by the principle that I have stated. The enormity and the multitude of instances of illegal Slave-trade, and the vast mass of illegality constituted by those instances, combined together in that Vessel, countervailed the local illegality of seizing her within gun-shot of a Portuguese Fortress. I must, at the same time, observe, that the local illegality of the Place of seizure, in the Case of the Conde de Villa Flor, does not stand upon such absolute grounds as this prohibition of capture, when no Slave is on board, nor has been during that particular Voyage. This last prohibition is of the very substance and essence of the Treaty, and by it the application of the powers given by the Treaties is to be guided and governed.

Adverting more particularly to the situation of a Claimant under an illegal detention or an insufficient Declaration, I think that the Master of a Vessel in such a situation may take the opinion of the Court—Whether he should be called upon to submit to examination, or to make his defence: but if he goes to examination, he is bound to answer truly; and the truth of his answers, if properly established, is equally available for his benefit as it would be against him, for the illegal Captor would be then bound to make compensation for the injury done. On the other hand, if acts which he had denied in his testimony shall be clearly proved against him, it is just that he should suffer for those illegalities which would then be aggravated by fraud and perjury.

These preliminary observations appeared necessary to open the way to

the decision of the present Case; to shew the right to decide upon it, and the principles on which, as I conceive, that right rests. I am not disposed to impute blame to any body for having to examine a Case involving so many and such important points, upon the foundation of the Affidavits of two Negroes; for when these Affidavits were admitted by the Commissioners to be filed, the institution of proceedings upon them was sanctioned. These Affidavits might, however, have been distinctly connected with the Case, by stating in the Petition, that they were designed to bring forward acts of illegal Slave-trade, which did not appear in the examinations on the Standing Interrogatories. I hope that more method will be observed in future. In the present Case, as it stands now, I think there would not be any violation of the principles of the Treaty, in pronouncing a Decree of condemnation, if justice should so require, notwithstanding the illegality of the detention and the insufficiency of the Declaration. The Affidavits must, in this respect, be taken in the place of a special Declaration, and as containing the grounds of the detention, and the matters to be investigated and tried.

I will now review the Evidence in this Case, touching principally upon the facts which came forth in the course of the examinations taken in open Court; for before these new examinations were taken, the inclination of my mind, I am free to say, was in coincidence with the opinion of Mr. Gregory. I coincided with him more fully, before I was aware that Mr. Altavilla had a different opinion; as, having now for a considerable time, reason to appreciate highly Mr. Altavilla's rectitude and impartiality, and his accurate discrimination of what is entitled to belief, from what is not so entitled, I could not be apprized of his sentiments, without feeling that I ought to suspend my decision, until I should be enabled to give myself better means of directing it. These means I sought through those further examinations that have taken place before the Commissioners in open Court. I have already more than once said, that, by instituting these examinations, I did not mean to throw the slightest imputation upon the proceedings connected with the evidence, previously taken by the Registrar; I had not the slightest doubt that these examinations were conducted with perfect impartiality; with a due sense of the obligations attached to the Office; with all the propriety, and all the ability that are known to belong to the conduct and character of the Gentleman who fills that Office. The examinations originally proposed by me, had a very limited object. That object was supplementary to the matters declared in the previous testimony of the Negroes, who had been examined in support of the allegations of Quashee's Affidavit.

I also had it in contemplation to put some further questions to Quashee himself: I thought it my duty to hold these examinations in the open Court, before the Commissioners themselves, in order that all Parties, and all of the publick, who might be disposed to be present, should be witnesses of what should pass in them, and this is what I conceive to be the object of the direction given to the British Commissioners by His Majesty's Government; that it was thought better that they should not be present at the examinations, unless those examinations took place in Open Court.

The object of my further enquiry was to ascertain, whether the Negroes in question were relanded after they were embarked, for if they should be found not to have been so relanded, the embarkation of them would not be consistent with the statement of an embarkation of Negroes, who were, subsequently, relanded, as described in the Affidavits of Quashee, and Joachim.

To put to these Negroes abruptly, and without any introduction, this kind of question:—What became of you, or what was done with you, after the Portuguese mariners put you in the hold, upon the approach of the English Vessel? appeared to me not likely to obtain the simple disclosure that was essential to the formation of my Judgment.—I thought that with these Witnesses, some introductory proceedings would be necessary; and all of those who have had experience of African Witnesses, must be aware that such necessity exists. Indeed the experience of these very examinations must have proved it, to all those who were present in Court, while they were passing. The most proper introduction, according to my opinion, was the repetition of the questions previously put to them, and I also looked for this advantage from such repetition, that the consistency, or inconsistency of their present with their former answers, would be a safe and a proper test of the credit to be given to them in that further evidence, which it would be incumbent on me so minutely to weigh.

The result of this repeated examination, was far from being discreditable to these Negroes. With the single exception of the woman, named Cosebah, their repeated evidence coincided with the answers given by them before to the same questions, and I was, consequently, led to place the stronger reliance upon their answers to the further questions, which I felt it my duty to put to them. I will add, that these examinations have tended to confirm my persuasion, that the testimony of the Negroes is the most certain means of ascertaining the simple facts in Cases of Slave-trade, in which the evidence of white-men is involved in doubt and difficulty, by absolute assertions on one side, and denials as absolute on the other. For circumstantial details they are not such proper Witnesses, because they do not attend to the minuteness of them, and cannot comprehend the value of that minuteness.

All the Negroes stated themselves to be Slaves; some told how they were reduced to slavery; all pointed out the Master of the Nova Sorte, as the Person who had bought them; they gave nearly the same account of the time and manner of their embarkation, four days before the Man-of-War came in sight, and of being put down below, on the appearance of the Man-of-War. When the further question came to be put, by the event of which my decision was to be guided, my confidence in their veracity was fixed by the consistency that I have noted. That question was, after the time that they were hid, what became of them? In the answer to this question, with more or less of circumstances touching what had taken place, every one of them declared that he had never put his foot on shore at that Place, from the time that he went on board; and again, that he did not go on shore from the time that he went on board there, until he came to Sierra Leone. This, or the contrary of it, being the fact to which I attached most importance, the question was repeatedly put amidst the variety of matters declared by

each Witness, in explaining the manner of the treatment of the Negroes on board. Those who thus agreed were, Desay, Accommo, Quamin, Accotia, and Accootoo; one man, who had not been examined before, gave the same answers very nearly as the others.

The woman Cosebah said, she had been kept on shore three days after she was bought, and on the fourth she was put on board the Schooner. In her former examination she said she was five days on shore, and was put on board on the sixth: she saw the Snapper there at that time. Upon finding that she persevered in declaring this fact, I was disposed to desist from examining her further, as such an embarkation would not be consistent with the Case; but circumstances which then occurred, induced me to go on a little farther. She repeated that she saw the Snapper at the time of her going on board; that the Slaves were put below and kept there four days; that they were then landed and carried into the bush; some were still left on board, whom she did not see again in the bush. The men shortly before examined, Accotia and Accommo, were brought into her presence; she said she saw them on board the Nova Sorte and saw them afterwards in the bush; they went the same way that she and the other women did. These men, being afterwards severally examined, said the woman was on board with them during the whole time of four days, at the end of which, the English came on board. One of them being asked, whether he had seen her in the bush, said, he had seen her in the bush; being asked whether this was before or after he had seen her on board the Nova Sorte, he said it was after, but on being told that he had before said he had not put his foot on shore there, he said it was true, he had not.

I do not consider that the evidence in denial of the relanding was weakened by what this man had said of meeting Cosebah in the bush, after meeting her on board of the Nova Sorte; it was probably through a misunderstanding as to the time, for he was unaltered in his declaration of not having himself gone on shore.

The Negro named Quashee, was re-examined, by putting the substance of his original Affidavit to him in the shape of interrogatories; he gave the former details of passing as a Slave through several changes, until he was sold by one Akotejó to the Master of the Nova Sorte on board of Akotejó's trading Schooner, from which he was taken to the Master's Slave-house on shore; but he did not repeat the material fact, to which he formerly deposed, of the embarkation of a number of Slaves, in the long-boat of the Nova Sorte, four days before the Snapper came; although he did say that the Captain took a party of Slaves with him on board, every time that he came on shore, until the arrival of the Man-of-War. The other material fact contained in his former Affidavit, of his having seen a number of Slaves landed from the Nova Sorte, at Sunrise on the Morning after the arrival of the Snapper, was equally unconfirmed, or rather decidedly contradicted, by his latter Declaration: he had not seen any Slavecome on shore from the Portuguese Schooner after the Snapper came. The fact of the hiding of the Slaves below, on the approach of the Snapper, was communicated to him on board of the Nova Sorte, by the Negro previously examined, named Accotia: this was the only knowledge that he had of that fact.

The evidence thus recapitulated, left not a doubt in my mind, that the statement of the embarkation of Slaves, alleged in the Affidavits of Quashee

and Joachim, and of the subsequent relanding of those Slaves, was unfounded, at least in respect to the relanding. But some of those Slaves having said that they were kept on board in the hold for four days, from the time that they were put below on the approach of the English, until they were released by the English, having already repeated, that they were put on board four days before the English came, and the woman Cosebah having said, that some Slaves were left on board when she came on shore, whom she did not see again in the bush; I thought it right to notice in a particular manner this entire new Case; and, although I saw much inconsistency in it, to put it with some observations, founded on what I conceive a Proctor owes to the Court in which he practises, to the general principles of justice and propriety, and to his own character, whether he thought that he could sustain that Case. If he did think so, the Court would go into the investigation of that altogether new Case, although it would be the third Case in the proceedings, counting from the original Declaration inclusively.

The reasons for this explanation were these—the Court is bound to investigate every matter that may arise, which may appear to be substantially connected with the ends of justice; but it is not bound to pursue every fleeting shadow that may arise in one moment, and pass away in the next moment. The Court will probably see, as soon as Parties can, whether anything thus presenting itself, is likely to be substantiated, in fact, or in law, as a matter fit to be taken into account, in the formation of its Judgment or not; but the Parties can best judge whether they have, or are likely to find, the necessary evidence, and, therefore, the option of proceeding, or not proceeding, ought, generally at least, to be left to them or their Agents. It must, however, be felt, that the Parties or their Agents will not deal discreetly, with regard to their Cause, or to their Principal, nor deal fairly with the Court, or with the due administration of justice under the Treaties, if they press for the investigation of any matter which they have not some reasonable grounds to think that they can establish.

These observations I repeat, because I wish to have them fully understood. I am satisfied that they will be found correct; and those who make them, so far as they may be applicable to future Cases, the rule of their conduct in this, or in any other Court, will best consult their own respectability, and the due conduct of the business that may be entrusted to them. I will add, that every suggestion given by the Commissioners, either from the Bench, or in their individual capacity, during the preparatory proceedings, is always directed to the despatch of the business before the Court, in the modes most conformable to the due course of justice, according to the Treaties; and that Parties and their Agents would, therefore, act most discreetly in conforming to these suggestions; for they cannot hope to advance the interests for which they appear, otherwise than in conformity with the due course of justice, as the Court is bound to administer it, under the Treaties which are the Law of the Court.

On these principles, and with these sentiments, upon the opening of the Court yesterday, I addressed the Proctor for the Captors again, and informed him, that if he conceived that he possessed the means of establishing by proof, the new Case of a possible concealment of the Slaves on board, instead of a re-landing, the Court was ready to go with him into the investi-

gation of that Case. I understood him to say, that, from enquiries made by him in the interval, since the adjournment of the Court on the preceding day, he had reason to think, that a part of the Slaves had been landed, and a part had been kept in concealment on board, and that he had brought as Witnesses, to prove these last newly discovered matters, two Boys who were in attendance. These Boys were brought into Court accordingly, but the Proctor for the Captors pressed that they should be examined out of Court.

Having instituted these examinations in the open Court, under the circumstances of having to pronounce the ultimate decision in a very complex and difficult Case; having done so, in order that myself and my brother-Commissioners should see with our own eyes, and hear with our ears, and understand with our own faculties of intelligence, and that all who might be present in the Court should hear, see, and understand concurrently with us; I did not think right to depart from that course, at a moment when the Case was become more critical than ever. It was, therefore, determined that the examination of these Boys should be taken in Court; very pressing instances were then made, that a Woman, named Jenny Andrews, should be allowed to interpret between the Boy and the Court. I thought it right to refuse that also, having had reason to think, in the course of the previous examinations, that Jenny Andrews and the other interpreters, who had acted much in the prior examinations, got into a kind of hackneyed train, and led the Witnesses in that train. I am now fully persuaded, that she had so led the Boy, in the communications with the Boy before he was brought into Court, and that she had further misled the Agent for the Captors into an opinion that he could prove things which it was afterwards ascertained that he had not any opportunity of observing. Several other interpreters were sworn, and afterwards dismissed, for leading the Boy, in the very commencement, after having been warned not to do so.

A proper interpreter having been provided, the Boy, who required much management on the part of the interpreter, in order to get any answers from him, told his name, but could not tell the name of his Country; he pointed out the Master of the Nova Sorte as the Person who bought him: being asked who put him on board of the Nova Sorte, he said that Person was not here; that he was a Person who had something on his shoulder, which he shewed to be an epaulet, by pointing to the epaulet on the shoulder of the Commander of one of His Majesty's Ships then present. It was evident that this Boy was carried on board of the Nova Sorte by Lieutenant Rothery himself, and that, therefore, he could not possibly have witnessed a previous embarkation of Slaves, and a subsequent landing of some of them, and the concealment of others on board of the Nova Sorte; as the Proctor for the Captors appeared to have understood, by the interpretation of Jenny Andrews, in the communications with the Boy before he was brought into Court. It was then asked by the Court, whether the Proctor for the Captors was disposed to pursue the examinations of the Boy any further, and he declined any further examination, unless it should be permitted to take place out of Court. I am sure that any reflecting Person who has witnessed, or has heard of the occurrence that I have stated, will be satisfied that the Court would have acted very wrong, if, after that occurrence, a private examination, with a view to the objects which this Boy was originally expect-

ed to prove, had been permitted. It is indeed obvious, that this Boy, embarked, as he must certainly have been, by Lieutenant Rothery, could not prove any thing that had previously passed on board; and as to what might have passed, after the embarkations made by Lieutenant Rothery, the Court cannot possibly be bound to look into such subsequent matters for acts of illegal Slave-trade, on the part of the Master of the Nova Sorte, or of any of those connected with that Vessel; neither is it possible that such acts of those Parties, could be found in these subsequent matters.

The woman, named Cosebah, having said, that some of the Slaves of the shipment, in which she went, were kept on board of the Nova Sorte, while others were landed and carried into the bush with her; although I thought her Evidence not entitled to much consideration, both because she said the Snapper was at that Place, and in her view when she embarked, that being in the day-time, as on account of many circumstances in the matters stated by her; yet, as some of the male Slaves had said, that from the time that they were put below, on the approach of the English Man-of-War, they were kept below until the English released them, I did examine and consider very minutely, whether that concealment after an embarkation, made by the Master of the Nova Sorte, before the approach of the Snapper, and continued during the presence of the Snapper, could be true. I found that the supposition was subject to a multitude of inconsistencies, amounting to absolute impossibility.

Those who say they were so concealed are inconsistent with themselves; for they say, that they were four days on board before the arrival of the Man-of-War; and that they were four days below before they were liberated by the English; and that they were four days on board before the English liberated them. They are inconsistent with the other Negroes, who were put on board at the same time, and who remained on board with them; never putting foot on shore, as all of them agree, until they came to Sierra Leone.

These others say, that they came upon deck to breakfast; they were then washed; they were then put down below, flogged with a rope or stick, if they did not go quickly, or if they made a noise below. This was done always and every day in the same manner. When they were put below on the approach of the Man-of-War, they were put in the same manner as at every other time. The hatchway was closed and a sail put over; some appear to say, that the sail was put over the hatchway; others to say, that the sail was put over them; but they generally agree, that this was done always in the same manner, and that there was no particular place or manner of concealment at any time.

I have said, that I consider it quite impossible that a number of Negroes, requiring the long-boat of the Schooner and three canoes to transport them to the shore, could have been concealed on board of the Schooner when Lieutenant Rothery visited her, on the 12th of October, so as not to be discovered by him. I do not think that 20 or 14 could have been so concealed, these being the numbers stated to have been in the first shipment, by Negroes of that shipment; the more correct statement appears to be, that 20 was the number.

With what degree of minuteness Lieutenant Rothery made his search, it is not for me to enquire: I am bound to suppose, that he made it as it ought

to be made: he found that the Vessel was completely ready for taking on board a cargo of Slaves, having landed her former cargo, consisting of tobacco, rum, and cloth, except a few rolls of the former; that he looked into the usual Slave-rooms, and did not perceive any thing. I am most anxious to discharge my duty on this bench without offence to any body, and I hope I shall not be misunderstood so as to give offence to Mr. Rothery. I must, however, take leave to say, that the paragraph that I have just cited, while it has nothing incorrect, nothing inconsistent in it, appears to have been adapted to the disclosures made a few days before, in the Affidavits of Quashee and of Joachim, and to leave room for the proof, that Slaves were on board, although not seen by Lieutenant Rothery, on his looking into the usual Slave-rooms. It appears, however, by the concurrent testimony of the Witnesses who were re-examined, that they were put below, on that occasion, in the same place, and in the same manner as at all other times; that they were not put into any extraordinary place of confinement, nor in any extraordinary manner.

From all these circumstances, and after due consideration upon them, I am convinced that there were not any Negroes concealed on board the Nova Sorte, at the time when Lieutenant Rothery visited her, on the 12th October, and kept in concealment for four days after, which would be two days after Lieutenant Rothery took possession, on the 14th of the same month; those of such Slaves, who came upon deck to eat and to wash every day during that time, being unseen from the Snapper.

From the best view that I can form of the whole Case, as it has devolved to me for decision, I am persuaded that these Negroes, re-examined by me, were, in the first shipment of twenty Negroes, put on board at the instance of Lieutenant Rothery; and that what they call the coming of the Man-of-War, is the final capture and bringing away of the Nova Sorte. One of the Negroes says, he did not know the difference between English and Portuguese, otherwise than as he was told; and again, he says, he knows the English as having delivered them. This explanation will reconcile some of the circumstantial inaccuracies more or less to be found at all times in the evidence of all Negroes. One of the Negroes says, they were fed during the time by the English cook; another says, that while they were below he heard a firing, a circumstance that might have admitted explanation on the part of the Captors, by shewing at what times, and in what manner, for what occasion and purposes, the Snapper fired. I do think it one of the most extraordinary features of this very extraordinary Case, that, although Lieutenant Rothery was of necessity accompanied by his boat's crew, not one of them is brought or tendered to confirm his statements, or to refute those of the other Party, especially the allegations of Francisco Gomez, who says, that the Officer who boarded the said Polacca ordered his men to go below and search, which they did. This Gomez also says, that a boat came from the Snapper the next day, and left some men; that these men were afterwards taken away, and that a canoe with Slaves came from a-stern of the Snapper, accompanied by a boat from the Brig-of-War. The Slaves were then ordered out of a canoe on board the Polacca, and although the Master of the Polacca objected to receive them, the Officer of the Brig-of-War enforced compliance. All these allegations, or such

parts of them as could be contradicted or explained, were open to the testimony of the Officers and men of the Snapper, but from that Vessel we have not more than two Affidavits of Lieutenant Rothery himself.

I have now only to add one circumstance further. In the progress of the examinations instituted by me, I thought it my duty to consult with Mr. Gregory and Mr. Altavilla, in order to ascertain whether the impression of their minds coincided with mine: I had the satisfaction to find that their opinions were at every stage precisely the same.

On asking Mr. Gregory, while the woman Cosebah and the two men confronted with her were under examination on Monday, whether he thought that the supposition of a concealment of Slaves on board, during the time from the arrival of the Snapper until the seizure, was entitled to consideration, so as to make it a matter of duty to investigate it particularly? Mr. Gregory said, that such a supposition could not be reconciled with the statement of Mr. Rothery's Affidavit of the 10th of January, nor with the numbers of the Negroes stated in that Affidavit. Those numbers are 20 in the first shipment, and 102 after; the whole amounting to 122. The Reports of the Marshal and the Medical Officer, mentioned 122 as the total number brought to this Colony. Now, nothing can be more clear than, if one single Negro was concealed on board at the time of Lieutenant Rothery's first shipment, that Negro must be still unproduced, for he would make 123 if he had come forth, and every one of his companions would make one more. It is a matter of simple addition. I am, therefore, convinced that there was neither an embarkation and relanding, nor an embarkation and a concealment on board, of those so embarked.

My opinion is, that the Nova Sorte should be restored, and I am happy in being enabled to say that it is the unanimous opinion of the Court.

Mr. Gregory said, that he should desert his duty if he did not declare that the opinion that had been pronounced by Mr. Fitzgerald, was the unanimous opinion of the Court; he, Mr. Gregory, owed it to his Situation, to his Colleagues, and to himself, to say, that the Evidence of the Negroes that had been given in open Court had changed his opinion upon the Case; he concurred in opinion with his Colleagues, that the Nova Sorte should be restored to the Claimant.

The Proctor for the Captor then addressed himself to Mr. Gregory, and asked Mr. Gregory how it happened that his opinion was so much altered from what it had been; he, Mr. Gregory, having placed so much reliance upon the evidence of Quashee? Mr. Gregory said, that he would tell the Proctor for the Captor how this alteration had taken place. Quashee said, that a certain number of Slaves had been embarked and relanded from the Nova Sorte by the Portuguese. Now some of the Slaves thus said to have been embarked and relanded, positively declared that having been embarked at Mina Piccaninny, they were never relanded there; neither had they, to use their own expression, put their feet on shore until they came to Sierra Leone.

The Proctor for the Captor moved, that as the Slaves that had been brought to Sierra Leone on board of the Nova Sorte, were not claimed by the Master of that Vessel, the Court would decree their freedom, and that Certificates of their emancipation should be given to them.

Mr. Altavilla would not interfere with the Slaves in any manner, as the Slaves had been disclaimed by the Master of the Nova Sorte, and as the Vessel had not been condemned.

Mr. Fitzgerald was rather disposed to grant Certificates of emancipation to the Slaves of the Nova Sorte, conceiving that the spirit of the Convention guaranteed the freedom of Negroes in the situation of those on board of the Nova Sorte.

Mr. Gregory also thought that the spirit of the Convention guaranteed the freedom of such Negroes, but he did not think himself authorized to concur with Mr. Fitzgerald in a Decree, entitling the Negroes in question to Certificates of emancipation, when he had in recollection Mr. Secretary Canning's disapproval of the proceedings of the British Commissioners in the Case of the Spanish Schooner Rosalia, which proceedings, as Mr. Canning stated, might lay the foundation of a Claim for Bounties for the Slaves of that Vessel, as if her seizure had been meritorious. It was not disavowed that the object in moving for Certificates of emancipation for the Slaves of the Nova Sorte was to lay a foundation for a Claim for Bounties. Mr. Gregory conceived it to be his duty not to give ground for such a Claim, as he could not hold the seizure of the Nova Sorte to have been meritorious, he having concurred in a Decree for her liberation.

It was directed that the Slaves should be delivered over to the Colonial Government, under whose care they would share in the happiness of their brethren in this Colony. The British Commissioners said they would submit to the British Government the Question—whether or not those Negroes should receive Certificates of emancipation?

The question of costs, damages and expences, the Commissioners said they would take into consideration. It being, however, represented by the Registrar, that much trouble and inconvenience would be saved if the matter of costs, &c. were referred to him; the Commissioners agreed that they should be so referred. But, at the outset, the Commissioners decreed that the Claimant was not entitled to demurrage, as the Nova Sorte must be taken to be under 100 tons burthen, upon a comparison of some of her Papers. These Papers were, the Royal Passport, and two Official Certificates given at Bahia, touching light dues: particular mention is made of these Papers at the commencement of this Report. The Proctor for the Claimant subsequently prayed that the Nova Sorte might be admeasured, in order that her real burthen might be ascertained. The admeasurement of the Nova Sorte was accordingly taken; her burthen was ascertained to be eighty-three tons and fifteen ninety-fourths of a ton, English, which would not be one hundred Portuguese tons.

E. GREGORY.

No. 47.—E. Gregory, Esq. to Mr. Secretary Canning.
(Received October 10.)

(Extract.) *Sierra Leone, June 7, 1823.*

On the liberation of the Portuguese Schooner *Nova Sorte*, under a Decree of the British and Portuguese Court of Mixed Commission, the Proctor for the Captors moved, that the Court would Decree, that the Slaves that had been brought to

Sierra Leone, on board of the Nova Sorte, as belonging to her, were entitled to Certificates of emancipation.

The Portuguese Commissioner was not disposed to accede to this motion, or to interfere with the Slaves in any manner, as the Slaves had been disclaimed by the Master and Claimant of the Nova Sorte, and as the Vessel had not been condemned. The Portuguese Commissioner apprehended that a Decree granting Certificates of emancipation, could only be consequent upon the condemnation of a Slave-vessel.

Mr. Fitzgerald was rather disposed to grant Certificates of emancipation to the Slaves of the Nova Sorte, conceiving that the spirit of the Convention guaranteed the freedom of Negroes in the situation of those on board of the Nova Sorte.

For my own part, Sir, my own opinion was in unison with that of Mr. Fitzgerald, but I did not think myself authorized to concur with Mr. Fitzgerald in a Decree, entitling the Slaves in question to Certificates of emancipation, when I had in recollection the Letter that Mr. Fitzgerald and myself had the honour to receive from you, Sir, wherein our proceeding, in passing a Special Decree of condemnation against the Spanish Schooner Rosalia, was disapproved of, partly on the ground that a foundation was laid by such Decree for the Captor of the Rosalia to claim Bounties for the Slaves in that Case, as if he had made a meritorious seizure.

It was directed that the Slaves should be delivered over to the Colonial Government, under whose fostering care they would share in the happiness of their brethren in this Colony. The British Commissioners said, that they would submit the Question,—whether the Slaves should receive Certificates of emancipation or not, to His Majesty's Government?

Again, Sir, in the Case of the Portuguese Schooner *Sinceridade*, liberated by a Decree of the British and Portuguese Mixed Court, the Proctors for the Captors shewed a disposition to move the Commissioners, to grant Certificates of emancipation to the Slaves of that Vessel, who were directed by the Commissioners to be delivered over to the Colonial Government, in virtue of an Agreement that had been entered into by the Parties in that Case.

The Commissioners did not grant any Decree for the formal emancipation of those Slaves. The Sinceridade having been liberated, it could not be held that her seizure was

meritorious. The British Commissioners said, that they would submit the Question of the formal emancipation of the Slaves, to the Superior Authority, in the same manner as they would submit the similar Question as to the Slaves of the Nova Sorte.

I think it right, Sir, in submitting to your consideration, Whether the Slaves of the Nova Sorte, and of the Sinceridade in particular, and whether, generally, Slaves placed in the situation of not being restored to the Slave-dealer with his Vessel, are entitled to Certificates of emancipation; to represent to you, that an idea has been entertained that, if Bounties are granted upon Certificates of emancipation, given to Slaves in the situation already described, such Bounties may be a set-off against damages to be awarded for illegal seizures; and that, therefore, such seizures may not only be made in Cases where there are many Slaves, without much risk, but even with benefit to the illegal Captor.

I have the honour to be, &c.

The Right Hon. George Canning. E. GREGORY.

No. 48.—E. Gregory, Esq. to Mr. Secretary Canning.
(Received September 17.)

(Extract.) *Sierra Leone, June 7*, 1823.

In connection with the Case of the Portuguese Schooner Nova Sorte, liberated under a Decree of the British and Portuguese Court of Mixed Commission, on the 5th of February last, I have now the honour to state to you certain proceedings, taken in that Court by the Proctor for the Captor, with a view to obtain a New Trial in that Case.

These proceedings were, by the Proctor for the Captor, founded on the observation made by Mr. Fitzgerald, on passing Judgment upon the Case, with regard to the absence of statements on the part of the boat's Crew, that accompanied Lieutenant Rothery on his visitation of the Nova Sorte, on the evening of the 12th of October. Mr. Fitzgerald observed, that "he did think it one of the most extraordinary features "of this very extraordinary Case, that, although Lieutenant "Rothery was, of necessity, accompanied by his boat's Crew, "not one of them was brought or tendered to confirm his "statements, or to refute those of the other Party, especially "the allegations of Francisco Gomez, who said, that the Of-"ficer who boarded the said Polacca, ordered his men to go "below and search, which they did."

With reference to this observation, the Proctor for the Captor presented to the British and Portuguese Court, a Petition, dated the 18th of March, 1823, accompanied by Affidavits of Lieutenant Rothery, of some of the Officers, and of some of the seamen of the Snapper, and of Joachim, the black seaman of the Nova Sorte. The Petition prayed, that the Commissioners would allow the Affidavits to be filed in Court, and if, in taking them into consideration, the Commissioners should see ground for rescinding their former Decree, that they would so rescind it. A copy of the Petition, with copies of the Affidavits, (1 to 12) are herewith inclosed.

The Affidavits were directed to several points in the Case, as it stood at the time of the final decision, on the 5th of February.

1st. To the point, contended for by the Proctor for the Captor, of the concealment of the hatches which closed those parts of the hold wherein the Slaves, alleged to have been embarked by the Portuguese previous to the 12th of October, were said to have been concealed on the evening of that day; —Two seamen of the Snapper, John Gahagan, and William Rivett, swore to such concealment; the first, to the "concealment of the fore-hatch, by a hawser being coiled over it;" the second, to the "concealment of the after-hatch by two casks, and some farina bags." The Prize Master, Mr. Jeayes, who took charge of the Nova Sorte, on the 15th of October, swore, that, "soon after going on board of her (the Nova Sorte) he perceived a hatch in the fore pic, which led to a detached part of the hold, capable of containing, at least, 16 men; and in the after Slave-room, or cabin, he perceived another hatch, or scuttle, opening, likewise, into another detached part of the hold, which part was capable of containing about nine grown persons, and further, that neither of those hatches were concealed in any manner whatever."

2d. To the point, of the asserted relanding of the Slaves by the Portuguese of the Nova Sorte, in the night of 12th of October;—Two seamen of the Snapper, John Bedford and David Griffiths, swore, that "in the night of the 12th of October, one of them, John Bedford, had charge of the watch; and the other, David Griffiths, was sentinel between the hours of eight and twelve, P. M., on board of the Snapper; that, at about a quarter of an hour from the said hour of

"twelve, P. M., as near as they could recollect, they saw two "canoes very near the Nova Sorte, and rowing directly to- "wards the beach of Mina Piccaninny, the canoes and the "Vessels being in the situation represented in the drawing "annexed;" they further swore, that "they did verily be- "lieve that the canoes did come last from the Nova Sorte, at "the time of their perceiving them." Lieutenant Rothery, and Mr. Cowie, Master of the Snapper, swore, that "a draw- "ing which was annexed to their Affidavit, was a true repre- "sentation of the situation of the Snapper, and of the Nova "Sorte, as they lay at anchor off Mina Piccaninny, in the "night of the 12th of October." This was the drawing mentioned by the two seamen, Bedford and Griffiths. The Proctor for the Captor wishing clearly to prove that the places, in which it was said that the Slaves were concealed, at the time the boat of the Snapper boarded the Nova Sorte, were fully capable of holding the Slaves, caused those places to be admeasured. The admeasurement was sworn to by the admeasurer, Mr. William Paulett.

3d. To the point, upon which some of the Slaves had said they were put below upon their being embarked, and were kept in irons some time after their embarkation;—William Parr, Quarter-master of the Snapper, swore, that "he was "left in charge of the Nova Sorte, on her being seized on the "Evening of the 14th of October, and remained in charge of "her until the next morning, when he was relieved by Mr. "Jeayes, Master's Mate of the Snapper; that during the "time he so remained in charge of the Polacca, all the Slaves "then on board her, about 20 in number (men, women, and "children) remained on the upper deck, and that they were "not in any manner prevented from going where they pleased "about the Vessel, nor from speaking, or making as much "noise as they liked to make." Mr. Jeayes swore, that, "on "the morning of the 15th of October, he took charge of the "Nova Sorte, and remained in charge until she was restored "by the Court; that during the time he was in charge of the "Polacca, no Slave was kept in irons, or in any manner con- "cealed below, nor was there any Slave mal-treated in any "way, or prevented from speaking, or making as much noise "as he or she thought proper; nor were they prevented from "diverting themselves in any manner they chose."

4th. To the point, upon which one of the Slaves had said, that when below in the hold, he heard a firing; Mr. Cowie

and Mr. Jeayes, of the Snapper, swore, that " on the evening " of the 12th of October, at the time of rounding the Snapper " to, in order to anchor off the Port or Place called Mina " Piccaninny, one gun was fired from the Snapper." Lieutenant Rothery and Mr. Cowie swore, that " no gun was fired " from the Snapper, after the first canoe, containing Negro " Slaves, left the beach of Mina Piccaninny to go on board of " the Nova Sorte, on the evening of the 14th of October."

The Affidavit of Joachim, the black seaman of the Nova Sorte, contained several matters to the effect, that " at the " time the Snapper detained the Nova Sorte, Lima, the Master " of the Nova Sorte, called the men, and begged them to be " of one mind, and say that he did not buy Slaves; that every " day he begged the same; that when he, Joachim, went be- " fore the Court as a Witness,—(he was examined by the Re- " gistrar)—Lima took him by both hands, and said 'Joachim, " be a friend to me; I want to get back my Schooner; I want " you to say that I did not buy Slaves; if you say so, I " will give you ten dollars;' he said this twice: sometimes he " told him, Joachim, that if he did not say that he, Lima, did " not buy Slaves, that when he left this Country he would cut " his, Joachim's, throat; that at the time the Snapper detained " the Nova Sorte, Slaves were on board; they were at the " bottom of the Vessel; the people of the Man-of-War did not " see them; when the night came, they (the people of the Nova " Sorte) took them and put them on shore."

Upon these Affidavits, the Proctor for the Captor rested his prayer for a New Trial. In some interviews that the Commissioners, separately, had with the Proctor for the Captor, in the course of the different proceedings relative to this Case, it was intimated to him, by two of the Commissioners, Mr. Altavilla and Mr. Gregory, that they were disposed to think that a New Trial could not be granted under the provisions of the Convention. By Mr. Fitzgerald it was intimated, that he was rather disposed to think a New Trial might be granted, if justice so required it. The Proctor for the Captor was understood to have said to each of the Commissioners, that, leaving the Affidavits brought forward by him for the consideration of the Commissioners, he left it for them to do what might appear to them to be proper in the Case.

The Commissioners, upon giving their attention to the stipulations of the Convention, and to the Affidavits brought

forward, as I have mentioned, by the Proctor for the Captor, were not, upon coming to a resolution on the Case, inclined to grant a New Trial. Mr. Altavilla and Mr. Gregory were not so inclined, because they conceived that the decision for the restitution of the Nova Sorte, must, under the stipulations of the Convention, and with respect to the Mixed Court, be considered to be a final decision. Mr. Fitzgerald was not inclined to grant a new trial, as he did not think that the matters contained in the Affidavits, affected the decision that had been given for the restitution. The Proctor for the Captor did not press for a New Trial, and the matter rested until the 27th of May, when the Commissioners met in Court upon the Petition of the Proctor, for the Claimant to consider of the Registrar's Report upon the question of costs, damages, and expences, in the Case of the Nova Sorte. On that occasion, before the business upon which the Commissioners had met was entered upon, the Proctor for the Captor moved that a New Trial be granted in the Case. This motion was supported by the Proctor for the Captor, by a reference to the merits of the Affidavits that have been mentioned.

The Proctor for the Claimant opposed the motion of the Proctor for the Captor, on the ground that a New Trial could not be authorized by the terms of the Convention.

The Commissioners severally gave their opinions upon this motion of the Proctor for the Captor. Mr. Gregory did not think that a New Trial could be granted under the provisions of the Convention. The first Article of the Regulations for the Mixed Commission, annexed to the Convention, said, "the Commissioners shall give Sentence as summarily as pos-"sible; and they are required to decide (as far as they shall "find it practicable) within the space of 20 days, to be dated "from that on which every detained Vessel shall have been "brought into the Port where they shall reside;—1st, upon "the legality of the capture; 2d, in the Case in which the "captured Vessel shall have been liberated, as to the indem-"nification which she is to receive. And it is hereby provided, "that in all Cases the final Sentence shall not be delayed, on "account of the absence of Witnesses, or for want of other "proofs, beyond the period of two months, except upon the "application of any of the Parties interested, when, upon "their giving satisfactory security to charge themselves with "the expence and risks of the delay, the Commissioners may,

"at their discretion, grant an additional delay, not exceeding "four months." The third Article of the same Regulations, said "the Commissary Judges of the two Nations, shall, in "the first place, proceed to the examination of the Papers of "the Vessel, and to receive the Depositions on oath, of the "Captain, and of two or three, at least, of the principal indi- "viduals on board of the detained Vessel, as well as the De- "claration on oath of the Captor, should it appear necessary, "in order to be able to judge and to pronounce, if the same "Vessel has been justly detained or not, according to the sti- "pulations of the Additional Convention of this date, *and in "order that, according to this Judgment, it may be condemned "or liberated.* And in the event of the two Commissary "Judges not agreeing on the Sentence they ought to pro- "nounce, whether as to the legality of the detention, or the "indemnification to be allowed, or on any other question which "might result from the stipulations of the Convention of this "date, they shall draw by lot the name of one of the two "Commissioners of Arbitration, who, after having considered "the Documents of the Process, shall consult with the above- "mentioned Commissary Judges on the Case in question, "*and the final Sentence shall be pronounced* conformably to "the opinion of the majority of the above-mentioned Commis- "sary Judges, and of the above-mentioned Commissioner of "Arbitration."

It appeared to Mr. Gregory, from the letter of these Articles, and from their spirit, which, discountenancing litigation productive of delay, required the speedy termination of Causes, that a decision for the condemnation, or for the restitution of a Vessel, once passed by the Mixed Court, according to the tenour of the third Article that has been cited, could not be rescinded. The decision must be final. Mr. Altavilla was of the same opinion. Mr. Fitzgerald did not say whether he agreed in this opinion or not. But Mr. Fitzgerald did not think that a New Trial could be granted in the Case, upon a view of the merits of the further Evidence that had been brought forward by the Proctor for the Captor, since the Decree for the restitution of the Vessel had been passed. Mr. Fitzgerald commented at length upon this Evidence, as well as upon the Evidence that had appeared previous to the Decree of restitution, and compared the one with the other. Mr. Fitzgerald's comments were partly committed to paper. Upon Mr. Fitz-

gerald's lamented death, I collected his Papers that had relation to this part of the Case of the Nova Sorte, with a view of putting you, Sir, in possession of Mr. Fitzgerald's sentiments upon the Case, as he would himself have done, if it had pleased the Almighty to have spared his valuable life. I only found such of his comments upon the evidence as he had already committed to writing, on the occasion of the Motion of the Proctor for the Captor for a New Trial. Those comments that were given at the time, upon an immediate consideration of the arguments of the Proctor for the Captor, founded upon the matter of the Affidavits of the Crew of the Snapper, did not appear to have been placed beyond the reach of death. Indeed, no time was allowed to my late respected Colleague to put them in a permanent form, for, on the eighth day of the delivery of his Decision, upon the Motion for a New Trial, he was deprived of life. I have hesitated, Sir, whether I should lay before you such part of Mr. Fitzgerald's sentiments upon this occasion as have been preserved to me; but I think that I shall best discharge the duty that I owe to the memory of my late Friend, if I do lay them before you for your information. I accordingly beg leave to enclose herewith, a Copy of the Paper that contains them.

In giving an opinion upon the Motion of the Proctor for the Captor for a New Trial, I did not think it necessary to enter upon the merits of the Evidence that had been brought forward by him, as I founded that opinion upon a construction of that part of the Convention that applied to the point in Question. But I may be permitted, Sir, to say, with reference to that Evidence, that it could not change the opinion that I had given for the restitution of the Vessel; because, the fact that had altered my previous opinion for her condemnation, as stated in another Despatch of this date, that I have had the honour to address you—the fact stated by the Slaves, "that "they were never re-landed at Mina Piccaninny, after having "been once embarked at that Place," remained uncontradicted by themselves, the Proctor for the Captor not having thought fit to re-examine them on that point.

You may be desirous, Sir, to know why the Commissioners disregarded the renewed statements of Joachim, the black seaman of the Nova Sorte, that he was a witness to the re-landing of the Slaves from the Nova Sorte, in the night of the 12th of October. The Commissioners thought the Evidence

of the Slaves who had been stated to have been re-landed, and who had been examined in open Court, more worthy of credit than the Evidence of Joachim, as they were more untutored than Joachim, and, consequently, less subject to the suspicion of being partial Witnesses.

I have thus, Sir, related to you the proceedings of the Mixed Court in regard to the Trial of the Nova Sorte. I trust, that you will approve of the conduct pursued by the British Commissioners in those proceedings. With respect to my late esteemed Friend, Mr. Fitzgerald, I may be permitted to say,—that his conduct throughout that Trial was guided by a strict regard to principles of justice; and that he was unwearied in his exertions to arrive at the truth in the Case—the truth which should be the aim of impartial Judges, as it should be the guide of their conduct.

I have the honour, &c.

The Right Hon. George Canning. E. GREGORY.

(Inclosure.)—Notes of Mr. Fitzgerald for Judgment, on the Petition of the Captors for a New Trial, in the Case of the Portuguese Schooner Nova Sorte.

The original Affidavit of the Negro Quashee, upon which the Case of the Captors is founded, for they had no Case whatsoever until that Affidavit was brought forward, states, that "being on the beach of the said Place, called Mina Piccaninny, he there saw and witnessed the embarkation of many men and women Slaves, Natives of Africa, on board the long-boat of the said Polacca, which long-boat conveyed the said Slaves, and put them on board the said Polacca, said Slaves being then and there in irons by the neck and wrists; that four days after the aforesaid Slaves were so put on board the aforesaid Vessel, he, the Deponent, with other Slaves, not then embarked, perceived a Vessel approaching the said Place, where the said Polacca was then lying at anchor; which Vessel he points out to be His Britannick Majesty's Brig-of-War Snapper; that, before the Sun rose on the following day, he saw and witnessed the aforesaid Slaves, who were so embarked, land on the beach of Mina Piccaninny aforesaid, from three canoes, and the aforesaid long-boat; and, that he was with the said Slaves and others, who were not embarked, driven by the people of Mina Piccaninny aforesaid, into the bush to a considerable distance."

In corroboration of the statement thus made by Quashee, there was a collateral statement by a Negro belonging to the Nova Sorte, named Joachim. This Negro was on board the Nova Sorte, in the capacity of a Slave Mariner: His statement was brought forward, in the first instance, in the shape of an Affidavit, but the substance of that Affidavit was afterwards put into the form of Interrogatories, with Answers:—Of these, the most material are, the answer to the Fifth Interrogatory, which says, "That Slaves had been on board the said Schooner four days previous to seeing the Man-of-War;" and the answer to the Sixth, Saying, "That on the appearance of the capturing

Vessel, the Slaves that were on board were put in a small room where the yams were;" and the answer to the Seventh, which is, "That, in the course of the night, the Slaves were sent on shore by the Portuguese Mariners of said Schooner." In his Affidavit, this Joachim says, that on the appearance of the said Brig-of-War, all the aforesaid Slaves were driven by the Portuguese Mariners of said Polacca into a part of the hold of the said Polacca, which place he describes to be under that part of the Vessel called the forepic, and, that the said Slaves were then and there covered and concealed by sails and provisions.

In further corroboration, Six Negroes, belonging to the Nova Sorte, were examined on Special Interrogatories: the names are, Acootoo, Desay, Coma, Accoopee, Cawcaw, and Elookoo.

All these persons say, in answer to the Sixth Interrogatory, that they were put on board the Polacca four days before the English Man-of-War came in sight. In answer to the Seventh Interrogatory, they say that, on the appearance of the English Man-of-War, they were put below and covered with sails. The one named Acootoo, says, he was covered with sails and yams; he is the only one that says any thing of yams. The addition of yams in the answer of this individual requires particular notice, because the manner of the alleged concealment of the Negroes, stated to have been on board of the Nova Sorte, on the approach of the Snapper, was one of the points most particularly investigated in the examination held in open Court, under the direction of the Arbitrator.

It was necessary for the Captors to shew that there was a concealment, in another place than in the ordinary Slave-hold; for they had searched the ordinary Slave-hold, and found nothing there; or else of concealment in a particular part of the Slave-hold by extraordinary means, such as heaping yams and sails upon the bodies of the Negroes; and, if the Captors were not themselves doubtful as to which of these two modes of concealment they would maintain, certainly the mode of proceeding and of argument on their behalf, appeared to the Court to vibrate between the one mode and the other. Although each is evidently contradictory of the other, the confusion originated probably from the very different terms in which this thing is described by Joachim, in his Affidavit and in his answers to the Interrogatories, leading in one instance to a concealment in a small separate room; in another, to a concealment in the hold, covered with sails and provisions: these two statements rest equally upon the credit of Joachim.

The addition of yams to the covering of sails, which the Slave Acootoo says were put over him and the other Slaves, when they were put below, appears to be loosely and inaccurately mentioned by him; but, of such yams, the other five say nothing. A female Slave, named Cosebah, was also examined: she says, that on the appearance of the Man-of-War, they were put down in the hold and there concealed, by first locking them up, and covering the hatch-way over with sails. This woman says, they were re-landed the same night that the Brig-of-War came there.

In the examination, under the direction of the Arbitrator, the concealment was described by all the Slaves; as that they were put below in the ordinary place, and in the ordinary manner as they were at all times; they were covered with sails in the same manner as at all other times;

there was nothing of being placed in a room under the ordinary Slave-hold, nor of any extraordinary concealment by means of sails heaped on the bodies for the purpose, as the Captors contended. The Slaves examined in Court were, Appear, Accommo, Desay, Quamin, Accotia, Acootoo, and Loochoo.

In the proceeding under the direction of the Arbitrator, it was intended merely to re-examine, upon one or two particular points, those who had been before examined on behalf of the Captors, and to put one or two further questions, to them; it happened, however, that those who were thus examined were, with the exception of two, altogether new Witnesses; this coincidence, with those previously examined, was consequently a further assurance of the truth of the matter affirmed by both.

But, besides the denial of a concealment, in an extraordinary place, and in an extraordinary manner, or by extraordinary means, upon the approach of the Snapper, there was another point of still greater importance on which there was a denial equally uniform. That point was, the landing after the concealment; for, if every Negro, concealed in the manner alleged, had not been landed, the numbers on board would not be consistent; for the number brought to the Colony was precisely the number delivered up to the Caboceer, of the Place, on the requisition of Lieutenant Rothery, consisting of twenty in one shipment, and subsequently one hundred and two, making a total of an hundred and twenty-two.

With respect to a re-landing after the first embarkation at Mina Piccaninny, every one of those examined in Court, says distinctly, that he never put his foot on shore at Mina Piccaninny after he was first embarked on board the Nova Sorte; that the first Place where he did put his foot on shore was at Sierra Leone.

This was the principal point to which the examination, under the direction of the Commissioner of Arbitration, was addressed; for, if a concealment and a landing, such as those alleged on behalf of the Captors, had taken place, every individual that was included in the concealment, must also have been included in the landing. They would have been landed in the very particular manner alleged; they would have been subsequently conveyed into the bush, and there further concealed together; and, subsequently, again, they would have been delivered up to Lieutenant Rothery by the Caboceer; and to all these matters they would have been able to depose, and to relate the circumstances attending them. On the other hand, if not any one of those brought forward in proof of the concealment had been landed, the concealment and the landing, upon which the Case of the Captors was founded, would be altogether unsupported by the evidence adduced in corroboration of it; or, rather, they would be altogether disproved by that very Evidence.

This was in fact the termination of the Case of the Captors, by the result of the examination in Court: besides the Negroes already enumerated, there was a woman, named Cosebah, in whose testimony, upon re-examination, there was so much inconsistency, and apparent prevarication, that no reliance could be placed on it. The Slave Seaman, named Joachim, was represented to the Court as ready to retract all his former testimony, respecting the concealment and the embarkation of the Slaves in the Night, for

the purpose of being landed, and to state that all this had been sworn by him under undue influence. Counter-statements of undue influence by the other Party were advanced, and proof was tendered in support of them. It appeared advisable to the Bench to form its decisions on the testimony of Witnesses, not entangled in these accusations and Counter-accusations, and not affected by the imputations necessarily resulting from them. The deposition of Joachim, was, therefore, left out of consideration, except insomuch as it may be confirmed by the testimony of Witnesses not open to similar impeachment.

The Negro Quashee, from whose communication the Case of an embarkation and subsequent landing of Negroes, prior to the detention of the Nova Sorte, appears to have been derived, was necessarily regarded as a Witness of great importance, in the further examinations under the direction of the Commissioner of Arbitration. The circumstances of the history of that Negro; his residence in the family of a British subject of high consideration, as Governor of one of His Majesty's Forts; and holding the rank of a Member of the Council of Administration for the British Settlements on the Coast; his transfer from that service to another in the same Fort, from which he was sold as a Slave; his arrival in this Colony, so providential for his deliverance; conspired to give currency to reports, somewhat exaggerated, respecting his character and attainments; at least, I am led to think that such reports tended to form in every mind excessive expectations. I did expect to find that this Quashee was an African of superior intelligence and instruction. I was, therefore, greatly disappointed when I found that his knowledge of the English language (the medium of perceiving and estimating all his other acquired knowledge,) was so imperfect that it did not enable him to understand what was said to him, nor to make himself understood when he spoke; it became necessary, in consequence, to examine him by means of an Interpreter; but even then, his understanding of the questions put to him, and his answers to those questions, shewed him to be far inferior in point of intelligence to the other Negroes examined in the Case, whom he had been stated greatly to surpass; he did, however, confirm, with additional circumstances of some importance, every part of his original statement, with the exception of the main fact, which was alone material to the Case to be decided,—the landing of the Slaves from the Nova Sorte before Sun-rise, on the Morning of the day after the arrival of the Snapper, which Slaves he had seen carried on board of the Nova Sorte four days previously. He stated in his original Affidavit that these Slaves were landed in three canoes and the long-boat of the Nova Sorte, and that they were afterwards driven into the bush with himself and other Slaves who had not been previously embarked. In his examination in Court, he distinctly and repeatedly said, that, after the Snapper came, he did not see any boat come from the Portuguese Schooner to the shore. After the Snapper came, he did not see any Slave come on shore from the Schooner. He had previously stated, in the same examination, that he received the information of the Slaves having been put down below on the approach of the Snapper, from the Slave named Accotia, after he himself went on board; it was not till then that he heard of it, and it was from Accotia alone that he had the information. Now, it is obvious that if a number of Negroes, previously embarked, had

been concealed on board, in order to escape discovery by the people of the Snapper, and had been landed clandestinely before sun-rise on the next Morning, as stated in Quashee's original Affidavit; those Slaves, when driven into the bush with him, as that Affidavit also states, would have made those occurrences the immediate subject of their conversation. Accotia would have told all to Quashee at once, instead of waiting to tell him on board. What Quashee saw and what he heard, and the time and place of seeing and hearing, would have concurred to confirm his statement, by the coincidence of the others concerned with him.—The coincidence is, indeed, found, but is found by Quashee's denial of that which he was before understood to have asserted,—that he had seen the Slaves, who had been embarked four days before the arrival of the Snapper, landed before sun-rise in the Morning after that arrival. His denial of having seen any such landing, and the uniform declaration of the others, that they had not been so landed, established a full conviction that no such landing had taken place; the supposition of a concealment on board without a landing, was refuted by reference to the numbers actually on board, which were precisely the numbers delivered up by the Caboceer of Mina Piccaninny, on the requisition of Lieutenant Rothery, and not one more; 20, and 102.

The evidence thus recapitulated did not appear to the Captor sufficient to warrant the Decree for the liberation of the Vessel, which the Commissioner of Arbitration founded upon it, with the concurrence of His Majesty's Commissary Judge, who, on the primary evidence, had pronounced for a Decree of condemnation.

The Proctor for the Captors, adverting to some remarks made by the Arbitrator, on the want of evidence that might have been furnished from the Snapper, which Vessel had then sailed from Sierra Leone on a particular Service, presents now several Affidavits from persons belonging to that Vessel, who were concerned in the searching and the detention of the Nova Sorte, and with them a Petition for a New Trial, founded on the matters which the Affidavits contain.

Whether the nature of the jurisdiction confided to the Court of Mixed Commission, can authorise the granting of New Trials, is a question of much difficulty and delicacy.

I will venture to say thus much, that I should be sorry to think those Courts debarred from re-considering and rectifying Decisions, which may be reasonably and fairly regarded as incorrect or ill advised, in Cases of restitution, subject to demands for costs and damages, especially in Cases in which the primary decision for the liberation of the Vessel may be open to other views, arising from the evidence forthcoming upon the investigation of those demands.

It must, however, be admitted that, in these Courts, as in all those in which new trials are commonly allowed, a decision once pronounced ought not to be disturbed, unless strong reason shall be shewn for thinking that a different decision would be more proper; or, at least, that the declared grounds of the existing decision were inaccurate.

Do the Affidavits and the Petition now before the Court give reason to think that the grounds of the Decree of liberation in the Case of the Nova Sorte were inaccurate, or that a different decision would be more correct?

The remarks of the Commissioner of Arbitration, on the want of evidence from the Snapper, were literally these,—one of the Negroes says, that "they were fed during the time by the English cook, that is, during the time between their embarkation and the detention of the Nova Sorte by the Snapper; another says, that while they were below they heard a firing, a circumstance that might have admitted explanation on the part of the Captors, by shewing at what times and in what manner, for what occasions and purposes, the Snapper fired. I do think it one of the most extraordinary features of this very extraordinary Case, that, although Lieutenant Rothery was of necessity accompanied by his boat's crew, not one of them is brought or tendered to confirm his statements, or to refute those of the other Party, especially the allegations of Francisco Gomez, who says, that the Officer who boarded the said Polacca, ordered his men to go below and search, which they did. This Gomez also says, that a boat came from the Snapper the same day and left some men; that these men were afterwards taken away, and that a canoe with Slaves came from a-stern of the Snapper, accompanied by the boat of the Brig-of-War; the Slaves, he says, were then ordered out of the canoe on board the Polacca,—and although the Master of the Polacca refused to receive them, the Officer of the Brig-of-War enforced compliance. All these allegations, or such parts of them as could be contradicted or explained, were open to the testimony of the Officers and men of the Snapper; but from that Vessel we have not more than the Affidavit of Lieutenant Rothery himself."

This recital will shew that the language of the Commissioner of Arbitration has been rather inaccurately described in the Petition now before the Court on behalf of the Captors, where he is represented as expressing his regret at the absence of further evidence from the Snapper. It is to be supposed that Parties bring, for their own interests, the best evidence that they can; and the Bench, which has no interest but that of impartial justice, cannot, with propriety, have any feelings of regret, that either Party has not better evidence than that which it brings.

The want of evidence, from a source so obvious and so accessible as the boat's crew of the Snapper, was a deficiency that could not well be passed over without some remark, in pronouncing Judgment on the Case. But it does not follow, that this deficiency could, with propriety, be supplied, after Trial had taken place upon the Petition of the Parties, and after Judgment, pronounced in a two-fold form; first by the Commissary Judges, and in the second instance, by the Commissioner of Arbitration.

Parties are bound to see what evidence their Case requires, before it comes to Judgment; and if they have the means of bringing that evidence they ought to obtain leave to add it, and if a day be fixed for Trial, they should apply to the Court to defer it until the evidence can be completed.—But to suffer Judgment to be pronounced, and then to bring further evidence to supply the deficiencies noticed by the Bench, in the Case as it comes to trial, would be to render remissness of Parties ground for a New Trial, in order that they may supply in the second instance what they ought to have produced in the first. The present Case may, however, have some excuse in the peculiarity of the circumstance; and the chief object is to ascertain, whether justice has been done between the Parties, in the Judgment already

pronounced; or, whether the Affidavits annexed to the Petition, or in behalf of the Captors for a new trial, give reason to think that a fresh investigation would lead to a different and a more accurate and more equitable result.

One of the first and most important Instructions to the British Commissioners, conveyed in Lord Castlereagh's Letter, accompanying the Standing Interrogatories, dated the 19th February, 1819, is, "that they should be always mindful and cautious to obtain and weigh the whole facts of the Case, before they give their Judgment upon it." The object of this admonition, was steadily pursued in the present Case; and was, as I thought, sufficiently attained by the results of the various examinations previous to the Judgments that have been passed.

We will now examine, whether the Affidavits brought forward, since Judgment, on behalf of the Captors, lead to other and more correct conclusions.

The Petition for a new trial is founded upon several Affidavits made by Lieutenant Rothery, and by other Officers and seamen of the Snapper, and an Affidavit by Joachim, the Negro Slave-seaman of the Nova Sorte, who describes himself as being now a free-man and a resident of Free Town, in this Colony.

The Affidavit of Lieutenant Rothery, and of Mr. Cowie, Master of the Snapper, states, that no gun was fired on board of the Snapper, after the first canoe containing Negro Slaves left the beach off Mina Piccaninny, to go on board of the said Polacca Nova Sorte, on the Evening of the 14th day of October; this Affidavit is dated the 10th of March, 1823.

The Affidavit of Mr. Cowie and Mr. Jeayes states, that, on the 12th day of October, 1822, at the time of rounding the said Brig to, in order to anchor off the Port or Place called Mina Piccaninny, one gun was fired from the said Brig; this Affidavit also is dated the 10th of March.

An Affidavit by William Rivett, seaman of the Snapper, says, that he was sent on the Evening of the 12th day of October, 1822, by Lieutenant Rothery, of His Majesty's said Brig Snapper, to examine the after Slave-room of the said Polacca Nova Sorte, that there were there two casks and some farina bags, which concealed a scuttle or hatch, which Deponent has since discovered, and which opened into a detached part of the hold; this Affidavit is dated the 10th of March.

The Affidavit of John Gahagan, able seaman on board His Majesty's Brig Snapper, states, that, on the Evening of the 12th day of October 1822, Deponent was sent by Lieutenant Rothery, commanding His Majesty's said Brig to examine the Slave-rooms of the said Polacca Nova Sorte, that Deponent did not then see any Slaves, but on looking into the fore-pic he saw a hawser coiled, which hawser he has since discovered concealed a hatch which opened into a part of the hold, where this Deponent has since been and which he maketh oath, is of sufficient size to contain 12 or 14 men.

Another Affidavit by Mr. Jeayes, Master's Mate of the Snapper:—"That, on the 18th day of October, 1822, this Deponent, in pursuance of orders from Lieutenant Rothery, commanding His Majesty's said Brig, took charge of the said Polacca, Nova Sorte; that soon after going on board her he perceived a hatch in the fore-pic, which led to a detached part of the hold, capable of containing almost sixteen men, and in the after Slave-room, or

cabin, he perceived another hatch or scuttle, opening likewise into another detached part of the hold, which part was capable of containing about nine grown persons, and further, that neither of those hatches was concealed in any manner whatsoever." This Affidavit is dated the 10th of March.

The Affidavit of Joachim, given by the interpretation of a person named Aude, and expressed in the African style of English, says,—

That time Man-of-War take Nova Sorte, Lima call all men; he beg them be all one mouth, and say he no buy Slaves; every day he tell them so; that time I go Court speak palaver, Lima call me, he take me in two hands, he say Joachim be friend to me, I want to get back my Schooner, I want you say I no buy Slave,—suppose you say so, I give you ten dollars; two time he tell me, suppose I no say he no buy Slave, that time he leave this Country he cut my throat;—that time Snapper been look Schooner Nova Sorte, Slave live a board; that time he live down in bottom; Man-of-War no see them; that time night come we take them and put them on shore. Sworn on the 17th day of March, 1823.

William Parr, Quarter-Master of His Majesty's Brig Snapper, swears, that he was left in charge of the said Nova Sorte on her being seized by His Majesty's said Brig, on the Evening of the 14th day of October, 1822, and remained in charge of her until the next Evening, when he was relieved by Mr. Jeayes, Master's Mate of His Majesty's said Brig; that, during the the time Deponent so remained in charge of said Polacca, all the Slaves then on board her, about twenty in number, men, women and children, remained on the upper deck, and that they were not in any manner prevented from going where they pleased about the Vessel, nor from speaking or making as much noise as they liked to make. This Affidavit was sworn on the 7th of March.

Mr. Jeayes, the Master's Mate, says, in another Affidavit, intended apparently to connect itself with this of William Parr, that, on the Morning of the 15th day of October, 1822, Deponent took charge of the said Polacca Nova Sorte, and remained in charge until the Decree of restoration made in the above Cause by the above Court; that during the time Deponent so remained in charge no Slave was kept in irons, nor in any manner concealed below, nor was there any Slave mal-treated in any way, or prevented from speaking or making as much noise as he or she thought proper; nor were they prevented from diverting themselves in any manner they chose. Sworn the 7th of March.

John Bedford, Gunner's Mate, and David Griffiths, private Marine of His Majesty's Brig Snapper, swear, that, on the night of the 12th day of October, 1822, the said John Bedford had charge of the watch, and the said David Griffiths was sentinel between the hours of eight and twelve o'Clock, P. M. on board His Majesty's said Brig; that at about a quarter of an hour from the said hour of twelve, P. M. as near as these Deponents can recollect they saw two canoes very near the said Polacca Nova Sorte, and rowing directly towards the Beach of Mina Piccaninny, the said canoes and the said Vessel being in the situation represented in the annexed drawing; and these Deponents further swear, that they do verily believe, that the said Canoes did come last from the Nova Sorte at the time of their perceiving them. This Affidavit is dated the 10th of March.

There is annexed to this last mentioned Affidavit a drawing, accompanied by an Affidavit of Lieutenant Rothery and Mr. Cowie, Master of the Snapper, stating, that the annexed drawing signed with their respective names, is a true representation of the situations of His Majesty's said Brig and the Portuguese Polacca Nova Sorte, as they lay at anchor off Mina Piccaninny, on the Night of the 12th of October 1822. This Affidavit is sworn on the 10th March; there is subjoined to it a further Affidavit by Lieutenant Rothery, which says, that after boarding the said Nova Sorte, the boat of His Majesty's said Brig left that said Vessel about the hour of seven o'Clock P. M., on the said 12th day of October, and from that time no person belonging to His Majesty's said Brig was on board of or had any communication with the said Nova Sorte, until the Evening of the following day, viz: the 13th day of October, 1822.

The object of all the Affidavits furnished from the Snapper, is to confirm the statements of the Negro Joachim, late a Slave seaman on board of the Nova Sorte, but now a free-man, and a resident at Sierra Leone, according to the description prefixed to his last Affidavit.—It is, therefore, essential to ascertain precisely what this Joachim has successively stated in the several Papers, in which his testimony has from time to time been brought forward.

The first of these Papers is an Affidavit sworn by him, on the of January, by the interpretation of Quashee, the Negro formerly in the service of Mr. Blenkarne, who may be regarded as the originator of this Case, of an embarkation of Slaves on board of the Nova Sorte, before the seizure of that Vessel by Lieutenant Rothery, and of a relanding of those Negroes on the Morning after the arrival of the Snapper. The Affidavit first made by Joachim, was given to the Court in connection with that of Quashee, for the confirmation of Quashee's statement, by its coincidence with that Statement, in relating the transactions on board of the Nova Sorte.

The Affidavit agrees with the Statement of Quashee in stating, that many men and women Slaves were embarked on board of the Nova Sorte, at Mina Piccaninny, before the arrival of the Snapper.—The Affidavit says, that these Slaves were brought and received on board of the said Polacca at two several times in the long-boat belonging to the aforesaid Vessel, the said Slaves being ironed by the neck and hands in four separate chains.

That four days after the said Slaves were so embarked on board the said Vessel, a strange Vessel came in sight, which strange Vessel proved to be His Britannick Majesty's Brig-of-War Snapper; that on the appearance of the said Brig-of-War, all the aforesaid Slaves were driven by the Portuguese Mariners of said Polacca, into a part of the hold of the said Polacca, (which place he describes to be under that part of the Vessel called the fore-pic), and that the said Slaves were then and there covered and concealed by sails and provisions, the Portuguese Mariners of the Vessel threatening to stab with a knife any one of the Slaves, who should speak or make any noise; that a short time after sun-set of the same day, the boat of the English Brig-of-War aforesaid, came along-side the said Polacca, and shortly after left her; that about the middle of the Night of that same day, the Portuguese Mariners put into three canoes and the aforesaid long-boat all the aforesaid Slaves then on board the said Polacca, viz: one chain of Slaves into each boat, and conveyed them on shore to the aforesaid Place, called Mina Piccaninny; and

that Deponent remaining on board the said Polacca, he does not know how they were after disposed of. Sworn the 4th day of January 1823.

The description of the mode of embarking these Slaves, by means of the long-boat loaded with chains and irons, is the same as given by Quashee,—with this difference, if it can be called a difference, that Joachim mentions the embarkation having been made at two several times, but Quashee does not specify, whether it was at one time or at several.—In respect to the manner of landing, by three canoes and the long-boat, both coincide.

It was suggested, that Quashee, having originated this Case of a previous embarkation, followed by a concealment during the search by the Snapper's people, and a re-landing in the Night, he could not, for obvious reasons, be a proper Interpreter, for any testimony to be given by Joachim in support of his own statement; and further, that Affidavits were not the most proper form of evidence, being generally prepared by the Parties in the Cause, and sworn to in a summary manner. In consequence of these suggestions, Quashee was examined on Interrogatories by the interpretation of another person, named Sally Cudjoe.

To the 4th Interrogatory.—Saith, said Schooner was lying off Mina Piccaninny, at the time the said Schooner was seized by His Majesty's Brig-of-War Snapper.

To the 5th.—Saith, Slaves had been on board the said Schooner four days, previous to seeing the Man-of-War.

To the 6th.—Saith, that on the appearance of the capturing Vessel, the Slaves that were on board were put in a small room where the yams were.

To the 7th.—Saith, that in the course of the Night, the Slaves were sent on shore by the Portuguese Mariners of said Schooner. Sworn the 9th January. The difference between the facts, as stated in the answers to the Interrogatories, and as stated in the Affidavit, is great and obvious.—The circumstance of embarkation by the means of the long-boat, and of conveyance to the shore in the Night by the long-boat and three canoes, in which circumstances the Affidavit of Joachim coincided with that of Quashee, are not found in the answers to the Interrogatories. The manner of the concealment below is differently described,—it is merely said, that on the approach of the capturing Vessel, the Slaves that were on board were put in a small room where the yams were. In the Affidavit it is said, that on the approach of the said Brig-of-War, all the aforesaid Slaves were driven by the Portuguese Mariners of said Polacca into a part of the hold of the said Polacca, (which place he describes to be under that part of the Vessel called the fore-pic), and that the said Slaves were there covered and concealed by sails and provisions. Neither do we find any mention of the Portuguese Mariners of the said Vessel threatening to stab with a knife any one of the said Slaves who should speak or make a noise.

Of all this threatening to stab with a knife, not one word is mentioned by the Negroes examined on behalf of the Captors. In their examination in open Court, they spoke of their being threatened with flogging if they should make a noise, in the same manner as at all other times, and some of them mentioned being commonly flogged with a rope to make them go below, or to prevent them from making a noise. This is surely very different from Joachim's allegations of the Portuguese Mariners threatening to stab them with a knife if they should speak or make a noise.

So in respect to the concealment, they merely say that they were put below and covered with sails.

Thus far extend Mr. Fitzgerald's written Notes upon the motion of the Proctor for the Captor for a New Trial. But Mr. Fitzgerald, in giving his opinion upon the evidence that, in order to a new trial, had been brought forward by the Proctor for the Captor, commented further upon the evidence that had been first brought forward in the Case. He concluded his comments by observing "that the broad fact remained uncontradicted which had guided his decision for the restitution of the Vessel,—namely, the fact stated by the Slaves who had been examined in open Court,—that they had never set their feet on shore at Mina Piccaninny after they were first embarked on board of the Nova Sorte; that the first Place where they did set their feet on shore was at Sierra Leone." Mr. Fitzgerald was of opinion, upon his view of the merits of the evidence in the Case, that a new trial could not be granted. E. G.

No. 49.—E. Gregory, Esq. to Mr. Secretary Canning.
(Received September 17.)

Sir, *Sierra Leone, June* 8, 1823.

In the Report on the state of the Slave-trade, that Mr. Fitzgerald and I had the honour to address to you, under date of the 29th of April last,* we noticed an abuse that was practised, as we conceived, on the part of the Portuguese Authorities in the Brazils, by over-rating the tonnage of Vessels if engaged in the Slave-trade, so as to enable them to carry, with the appearance of legality, an extraordinary number of Slaves.

The great importance that is attached to the suppression of all illegal Traffick in Slaves will be my excuse with you, Sir, for bringing again, and more particularly, under your notice, some instances, as they would seem to be, of over-rate in the tonnage of Portuguese Slave-trading Vessels, that have come under the view of the British and Portuguese Mixed Commission.

The appearance of this over-rate is found by a comparison of the tonnage of Vessels, as stated in the Royal Passport, and in the Certificates of admeasurement, with their tonnage, as stated in the receipts, for money paid on account of light dues. The over-rate of the tonnage of four Vessels lately adjudicated in the British and Portuguese Court of Mixed Commission, as it appeared by a comparison of the Documents that I have mentioned was as follows, viz.:

* See Sierra Leone, (General.) Page 427.

Schooner Nova Sorte; tonnage as stated in her Passport, 141½ tons; as stated in the Certificate of Admeasurement, 141½ tons: authorized to carry 353 Slaves: tonnage as stated in the Receipt for Light Dues, 84¼ tons; difference of tonnage 57¼ tons; excess of Slaves 142 Slaves. This Vessel was admeasured by order of the Mixed Court; she was found to admeasure 83 tons and 15-94ths of a ton, English.

Schooner Conceiçao; tonnage as stated in her Passport, 167¼ tons; as stated in the Certificate of Admeasurement, 167¼ tons; authorized to carry 417 Slaves; tonnage as stated in the Receipt for Light Dues, 108 tons: difference of tonnage, 59¼ tons; excess of Slaves, 147 Slaves.

Schooner Lisboa; tonnage as stated in her Passport, 118¼ tons; as stated in the Certificate of Admeasurement, 118¼ tons; authorized to carry 295 Slaves; tonnage as stated in the Receipt for Light Dues, 92 tons; difference of tonnage, 26¼ tons; excess of Slaves, 65 Slaves. This Vessel had, when detained, 336 Slaves on board.

Brig Commerciante; tonnage as stated in her Passport, 245 tons; as stated in the Certificate of Admeasurement, 245 tons; authorized to carry 612 Slaves; tonnage as stated in the Receipt for Light Dues, 162 tons; difference of tonnage, 83 tons; excess of Slaves, 207 Slaves.

The Certificate of Admeasurement is given by competent Persons, as is expressed, in order that the tonnage of a Slave-trading Vessel may be stated in the Royal Passport, for the purpose of specifying the number of Slaves that a Vessel may carry. The Certificate of Admeasurement is, therefore, an important Paper that ought to be given upon an honest admeasurement of a Slave-trading Vessel.

Possibly, Sir, the Certificates of Admeasurement that have come under the view of the Commissioners, may have been given upon an honest admeasurement of the Vessels to which they respectively belonged, and the tonnage of a Portuguese Vessel may be rated less by custom than it really ought to be rated, when the rate is to proportion the payment of light dues. But the Commissioners not having the means of ascertaining whether this be the custom in the Brazils or not, must view with suspicion a difference of tonnage that appears upon the face of the Papers belonging to one Vessel. The Commissioners must view this difference with the greater suspicion, as they are well aware that the inveterate habits of Slave-traders will

lead them to commit every fraud they can devise to crowd their Slave-holds.

I beg leave, Sir, to request your consideration to what I have in this letter deemed it to be my duty to state to you, as the minds of the Commissioners are unsettled in regard to the faith observed by the Authorities in the Brazils in fixing the tonnage of Slave-vessels. It is of the utmost importance that the tonnage of Slave-vessels should be honestly fixed; for by the tonnage, as stated in the Passport, the conveyance of Slaves is regulated. In Cases of restitution, the tonnage which proportions the number of Slaves allowed to be carried, is to regulate the damages to be awarded for loss of Slaves. In such Cases, it always serves to shew, at first view at least, the rate at which demurrage should be charged, when demurrage may be deemed to be due by the Commissioners.

I beg leave, Sir, to inclose herewith, for your information, a Copy of the Certificate of the admeasurement of the Schooner Nova Sorte, with Copies of the Certificates of, or receipts for monies paid for light dues on account of that Vessel; also translations of these Papers; with a Copy of the Report made to the Commissioners by the Person appointed by them to admeasure that Vessel.

I have the honour, &c.

The Rt. Hon. George Canning. E. GREGORY.

(Inclosure 1.)—Certificate of Admeasurement of the Schooner Nova Sorte.

Illustrious Intendant of the Department of the Marine.

Granted. House of the Intendency of the Marine. Bahia, June 28, 1821.

(Translation.) C. CARVALLO.

Wenceslaus Miguel de Almeida, Owner of the Polacca Nova Sorte, that is ready to sail for Cabinda, makes known, that he requires, under Certificate, the Report of the admeasurement made by direction of the Intendancy; he, therefore, prays that you may be pleased to grant him said Report.

I, Lazaro Joze Munis de Medeiros, Notary in the Intendancy of the Marine in this Town of Bahia for His Most Faithful Majesty, &c. do certify, that, on examination of the second Book of the Reports of Admeasurement, at folio 143, there appears as follows:—"On the 23d day of the Month of May, of the year 1821, in this Town of Bahia, on board of the Polacca Nova Sorte, at the instance of Wenceslaus Miguel de Almeida, asserted Owner of the same, there appeared, by order of the Illustrious Intendant of the Department of the Marine and of the Royal Arsenals, the Commander Antonio Vaz de Carvallo, Adjutant of the said Intendant; Francisco Lopez de Carvallo, Builder; the Captain-Lieutenant, Manoel de Costa; and the second Lieutenant, Manoel Joaquim Joze da Cruz; the Master Caulker, Joao Baptista Correa; and the Master Sail-Maker, Antonio Bernardo Joze Vianna; all

belonging to the Arsenal; with myself, the Notary of the Intendancy of the Marine, hereinafter declared, for the purpose of admeasuring the said Schooner, in conformity with the Alvarà, having the force of law, of 26th of January, of 1818. In effect, having admeasured the deck, *(convez)*; the cabin, *(camara)*; the false deck, *(baileo)*; the forecastle, *(castello)*; places proper for the conveyance of Slaves; there were given 141½ tons, which, divided by two and multiplied by five, produce 353 heads of Slaves, which number is the proportion of two tons for five Slaves, agreeable to the tenour of the aforesaid Alvarà. In faith and testimony whereof, they, the aforesaid persons, signed this Report, which I, Lazaro Joze Munis de Medeiros, Notary of the Intendancy of the Marine, caused to be written." Francisco Lopez de Carvallo. "There appeared the Rubrick of the Attorney of the Crown, Manoel da Costa; Manoel Joaquim Joze da Cruz; Joao Baptista Correa; and Antonio Bernardo Xavier Vianna. And that the same may appear where necessary, I give these presents in the Intendancy of the Marine of Bahia, on the 13th day of June, of the year 1821. The same was caused to be written, and is signed by me,

LAZARO JOZE MUNIS DE MEDEIROS.

We certify that the Polacca Nova Sorte, bound to Rio de Janeiro, owned by Wenceslaus Miguel de Almeida, has been rated at eighty-four tons, by skilful persons appointed for the purpose, in virtue of the Royal Orders; that, therefore, the contribution to be paid on her account for lights is 8400 reis; in faith and testimony whereof we give these presents, signed by us, and sealed with the seal of the Royal Arms. Bahia, 15th May, 1820. Written by Joze Francisco Cardozo de Moraes, Secretary of the Board.

Seal of Royal Arms.

JOZE PERD. LOPEZ SD. DE CARDO.
JOAO. FERREIRA BETANCOUNT SD.
RAIMUNDO JD. DO VALLE.
JOZE FRANCISO CARDOZO DE MORAES.

Regd. at f. 23.

(Inclosure 2.)—Receipt for Light Duties.—(Translation.)

At folio 79 of the 1st Book of the Receipts of Contributions on account of Lights, there appears the sum of 8400 reis paid by Francisco de Souza Lapa, for 84 tons, at which the Portuguese Schooner Nova Sorte, bound to Molembo, has been rated. Bahia, 11th May, 1822.

PAULINO DA SILVA LISBOA.
FRANCISCO JOAQUIM GOMEZ.

(Inclosure 3.)—Report of William Cole, Sworn Measurer.

Having proceeded on board the Portuguese Brigantine Nova Sorte, to ascertain her admeasurement, do report as follows:—

Her extreme length is 64 feet, 8 inches; her breadth is 17 feet, 10 inches; admeasures by the British method, 83 tons and 15-94ths of a ton.

W. COLE, Sworn Admeasurer.

No. 50.—Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received October 11.)

SIR, *Sierra Leone, September 1, 1823.*

We beg leave to inform you that Mr. Altavilla, His Most Faithful Majesty's Commissioner at this Colony, has verbally acquainted us, that it is his intention to avail himself of leave of absence that has been granted to him by his Government, and to return to Europe by His Majesty's Brig Snapper, which quits this River to-day.

Mr. Altavilla has promised to address to us an official Communication of his intended departure from this Colony; but, fearing that such Communication may be delayed to the last moment of Mr. Altavilla's stay in the Colony, we hasten, Sir, to apprize you of his intentions to depart.

We have the honour to be, &c.

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 51.—Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received October 22.)

SIR, *Sierra Leone, Sept. 1, 1823.*

We have the honour to inclose herewith, for your information, a Copy of a Letter that we have just received from *Mr. Altavilla*, His Most Faithful Majesty's Commissioner at this Settlement, announcing his intention to proceed to England in His Majesty's Brig *Snapper*, which is at this moment quitting this Harbour. We have, &c.

E. GREGORY.
D. M. HAMILTON.

The Rt. Hon. George Canning.

(Inclosure.)—The Portuguese Commissioner to the British Commissioners.

GENTLEMEN, *Free Town, September 1st 1823.*

I have the honour to acquaint you that my Government having been pleased to grant me leave to return to Europe for the recovery of my health, it is my intention to avail myself of such leave, by the opportunity of His Britannick Majesty's Brig Snapper, which proceeds immediately to England. With best wishes for your health and prosperity.

I have, &c. J. G. ALTAVILLA.

His Britannick Majesty's Commissioners.

No. 52.—Messrs. Gregory and Hamilton, to Mr. Secretary Canning.—(Received January 30, 1824.)

(Extract.) *Sierra Leone, September* 6, 1823.

We have now the honour to inform you that Mr. Altavilla quitted this Colony for England, in His Majesty's Brig Snapper, on the 1st of this Month.

We were informed by Mr. Altavilla, upon his departure, that we might soon expect the arrival of a Gentleman deputed by the Government of His Most Faithful Majesty to supply Mr. Altavilla's place in the Mixed Commission. No such Gentleman has yet arrived. We propose to act in the absence of Portuguese Commissioners, so that the business that may be brought before the Mixed Commission may not suffer by delay. We have, &c.

E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 53.—*Mr. Secy. Canning to Messrs. Gregory and Hamilton.*

GENTLEMEN, *Foreign Office, November* 1, 1823.

I have referred to His Majesty's Advocate-General, your despatch of the 7th June, 1823, for the opinion of that Officer: —Whether a Sentence, pronounced in full Court, by the Mixed Commission under the Treaties for the suppression of illegal Slave-trade, is final, or whether a New Trial may in such Case be granted?

The opinion of The King's Advocate is,—that a New Trial cannot be granted on any rules of analogy derived from the practice of the Courts of Common Law; or otherwise than as matter of special exception arising out of some conduct of the litigant Parties, of fraud or surprise on the Court, which would virtually render the Sentence obtained, under such circumstances, a mere nullity. The general principles of justice would support such an exception; but The King's Advocate is not aware of any other ground which would justify a Court, of the description of the Mixed Commission, in proceeding to re-hear a Case on which Sentence has been pronounced and recorded. In the particular Case of the *Nova Sorte*, described in the Papers sent by you, The King's Advocate is of opinion —that the Commissioners were perfectly right in refusing the prayer for a new trial. I am, &c.

GEORGE CANNING.

The British Commissioners, Sierra Leone.

No. 54.—Mr. Secy. Canning to Messrs. Gregory and Hamilton.

GENTLEMEN, *Foreign Office, November* 12, 1823.

I have received your two Despatches of the 22d April, and the 6th of June, 1823, relative to the capture of the Portuguese Slave-Ship *La Sinceridade*, by His Majesty's Ship *Bann*, and the subsequent liberation of that Vessel, after a trial under the Mixed British and Portuguese Court at Sierra Leone:—Your conduct on this occasion appears to have been guided by a due sense of justice, and in strict accordance with the Treaties under which you act; and I transmit, for your further information, the Copy of a Despatch, dated the 25th ultimo, upon the Case of the Sinceridade, which, by His Majesty's Commands, I have addressed to The King's Minister at Lisbon.* I am, &c.

GEORGE CANNING.

The British Commissioners, Sierra Leone.

No. 55.—Messrs. Gregory and Hamilton to Mr. Secretary Canning.—(Received April 26.)

SIR, *Sierra Leone, February* 8, 1824.

We had the honour to receive, on the 1st instant, your Despatch with its Inclosure, of the 12th of November 1823, acquainting us that you had received the Despatches of the 22d of April, and the 6th of June, 1823, which His Majesty's Commissioners had the honour to address to you, relative to the capture of the Portuguese Slave ship *La Sinceridade*, by His Majesty's Ship *Bann*, and the subsequent liberation of that Vessel, after a trial under this British and Portuguese Mixed Court.

We are happy, Sir, to learn that the conduct of the Commissioners on that occasion has met with your approbation.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

SIERRA LEONE. (*Netherlands.*)

No. 56.—Messrs. Gregory and Hamilton to Mr. Secy. Canning. (Received Sept. 17.)

SIR, *Sierra Leone, Aug.* 14, 1823.

We have had the honour to receive your Despatch of the 19th of April, 1823, inclosing ten Copies of certain Articles,

* See No. 17, Page 358.

explanatory of, and additional to, the Treaty concluded at the Hague, on the 4th of May, 1818, for preventing illegal Slave-trade, which explanatory and additional Articles were signed at Bruxelles, on the 31st December, 1822, and on the 25th of January, 1823, between the Plenipotentiaries of His Majesty, and The King of The Netherlands, duly authorised to that effect.

We shall, agreeably to your instructions, consider these Articles as binding upon us, for the guidance of our conduct, in giving effect to His Majesty's intentions, in regard to the Stipulations therein recorded.

We beg leave, Sir, respectfully to offer our congratulations upon this extension of the powers that have been given to all who are concerned in the execution of the Treaty of the 4th of May, 1818. It cannot fail to be beneficial to the cause of humanity.

M. de Marrée, His Netherlands Majesty's Commissioner at this Colony, has not received from his Government the notification of this extension of the powers given under the Treaty of the 4th of May, 1818; but we have given to him one of the Copies of the explanatory and additional Articles relating thereto, with which you have been pleased to furnish us.

We have, &c. E. GREGORY.
D. M. HAMILTON.

The Right Hon. George Canning.

No. 57.—Mr. Secretary Canning to the British Commissioners at Sierra Leone and Surinam.

GENTLEMEN, *Foreign Office, Dec.* 31, 1823.

I have to acquaint you, for your information, and the information of the other Gentlemen forming the Board of which you are Members, that a Communication has been made to this Court by The Netherlands Ambassador, purporting, that The Netherlands Frigate, the *Dageraad (Aurora)* of 32 guns and 250 men, Captain *Van der Hart*, bound for the Coast of Guinea and the East Indies, has been furnished with a Copy of the Treaty of the 4th of May 1818, between His Majesty and The King of The Netherlands, and of the several Documents annexed thereto.

I am, &c.
GEORGE CANNING.

The British Commissioners, Sierra Leone and Surinam.

No. 58.—Mr. Secy. Canning to Messrs. Gregory and Hamilton.

GENTLEMEN, *Foreign Office, February 4, 1824.*

In reference to my Despatch to you, of the 6th of November, 1823,* upon the subject of the charges of the *Marshal* of the Court, I furnish you, for your information and guidance, with a Copy of a Despatch, dated the 8th ultimo, and of its Inclosure, from His Majesty's Minister to the Court of The Netherlands, containing the acquiescence of that Government to the proposition made to them, as to the payment of the expences which may be incurred by the Marshal of the Mixed Commission Courts at Sierra Leone and Surinam.

I am, &c.

GEORGE CANNING.

His Majesty's Commissioners, Sierra Leone.

HAVANNAH.

No. 59.—Messrs. Kilbee and Jameson to Mr. Secy. Canning.—(Received June 10.)

SIR, *Havannah, April 16, 1823.*

Since the date of our Despatch of the 27th of February, we have not observed that any Vessel has entered this Port under circumstances which would induce a suspicion of its being engaged in illicit Slave-trade; but we have heard it reported that two Spanish Slave-ships have lately been captured to the Eastward of Matanzas by an insurgent Privateer, and that their cargoes have been sold on that Coast.

The new Spanish *Penal Code* is to be in force throughout this Island from the 21st instant. We have the honour to inclose a translation of the Article which regards the illicit traffick of Slaves. The penalties denounced against the Captains, Supercargoes, and Masters of Vessels, both Spanish and Foreign, who shall import Negroes into the Spanish Dominions, or, in the case of Spanish Vessels, which shall be found with Negroes on board;—are, the forfeiture of such Vessels, and ten years hard labour at the publick works. The Negroes are to be declared free, and are to receive 100 dollars each, provided half the value of the Vessel be sufficient for that purpose; if not, such half is to be equally divided amongst them. The purchasers of Negroes, thus illegally imported,

* See No. 9, Page 468.

are subject to the forfeiture of such Negroes, and to a fine equal to the price paid for them, the half of which fine is to be delivered to the purchased Negro.

It would have been desirable that some reward should have been offered to any Person informing against such illegal importation of Negroes, and the purchasers of them. It is true that the Negro himself, as the Law now stands, has a two-fold incitement, namely, his own liberty and the half of the fine; but for a long period after his arrival here, he will be too ignorant to avail himself of the provisions of the Law, and after the lapse of many years, he will find it very difficult to prove the time of his importation.

But, however vigorous and perfect the Law may be, we are warranted, by the experience of nearly four years, in stating—that it will prove, like the present, to be a mere dead letter, unless greater activity and energy than hitherto, shall be manifested by the local Government upon this interesting subject. A short summary of the result of our experience will, we trust, prove the justice of this opinion.

At the period of our arrival, in the year 1819, the Slave-trade to the North of the Line was illegal; and although it was a matter of notoriety that many, if not the greater number, of the Slave-vessels which entered this Port, brought their cargoes from the Northern Coast, yet we never heard of any step having been taken by the Government to punish those infractions of Law and Treaty, to prevent their repetition, or indeed to investigate the matter at all.

On the 30th May, 1820, the term expired which was allowed by Treaty for the clearing out of the Spanish Slave-ships for any part of the Coast of Africa; and yet several Vessels have since that period cleared out publickly for that Coast "with effects for the Slave-trade." The publicity thus given to the object of their voyage was indeed subsequently put a stop to; but, till very lately, Vessels continued to sail for the Coast of Africa, without specifying for what particular branch of commerce, although it is well known that it could be but for one purpose.

On the 30th October of the same year, the term finally expired for the admission of Slave-ships from the Coast of Africa into the Spanish Dominions; yet numerous Vessels have been admitted since that date, generally upon the plea that they had cleared out in lawful time, and had not had suffi-

cient time to complete their voyages, although many of them were foreign Vessels, belonging to Powers which had abolished the Slave-trade, and which, therefore, had no lawful time for clearing out.

At length the Government at Madrid issued Orders, which were received here in November 1821, that no more Slave-ships should be admitted, and that the Stipulations of our Slave-trade Treaty should be strictly carried into effect.—Since that time, indeed, no Slave-ships have actually been allowed to enter this Port, but the most open contraband trade has been carried on. Vessels land their cargoes on the Coast, some even at the Mouth of the Harbour, and then come in, in ballast, professedly from the Danish Island of St. Thomas. The greater part of them are French, but many of them are Spaniards, notorious Slave-traders, and some of whom had publickly cleared out from hence for the Coast of Africa, after the legal time, with effects for the Slave-trade; and they are thus allowed to enter without any examination whatever, although no doubt can be entertained of the nature of their voyages. Indeed the Persons engaged in this traffick, at length became so bold, from the impunity with which they were suffered to carry on their dealings, that, within the last eight Months, they ventured publickly to expose their newly imported Negroes for sale at the depôts here, which were used for that purpose, previous to the abolition;—but this has been put a stop to.

It is quite impossible for us to form any correct calculation as to the extent to which this illicit trade has been carried on; but there can be no doubt that it has been very considerable. The extensive Coasts of the Island afford great facilities, as well as the numerous Out-Ports, into which, we have good reason to believe, that, at least until very lately, Slave-ships were admitted and allowed to dispose of their cargoes without any difficulty.

Latterly, indeed, the traffick has not been so brisk, but this is principally to be attributed to the present depressed state of commerce and agriculture in this Island;—and we do not yet see any reason for altering the opinion, we gave in a former Despatch to the late Marquess of Londonderry, namely, that but for these temporary causes, the Slave-trade with this Island would at this moment be as brisk and extensive as during any period whatever.

The powers of His Majesty's Commissioners, under the Treaty of 1817, between Great Britain and Spain, are limited to the adjudication of such British and Spanish Slave-ships as shall be detained and brought in here by the Cruizers of either Nation. As yet no Case has come before the Mixed Commission, but that of the Spanish Schooner *Antonica*, as reported in our Despatch of the 10th of December 1821, of which, as the detention was not effected by a Vessel of the Royal Navy, furnished with the necessary Instructions, we were not authorized by Treaty to take cognizance. We have, however, regularly reported to His Majesty's Government, the Cases of open violation of our Treaty, alluded to in this Despatch, and such suspicious Cases of illicit traffick as have reached our knowledge;—and we have also brought them under the consideration of the Principal Authority here, not in the shape of a remonstrance, which we are not warranted in making, but, considering it to be a mark of respect due to him, that he should be apprized of those infractions of Law and Treaty which we conceived it to be our duty to report to our Government. The late Marquess of Londonderry was pleased to approve of this line of conduct; and, in his Despatch of July 27th of last Year, he directed us to continue to pursue the same.

His Majesty's Commissioner of Arbitration, being about to avail himself of the leave of absence, which has been granted him, will be the bearer of this Despatch; and we have taken this opportunity of thus drawing your attention, generally, to the state of the Slave-trade carried on with this Island, as the local experience which he has acquired by a residence of nearly four Years, will enable him to furnish you with the fullest information upon the subject.

It is a matter of the deepest regret and mortification to us, that we cannot make a more favourable report of the result of our proceedings, since we have been employed in this Mixed Commission; but we trust that it will be evident to you, that the little success, which has hitherto attended the exertions of His Majesty's Government, for the suppression of the nefarious traffick in this Quarter, is not in any manner to be attributed to a want of zeal on the part of His Majesty's Commissioners resident here.

We have, &c. H. T. KILBEE.
The Rt. Hon. George Canning. R. F. JAMESON.

(*Inclosure.*)—*Article* 273 *of The Spanish Penal Code.*—(*Translation.*)

The Captains, Supercargoes, and Masters of Spanish Vessels who shall purchase Negroes on the Coast of Africa, and shall import them into any Spanish Port, or shall be found with them on board their Vessel, shall forfeit such Vessel, the value of which shall be applied as a fine; and they shall, moreover, suffer the Penalty of ten years hard labour at the publick works. The Captains, Supercargoes, and Masters of Foreign Vessels who shall, in like manner, import Negroes into any Port of the Monarchy, shall suffer similar penalties. In any of the Cases included in the present Article, the Negroes found on board, or imported, shall be declared free; and each of them shall receive 100 dollars, provided the half of the value of the Vessel shall be sufficient for this purpose; and if not, the said half shall be equally divided amongst them.

Those who shall purchase Negroes thus imported, contrary to the provisions of this Article, being aware of their illegal importation, shall forfeit such Negroes, who shall be declared free, and they shall also pay a fine equal to the price they may have paid for them, the half of which fine shall be delivered to the person thus purchased.

No. 60.—*H. T. Kilbee, Esq. to Mr. Secretary Canning.*—(*Received July* 10.)

SIR, *Havannah, May* 24, 1823.

On the 2d instant, Major-General Don Francisco Dionisio Vives, landed here and assumed the chief command, Civil and Military, of this Island.

I am sorry to have to announce to you, that, on the 5th and 13th instant, three Spanish Schooners, namely,—the *Luisa*, Don Francisco Loureiro, Master;—the *Fabiana*, Don Juan Manuel Maria;—and the *Liberal*, Don Antonio Sanjurjo; sailed from hence for St. Thomas, on the Coast of Africa, for the purpose, little doubt can be entertained, of engaging in the Slave-trade.

Shortly after the arrival of the new Governor, I took an opportunity of calling his attention to the subject of illicit Slave-trade. I explained to His Excellency, generally, the nature of this Mixed Commission, and apprized him that His Majesty's Commissioners were in the habit of mentioning to the Local Authorities of His Catholick Majesty, those Cases of illicit Traffick which came under their observation, and which, although not within the limits of their powers to take cognizance of, they yet conceived it to be their duty to report to their Government. I informed him of the general manner in which illicit Slave-trade is now notoriously carried on, without any effectual attempt having as yet been made by the Government here to put a stop to it. I then noticed the

Cases mentioned in this Despatch, of three Vessels having lately cleared out from this Port for the Coast of Africa: adding, that although I was aware that legitimate commerce with that Coast was not prohibited to Spanish Subjects, yet, as little doubt could seriously be entertained as to the nature of the traffick in which these Vessels were about to be engaged, I trusted that, upon their return, their Papers and Crews would undergo a strict examination, and that the penalties denounced by the Spanish Penal Code should be inflicted, if they should be found to have been engaged in illicit Slave-trade. I concluded by venturing to observe, that, in my opinion, the surest mode of gratifying and securing the good opinion of the British Nation and Government, would be by the manifestation of a decided resolution on the part of His Catholick Majesty's Authorities, to carry into effect the Stipulations of the Slave-trade Treaty, and to do all in their power to check and, if possible, completely to suppress that abominable Traffick.

The Governor replied, by assuring me of his disposition (in conformity with the Instructions of his Government) to fulfil strictly the engagements entered into by Spain with Great Britain. He observed, that his authority, with respect to maritime and commercial affairs, was very limited, but he promised to do all in his power towards the suppression of illicit Slave-trade, and he assured me of his readiness, at all times, to attend to any suggestions which I should think it advisable to make to him upon that subject.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 61.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received August 4.)

SIR, *Havannah, June 28, 1823.*

On the 21st instant the Spanish Schooner *Amable Socorro*, Don Jose Inzua, Master, consigned to Don Jorge Pioli, entered this Port in ballast from the Coast of Africa.

I lost no time in apprizing the Governor and the Intendant, of the circumstances which precluded all reasonable doubt as to the nature of the traffick in which this Vessel has been engaged. I informed him that she was a Slave-trader, during the time that that trade was lawful, under her present Master;

that, since the Abolition, she has made two voyages to the Coast of Africa, and upon her return from each has entered this Port in ballast; that she is consigned to a Person deeply engaged in the Slave-trade;—and, finally, that there is not an Individual who has any practical knowledge of this Place, that is not perfectly convinced that she landed her cargo of Negroes on the Coast, previous to her arrival in Port.

Both the Governor and the Intendant agreed, as to the suspicions which justly attached to this Case, and promised to make enquiries about it. Some days after, the former stated to me, that he had ordered the matter to be investigated; that the Captain and Consignee had declared that the object of the voyage had been to obtain ivory and gold-dust, in which they were disappointed: that although this story was not credited, yet, as no fact had come to light which would justify the prosecution of the Captain for engaging in illicit Slave-trade, the matter had dropped. His Excellency, however, assured me that he had given positive orders, that all Vessels arriving from the Coast of Africa should undergo an immediate and strict examination, and that all Vessels clearing out for that Coast, should give ample security that they were about to engage in lawful commerce, and not in the Slave-trade. These orders have caused considerable alarm among the Slave-traders; and, I am informed that the Governor upon this occasion made use of strong language to the Subaltern Authorities, and that he manifested a firm resolution to do all in his power to check illicit Slave-trade, and, at all events, effectually to put a stop to the barefaced manner in which it has hitherto been carried on.

The Governor likewise informed me, that some Spanish Subjects, Inhabitants of the Floridas, who are desirous of emigrating to this Island, had applied to him for permission to bring their Negroes with them, which permission he had granted, upon the express condition that they should produce the most satisfactory Certificates from the Local Authorities there, proving that the Negroes were, *bonâ fide*, their property, and that they had been imported from the Coast of Africa, previous to the abolition of the Slave-trade by His Catholick Majesty.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 62.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received October 4.)

SIR, *Havannah, August 9, 1823.*

On the 8th instant the Spanish Schooner *Descamisada*, Don Juan Sandrino, Master, entered this Port in ballast from the Coast of Africa. This Vessel sailed from hence for that Coast in the mouth of February last, as reported by Mr. Jameson and myself, in our Despatch of the 27th of that Month. Previous to her arrival here it was commonly reported that she landed a cargo of nearly 300 Negroes in the neighbourhood of Bahiahonda.

It is with deep regret that I have to announce this event, after the strong and satisfactory assurances which I lately received from the Governor upon this subject, and of which I apprized you in my last Despatch. I have not yet had an opportunity of drawing His Excellency's attention to the present Case; but I shall not fail to do so as early as possible.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 63.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received November 18.)

SIR, *Havannah, August 25, 1823.*

For some days, after I had the honour of writing to you on the 9th instant, the Governor was so much engaged, in consequence of the discovery of a Conspiracy for the establishment of the Independence of this Island, that I had not an opportunity of speaking to him on the subject of the Schooner *Descamisada*, mentioned in my Despatch of that date. Yesterday, however, I had an interview with His Excellency, and I stated the circumstances of the Case; and added, that it was with much regret that I had been under the necessity of reporting them to you, so shortly after I had, in consequence of His Excellency's former assurances upon this subject, expressed to you my firm conviction that transactions of this description were not likely again to be allowed to pass with impunity.

The Governor informed me, in reply, that several days previous to the arrival of the Descamisada at this Port, he had received information that she had landed a cargo of Negroes near Bahiahonda. That, without loss of time, he had sent an Officer with a Detachment of Troops to take possession of

the Negroes, but that the Officer had unfortunately been detained on the road by the bad weather, and upon his arrival he could find no traces of them whatever. His Excellency added, that as soon as the Vessel arrived here, he had directed the Captain of the Port to examine the Papers and Crew; but that no suspicious circumstance had been reported to him which would justify further proceedings. His Excellency lamented that his exertions in this instance had not been attended with success; and again expressed his firm resolution to do all that was in his power to put a stop to illicit Slave-trade; adding, that he would be always most willing to hear any suggestions from me upon the subject.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 64.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received December 24.)

SIR, *Havannah, September 29, 1823.*

I have the honour to acknowledge the receipt of your Despatch of the 16th of May last, in which you have been pleased to transmit to His Majesty's Commissioners here, ten copies of certain *Articles explanatory of, and additional to,* the Treaty concluded at Madrid, on the 23d September, 1817, for preventing illegal Slave Trade; and directing us to consider the same as binding upon us, for the guidance of our conduct in future.

I lost no time in forwarding a copy of those Articles to His Catholick Majesty's Commissioners, requesting at the same time that they might be added to the archives of the Mixed Commission for our future guidance. The Spanish Commissioners replied, that, as the Articles in question had been transmitted to me, officially, by my Government, they had no objection to accede to my request, although, as yet, they had received no Communication whatever upon the subject from their own Government. I have, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 65.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received December 24.)

SIR, *Havannah, October 20, 1823.*

I have the honour to acknowledge the receipt of your Despatch of the 1st of August last*, together with the Corres-

* See No. 5. Page 461.

pondence on the Slave Trade, laid before Parliament in the course of last Session, which you have been pleased to transmit for the information and guidance of His Majesty's Commissioners.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 66.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received December 24.)

SIR, *Havannah, October* 25, 1823.

On the 19th instant three Spanish Vessels cleared out from this Port for the Islands on the Coast of Africa, namely, the Brig *Orestes*, Don Domingo Zurbano, Master, for San Thomas'; and the Brig *Teresa*, Don Juan Sandrino, Master, and the Schooner *Socorro*, Don Antonio Pulles, Master, for Princes Island. The declared object of their Voyage, is, of course, lawful Commerce in those Parts, but their real object is undoubtedly the Slave Trade.

I am told that these Vessels have been fitted out in consequence of a report which has reached this Place, that our Squadron on the Coast of Africa has been considerably reduced in number.

On the 21st instant the Spanish Brig *Liberal*, Don Antonio Sanjurjo, Master, entered this Port in ballast, professedly from Baltimore. This Vessel was reported to you in my Despatch of the 24th of May, of this year, as having sailed from hence on the 13th May, for St. Thomas', on the Coast of Africa. This circumstance; the character of the Consignee, who has always been largely concerned in the Slave Trade; and common report; afford to my mind the conviction, that this Vessel has not been at Baltimore, but has come direct from Africa with a cargo of Negroes, which she has probably landed on some part of the Coast of this Island; but, at the same time, I am in possession of no positive proof whatever to support my conviction.

I have, &c. H. T. KILBEE.

The Right Hon. George Canning.

No. 67.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received January 16, 1824.)

SIR, *Havannah, November* 26, 1823.

On the 16th instant the Spanish Brig *Vengador*, Don Joaquim Zorrilla, Master, cleared out for Princes Island on the Coast of Africa.

In a conversation which, upon a late occasion, I had with the Governor, I mentioned the number of Vessels which had of late sailed from hence for the Coast of Africa. His Excellency said, that he was well aware of the truth of what I stated, which he sincerely lamented; but that he had been informed by his Law Advisers that he had no authority to prevent any Vessels clearing out for that Coast, and could only continue to require from them, as hitherto, an assurance that they were about to engage in lawful commerce, and not in the Slave Trade.

I took this opportunity to allude to the Case of the Spanish Brig *Liberal*, (mentioned in my last Despatch), which cleared out for Africa in May last, and arrived *professedly* from Baltimore in October. I observed how improbable this story was; and lamented that, if it were not true, some of the Officers of the Department of the Custom-house, or of that of the Captain of the Port, must have lent themselves to the transaction, by suffering a false Place of departure of the Vessel to be published. His Excellency promised to enquire into the matter.

I have, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 68.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received January 16, 1824.)

Sir, *Havannah, December 5, 1823.*

I have been informed by Commodore Sir Edward Owen, that a Vessel was captured on the 3d ult. by one of his cruizers, having on board 237 Negroes. The Master stated he was from Calabar, and bound to Santiago de Cuba. The Vessel is called the *Eugenie*, under Dutch Colours, from St. Eustatia, but last cleared from St. Thomas, is manned by Frenchmen, the Master being of the same Nation. The Commodore found it necessary to land the Negroes, in consequence of the state they were in, and the smallness of the Vessel.

On the 2d instant the Spanish Privateer *Romano*, Don Joze del Cotarro, Captain, having 14 guns and 140 men, sailed from this Port. This Vessel was fitted out for the purpose of cruizing against French Commerce, but as it is now too late for that, she is said to be destined for Costafirme; it is much to be feared, however, that she will ultimately try her fortune on the African Coast.

I have, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 69.—H. T. Kilbee, Esq. to Mr. Secretary Canning.
(Received March 14.)

SIR, *Havannah, January 12, 1824.*

Since the date of my Despatch of the 26th of November last, five Vessels, the names of which are contained in the inclosed list, have cleared out from this Port for the Coast of Africa.* I did not fail to call the attention of the Governor to the departure of these Vessels, stating that I was aware, from what His Excellency had said to me upon a former occasion, that their clearing out for that Coast could not be prevented, as they would all, of course, declare that it was for the purposes of lawful Commerce; but that I trusted that, at their return, they would undergo a rigid examination. The Governor assured me that he had already given strict orders to that effect.

Although I have had frequent opportunities of conversing with the Governor, lately, he has never thought proper to renew the subject of the Spanish Brig *Liberal*, mentioned in my Despatches of the 25th October and 26th November of last year: and as in that Case the conduct of Individuals under the employment of this Government was directly implicated, I considered that I should be arrogating to myself functions which I do not possess, were I to press the matter farther than I had already done.

Since the fall of the Constitutional System, the new *Penal Code*, framed by the Cortes, has been declared null and void, and, consequently, the Decree of His Catholick Majesty, of December, 1817, respecting illicit Slave-trade, is again in force. This Decree is conceived in very vague and loose terms, and is likely to become again, as it was formerly, a mere dead-letter. It is not possible, in a Country like this, to point out an effectual remedy for the evil of illicit Slave-trade; but, if a revision of the Law now in force should be in contemplation, I venture to recommend strongly the expediency of granting to any Person who shall denounce such illicit traffick, a liberal Reward, to be recovered by summary means, from the property of the importer and possessor of Negroes illegally imported; and I think that the *onus probandi* of the legal importation should rest with the possessor of the Negroes, as, for this, it will be merely requisite to present the Papers with which, according to Law, all Negroes are or ought to be sold.

* Chatica, Feliciana, Especuladora, Rom-prinsen, Paulita.

I am convinced that such a Measure would have the effect of deterring Persons from purchasing Negroes illegally imported, more than the most severe Laws.

I have the honour, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

RIO DE JANEIRO.

No. 70.—Messrs. Hayne and Cunningham to Mr. Secy. Canning.
(Received June 25.)

SIR, *Rio de Janeiro, March 5, 1823*

We have the honour to acknowledge the receipt of your Despatch of 26th November 1822, together with its several Inclosures, viz: the Correspondence with His Majesty's Chargé d'Affaires at Lisbon, and the Draft of an Additional Article to the Convention of the 28th July 1817; the purport of which being, to extend the provisions of the Convention, for the case of the death of one of the Commissioners, to the case of *Vacancies*, occurring in the Commission from illness or leave of absence; conveying also His Majesty's Commands that we should, without loss of time, come to an understanding with our fellow Commissioners to act in the spirit of the intended arrangement, until some more specifick agreement shall be entered into between the Contracting Parties.

In reply, we have the honour to state, for your information, that the Case in question was agitated in the course of last Summer at the Board of Commission, when Mr. Hayne, from ill health, wished to go into the Country for the change of air; the Case was referred to the Principal Secretary of State for Foreign Affairs, who, after reference to the Portuguese Commissary Judge, decided in adopting the same enlarged view of the Case which is proposed by the intended Additional Article.

We have the honour to enclose, Snr. José Bonifacio's *Portaria* to the Commissary Judge on the subject, (together with its translation,) which we feel confident will be even more satisfactory to you than any agreement made by us with our Colleagues, more especially as the same Minister still holds the reins of Government. We have, therefore, merely communicated the contents of your Despatch to our Portuguese Colleagues, who expressed themselves ready to act upon the

Minister's Portaria on the subject, which, in point of fact, for the time being, fully meets the object of the Additional Article.

As Mr. Hayne has since made an application to His Majesty's Principal Secretary of State, for leave of absence, it is but just that you, Sir, should be informed, that he did not avail himself of the permission of this Government, to absent himself from his Post in consequence of indisposition.

We have the honour, &c.

HENRY HAYNE.
ALEXANDER CUNNINGHAM.

The Rt. Hon. George Canning.

(*Inclosure.*)—Portaria *of the Minister of State to the Portuguese Commissary Judge.*

(Translation.) *Palace, April* 17, 1822.

The Prince Regent orders the Secretary of State for Foreign Affairs to acknowledge the receipt of the information of the 13th of the present Month, which the Portuguese Commissary Judge of the Mixed Commission, José Silvestre Rebello, transmitted through this Secretary of State, in consequence of the Portaria sent on the 11th of the present Month, relative to the leave of absence granted to the British Commissary Judge, to go to the Minas Geräes and St. Paul's, for the benefit of his health; and on the subject of his temporary substitution in the above-mentioned Commission: and His Royal Highness is pleased to order, at the sight of the said information, that the Vacancy of the British Commissary Judge should be filled provisionally by the Deputy Consul-General of the same Nation, and that the Place of Commissioner of Arbitration should be substituted by the Vice-Consul, who resides at this Place, as is established by the Convention signed on the 28th July 1817, it being right, on no account whatever to alter what is therein adjusted and sanctioned by Their Britannick and Most Faithful Majesties. This the Portuguese Commissary Judge will present to the Mixed Commission for its information.

JOZE BONIFACIO DE ANDRADA E SILVA.
BRAZ MARTINS COSTA PASSOS, Secretary.

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*No.*71.—*Messrs. Hayne and Cunningham to Mr. Secy. Canning.*
(Received June 25.*)*

Sir, *Rio de Janeiro, March* 28, 1823.

We had the honour to receive on the 26th instant, your Despatch of the 10th of January 1823, in which you were pleased to advert, in terms of approbation, to that part of our Despatch of the 19th of October 1822, wherein we stated that we felt it to be our duty to remain at our Post, and perform the functions of our Office in every respect, notwithstanding the

Political Changes which are taking place in the Kingdom of Brazil.

We beg to express ourselves highly flattered by your approbation; and we earnestly hope, Sir, that our future conduct may prove equally satisfactory to you.

We beg to state, for your information, that we have uniformly found our Brazilian Colleagues, as well as the Government, ready to fulfil the Stipulations of the Convention as far as the Commission has been concerned.

We have the honour, &c.

HENRY HAYNE.
ALEXANDER CUNNINGHAM.

The Rt. Hon. George Canning.

No. 72.—Henry Hayne, Esq. to Mr. Secretary Canning.—(Received July 6.)

SIR, *Rio de Janeiro, April 26, 1823.*

I have the honour to annex a List of the Slave-Ships, with the amount of Slaves embarked, the number that died on the passage, and the number landed in this Port, during the Months of January, February, and March of this Year, which I have the honour of transmitting for your information.*

I have the honour, &c.

The Rt. Hon. George Canning. HENRY HAYNE.

No. 73.—Henry Hayne, Esq. to Mr. Secretary Canning.—(Received September 18.)

SIR, *Rio de Janeiro, June 19, 1823.*

Having resolved upon availing myself of His Majesty's gracious permission to return to England, which you were pleased to communicate to me, in the Month of January last, I failed not to follow implicitly your Instructions, of making my intention known to the Board of Commission, and to the Local Authorities, as well as to His Majesty's Consul-General, on whom my duties devolve during my absence. There being no impediment to my leaving this, I purpose embarking this day for England, on board of His Majesty's Ship Creole.

I have the honour, &c.

The Rt. Hon. George Canning. HENRY HAYNE.

* Embarked 8212; Died 845; Landed 7367.—(18 Vessels.)

No. 74.—Henry Chamberlain, Esq. to Mr. Secretary Canning.
(Received September 18.)

SIR, *Rio de Janeiro, July 5, 1823.*

I beg leave to inclose a Letter, dated the 19th ultimo, addressed to His Majesty's Principal Secretary of State, left with me by Mr. Hayne, His Majesty's Commissary Judge, of the Mixed Commission, when that Gentleman embarked for England, on the 19th of last Month, on board the Creole Frigate: and at the same time to inform you, that, in compliance with a suggestion contained in a Letter from him, addressed to myself, which has been inclosed to the Commission, to be entered upon the Books, I have notified my readiness to take the requisite oaths to enable me to take my seat at the Board as Commissary Judge, during the absence of Mr. Hayne.

The Brazilian Commissary Judge being absent in the Interior, no further steps have yet been taken in the matter.

I am, &c. HENRY CHAMBERLAIN.

The Right Hon. George Canning.

No. 75.—Mr. Secretary Canning to the British Commissioners at Rio de Janeiro.

GENTLEMEN, *Foreign Office, August 25, 1823.*

In reference to the Accounts of the *Emilia*, and the expences of the Slaves found on board of her, I furnish you, for your information and guidance, with a Copy of a Despatch which I have addressed, under this day's date, to His Majesty's Consul-General at Rio de Janeiro,* for regulating the principle on which the *Expences of Slaves* are to be borne, between the period of their detention and that of the Sentence on the detained Vessel, when that Sentence is a condemnation.

You will be so good as to furnish His Majesty's Consul-General with every information you may possess on this head.

I am, &c. GEORGE CANNING.

The British Commissioners at Rio de Janeiro.

No. 76.—Messrs. Chamberlain and Cunningham to Mr. Secretary Canning.—(Received December 20.)

SIR, *Rio de Janeiro, October 18, 1823.*

We have been honoured by the receipt of your Despatch, dated the 1st of August, 1823,† inclosing, for our informa-

* See Class A. No. 24, Page 368. † See No. 5. Page 461.

tion and guidance, a copy of the Correspondence on the Slave-trade, which has been laid before Parliament, in the course of the last Session; for which we beg leave to return our thanks. We have the honour, &c.

H. CHAMBERLAIN.
ALEXANDER CUNNINGHAM.

The Rt. Hon. George Canning.

No. 77—Mr. Secretary Canning to the British Commissioners at Rio de Janeiro.

GENTLEMEN, *Foreign Office, November* 6, 1823.

I furnish you, for your information and guidance, with a Copy of a Despatch, with its Inclosure, which I have this day addressed to His Majesty's Commissioners at Sierra Leone,* upon the subject of the Charges of the Marshal of the Court; and I have to desire that you will consider the Instructions therein conveyed as equally binding upon yourselves, in any Case, on which occasion may arise for their application.

I am, &c. GEORGE CANNING.

His Majesty's Commissioners at Rio de Janeiro.

No. 78.—Messrs. Chamberlain and Cunningham to Mr. Secretary Canning.—(Received January 24, 1824.

SIR, *Rio de Janeiro, Nov.* 12, 1823.

We have been honoured by the receipt of your Despatch of August 25th, 1823, respecting the Accounts of the *Emilia*, and the expences of the Slaves found on board of her; and furnishing us, for our information and guidance, with a Copy of a Despatch, which you have addressed, under the above date, to His Majesty's Consul-General in this City, for regulating the principle on which the Expences of Slaves are to be borne, between the period of their detention, and that of the Sentence on the detained Vessel, when that Sentence is a condemnation: and you desire, that we will furnish His Majesty's Consul-General with every information we may possess on this head.

In reply, we beg leave, Sir, to assure you, that we will pay strict attention to your commands, and will be ready, at all times, to furnish His Majesty's Consul-General with every information which we may possess, concerning the Expences

* See No. 9. Page 463.

of Slaves, between the period of their detention and that of the Sentence on the detained Vessel, when that Sentence is a condemnation. We have the honour to be, &c.

H. CHAMBERLAIN.
ALEXANDER CUNNINGHAM.

The Right Hon. George Canning.

No. 79.—*Messrs. Chamberlain and Cunningham to Mr. Secretary Canning.—(Received January* 24, 1824.)

(Extract.) *Rio de Janeiro, Nov.* 12, 1823.

We embrace this opportunity of informing you, that no Vessel has been brought into this Port for adjudication by His Majesty's Cruizers, under suspicion of having been engaged in the illicit Traffick for Slaves, since the Case of the Emilia Brig, condemned here on the 31st of July, 1821.

We have, &c. H. CHAMBERLAIN.
ALEXANDER CUNNINGHAM.

The Right Hon. George Canning.

No. 80.—*Messrs. Chamberlain and Cunningham to Mr. Secretary Canning.—(Received March* 23.)

(Extract.) *Rio de Janeiro, January* 22, 1824.

In compliance with the Instructions, dated 20th February, 1819, directing us to transmit to His Majesty's Secretary of State for Foreign Affairs, Quarterly Reports of such Vessels as may be brought into this Port, for adjudication by His Majesty's Cruizers, under suspicion of having been engaged in the illicit Traffick for Slaves; We have the honour to inform you, that since our last Report, no Vessel has been brought into this Harbour by any of His Majesty's Ships-of-War, under the above-mentioned circumstances.

We have, &c. H. CHAMBERLAIN.
ALEXANDER CUNNINGHAM.

The Right Hon. George Canning.

No. 81.—*Messrs. Chamberlain and Cunningham to Mr. Secretary Canning.—(Received April* 14.)

Sir, *Rio de Janeiro, February* 16, 1824.

We have had the honour to receive your Despatch of the 6th November, 1823, inclosing for our information and guidance, a Copy of a Despatch, with its inclosures, which you

had addressed to His Majesty's Commissioners at Sierra Leone; and in which you desire that we will consider the Instructions therein conveyed, as equally binding upon ourselves, in every Case on which occasion may arise for their application.

We have also had the honour to receive your Despatch of the 17th of November last.* In reply, we beg leave to assure you, that we will pay strict attention to those Instructions upon all occasions; and we will take the earliest opportunity of communicating with the other Commissioners, acting with us, upon the subjects to which they refer; but, in the mean time, we beg leave to observe, that the Act of the I. and II. George IV. to which we are referred, (particularly Cap. 99, the sixth Section), has not been transmitted to us from the Foreign Office. We have the honour to be, &c.

H. CHAMBERLAIN.
ALEXANDER CUNNINGHAM.

The Right Hon. George Canning.

No. 82.—*Joseph Planta, Jun. Esq. to The British Commissioners at Rio de Janeiro.*

GENTLEMEN, *Foreign Office, May* 10, 1824.

In compliance with the request contained in your Despatch, of the 16th of February, 1824, I am directed by Mr. Secretary Canning to furnish you, for your information, with a Copy of the Act of the I. and II. George IV. Cap. 99,—relating to the Proceeds of Vessels and cargoes of Vessels condemned for Slave-trade.

I am, &c. J. PLANTA, Jun.

His Majesty's Commissioners, Rio de Janeiro.

SURINAM.

No. 83.—*J. H. Lance, Esq. to Mr. Secretary Canning.*

(*Received July* 12.)

(Extract.) *Surinam, May* 11, 1823.

I beg leave to inform you, that the Schooner *Snow*, captured by The Netherlands Sloop-of-War, the Kemphaan, was condemned as prize on the 5th instant.

Inclosed I have transmitted an Abstract of her Case.

One of the Negro women taken in her, died since her arrival, and after she had been landed in this Colony; the

* Same as No. 11. Page 468.

remaining Slaves, 49 in number, have received their Certificates of Freedom, and have been placed by the Governor under the care of that very useful and respectable religious body, the Moravians, to the end that, when sufficiently instructed in the truths of the Christian Religion, they may all be baptized, after which, it is the intention of the Governor to employ them as Free Labourers.

I am sorry to be under the necessity of informing you, that one of the Sailors found on board the Slave-Schooner, named *William Askens*, is a British Subject, having acknowledged himself to be one, in two examinations which he underwent. Such being the case; immediately after the condemnation of the Schooner, I conceived it to be my duty, upon referring to a Despatch from the late Marquess of Londonderry to His Majesty's Commissioners at Surinam, dated 28th Nov. 1820, and to a Note from His Excellency the Earl of Clancarty, to His Excellency M. Le Baron de Nagell, dated Brussells, Feb. 26, 1821, to claim the above-mentioned William Askens, of the Governor, for the purpose of having him sent by the earliest opportunity to some British Settlement, with a Copy of the Sentence of the Mixed Court here, and of such parts of the examinations as affect him, that he may take his Trial under the Act 51, Geo. III. c. 28, for being engaged in the Slave-trade.

His Excellency the Governor, after some consideration, in a Conference which I had with him, admitted my claim, and kindly agreed, not only to lend me his assistance in keeping William Askens in safe custody until an opportunity should occur, but to afford me the means of sending him to one of the British Settlements. His Excellency informed me, that the Kemphaan was then preparing for sea, and, as soon as some Ships should arrive from Holland, which he expected during the present Month, he should be able to spare her, and, if the Plan met with my approbation, she should convey William Askens to Barbadoes. I regretted extremely the necessity of keeping that individual in custody so long, but not being able to suggest any other safe method of disposing of him, I accepted of His Excellency's proposition.

I am happy to be able to inform you, that, during the whole of the proceedings no difference of opinion has existed between the Dutch Commissary Judge and myself. The Form of Process adopted, was that which had been agreed upon be-

tween him and Mr. Lefroy, and a Copy of which I believe Mr. Lefroy transmitted to you. The examinations were framed upon the printed Interrogatories with which the Commission has been furnished.

The Schooner, with her apparel and furniture, was sold by Inventory at Public Auction, on the 9th instant; but I have not yet received an Official Report of the Sale. As soon as I shall receive a moiety of the Proceeds, I shall transmit it to Demerara in Bills of Exchange.

It gives me pleasure to be able to say, that no reports of fresh importations of Slaves have reached me since my last Despatch; but, I have heard it rumoured, and have reason to believe, that two Cargoes of Slaves, which had been clandestinely imported from Africa, have been re-embarked in the same manner, and exported from this Colony.

I have, &c. J. H. LANCE.

The Right Hon. George Canning.

(Inclosure.)—Abstract of the Case of the Slave-Schooner Snow.

The Schooner Snow was fitted out at The Havannah for the purpose of Slave-trading. On the Coast of Africa she fell in with, and was captured by the Leona, a Colombian Privateer, commanded by a Lieutenant John Welsey, at which time she had not received any Slaves on board.

The Captors put 54 Slaves on board of her, and gave the command of her to a James Conningham, with a very mixed Crew of six men from their own Vessel. On the 1st of March 1823, His Netherlands Majesty's Sloop-of-War, the Kemphaan, fell in with her in lat. 17 m. 55 deg.; long. 64 m. 18 deg. west of Greenwich; when discovered she was carrying Netherlands Colours, but afterwards hoisted the Colombian Flag.

The Commanding Officer of the Kemphaan, Lieutenant Godsen (the Captain being dead) upon bringing her to, found that she had water and provisions for four days only on board, and, therefore, took her into St. Bartholomew's to get provisions sufficient to enable him to send her to this Colony, where she arrived on the 7th ultimo.

At St. Bartholomew's James Conningham contrived to take four of the Slaves on shore, with whom he absconded. The only papers on board were an old Passport for a Schooner, called the Haarlem, from the present Governor of this Colony, when Governor at St. Eustatia, a Copy of a Colombian Letter of Marque, and a Letter purporting to be from the Commander of the Leona to James Conningham, relating to his taking care of the Vessel and Cargo of Slaves.

The Master having disappeared as above stated, the Crew alone could be examined.

The Mixed Court having made three Proclamations for the Master, or a Claimant to appear, and allowed three days between each Proclamation, and

no Person having appeared to claim on the last day, proceeded on the 5th instant to pass Sentence of condemnation against her; and decreed her Slaves to be emancipated.

J. H. LANCE.

No. 84—*J. H. Lance, Esq. to Mr. Secretary Canning.*
(*Received July* 12.)

SIR, *Surinam, May* 18, 1823.

I have the honour to acknowledge the receipt, on the 13th instant, of your Despatch of the 25th of October, 1822, containing your observations upon the *Mode of Process* for the Mixed Court of Surinam, which Mr. Lefroy had transmitted to you. I lost no time in acquainting the Dutch Commissary Judge with your sentiments on the subject, and I received an answer from him yesterday.

With respect to the application of the money produced by the Sale of the Slave-Schooner *Snow*, the condemnation and sale of which I mentioned in my Despatch of the 11th instant, he informs me, that the Secretary had already made the payments for the necessary expences of the proceedings before the arrival of yonr Despatch of the 25th of October, 1822, which consequently came too late to regulate the Court in that instance.

He then proceeds to observe, that the instructions from the British Ministry, though obligatory upon the British Commissioners here, are by no means so upon the Court; that "the Regulations" do not prescribe the form of Proceeding, but are merely Formularies, which have been conformed to as much as possible, except that more care has been taken to prevent prolixity in the Proceedings, or delay and expences to the Parties.

That His Majesty The King of The Netherlands, by His Decree of the 20th January, 1820, has ordered a Mode of Procedure to be submitted to him, and, in the mean time, has given the Court the latitude to act according to circumstances. That the mode of Procedure which has been submitted to you cannot be considered as a Law, but only as a Projet, which the Commissary Judges have submitted to His Majesty, and as a Rule for their conduct while awaiting the decision of His Majesty; that Mr. Lefroy's zeal had induced him to have it printed, without his Colleague's consent or authority; that the Clause, nevertheless, by which the Pro-

jet had been adopted under the express condition of the approbation of His Majesty The King of The Netherlands, was so salutary, that though there should be absurdities, he should not consider himself compromised thereby. He concluded by observing, that Article Seven of the Projet, declaring that there shall be delivered Copies to the Parties requiring them, had been inserted contrary to his opinion, as, if it was adopted, it would not be possible to determine an Affair within the term prescribed by the Treaty; but that he had yielded it to Mr. Lefroy, solely on the principle of shewing respect to his Colleague.

In addition to the above observations, I beg to submit to you, that an objection exists here to the Court proceeding, *de die in diem*, on account of the Dutch Commissary Judge being also President of the Court of Civil Justice, with the Proceedings of which such a regulation might interfere.

For a further and more satisfactory explanation of what can be considered only as the temporary Rules of the Court, with the reasons of their adoption, I beg leave to refer you to Mr. Lefroy, who assisted in drawing them up, and who is now in England. In the mean time, until the Mode of Procedure is definitively settled, I shall not fail, in every Case which shall come before the Court, to impress upon it the necessity of acting as much as possible up to the spirit of the Treaty, so that all its provisions may be carried fully into effect. I have the honour to be, &c.

The Rt. Hon. George Canning. J. H. LANCE.

No. 85.—*J. H. Lance, Esq. to Mr. Secretary Canning.*—(*Received August* 7.)

SIR, *Surinam, June* 8, 1823.

I have the honour to acknowledge the receipt of your Despatch of the 27th of December 1822, informing me that His Majesty's Ambassador at the Court of The King of The Netherlands had 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 also to express a desire that inquiries might 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.

I conclude from this that no interference on my part is expected.

I regret that it has been considered necessary by His Majesty's Ministers so frequently to impress upon the British Commissioners here, the necessity of confining themselves to the Treaty, and the Act of Parliament founded thereon; but I hope that, in future, no circumstances will arise rendering it needful to repeat the admonition.

I am sorry to say, that, in the memory of the oldest inhabitants, the Colony was never so sickly as it is at present. An epidemic fever, accompanied by a violent cough, has spread so rapidly both in the white and black population, that there is scarcely an individual in the largest families not affected; most of the houses in the town are shut up; the Public Offices are closed, and the streets are empty: I am also informed that, on a considerable number of the plantations, all the works have been stopt, the greater part of the Negroes being in the hospitals. I have, &c.

The Rt. Hon. George Canning. J. H. LANCE.

No. 86.—*J. H. Lance, Esq. to Mr. Secretery Canning.*—(*Received October* 11.)

(Extract.) *Surinam, July* 20, 1823.

I have the honour to acknowledge the receipt of your Despatch of the 19th April 1823, together with the Inclosures, and I immediately forwarded a Copy of the Additional Articles to the Treaty, to each of the Members of the Mixed Court.

In consequence of some reports which reached me the beginning of this month, of two Slave-Ships being in the River Surinam, I proceeded in a boat to the spot where I had been told they were, for the purpose of ascertaining as far as possible the truth of the report, before I called upon the Governor to put in force the Laws of the Colony against any importation of African Negroes. When I arrived at the place, I found no trace of any such Vessels; I have since spoken with the Governor on the subject, and he informed me that a large Vessel under *French* Colours, laden with Slaves, and bound from Guadaloupe to Cayenne, had put into the river for water and provisions about the time I mentioned; that he had caused a strong detachment of military to be put on board, who did not leave her till she was fairly out at sea;

that he had not allowed a single Negro to be landed, and had made the Captain pay 100 guilders a day as long as he remained,—which was only three days;—and that he had himself examined her papers, which were perfectly correct, or he should have seized her.

Notwithstanding this, I am still of opinion that a clandestine importation of Slaves is carried on, but to what extent I am unable to say, as it is entirely out of my power to substantiate the reports which I hear, so as to enable me to make an application to the Governor.

I am happy to be able to add, that the health of the Colony is now re-established. I have, &c.

The Rt. Hon. George Canning. J. H. LANCE.

No. 87.—J. H. Lance, Esq. to Mr. Secretary Canning.—(Received October 11.)

(Extract.) *Surinam, August 2*, 1823.

In consequence of some reports which I had heard, and which I thought I could rely on, I waited on the Governor on the 31st ultimo, and presented him a Note, of which the inclosed is a Copy.

His Excellency, after reading it with great attention, observed to me, that, under these circumstances, the best thing to be done was to have a search, to which I immediately assented, adding, that the sooner it was made the more chance there would be of making discoveries. His Excellency expressed a determination of going himself to inspect the Plantation which I had pointed ont as the depôt for newly imported Negroes, and made me an offer to accompany him. I replied, that having come with the intention of accepting such a proposal if offered, I was perfectly ready to accompany His Excellency immediately, and that I considered the promptitude with which His Excellency decided to act upon my information, as a most convincing proof of the sincerity of His Excellency's previous declarations to me, and of good faith on the part of The Netherlands Government. For a full detail of the further proceedings of that day, in which I was engaged, I beg to refer you to my Report inclosed, which I drew up yesterday at the request of the Governor. I wish to add, that, in the interval of time while waiting till the boat was made ready, His Excellency informed me, that he had full power to seize and detain any new Negroes, con-

ducted about the Town for sale in the manner mentioned in my Note; that he should consider the not being able to speak the usual Negro language of the Colony, or any European language, as a sufficient proof that they were newly imported Africans; that the fact had never come under his own observation, and that he should feel much obliged to me if the first time I saw such a circumstance I would inform him immediately, and he would take care to follow it up properly.

For an account of the proceedings instituted by His Excellency, upon the information afforded to him by the Government-Secretary and myself, on our return to Town, and also upon discovering that the Negroes whom we had seen, had been clandestinely removed, previous to the arrival of the Persons he had sent to apprehend them, I beg to refer you to the inclosed Proclamation, of which I also send a translation. It was made too late yesterday to appear in the "Courant" of to-day, but it will, I understand, be inserted in the "Courant" of Monday next the 4th instant. In this state the matter rests at present, and I shall not fail to give you early information of what further steps are taken, in bringing the business to a conclusion.

I cannot close this Despatch without expressing to you the high sense I entertain of the readiness and alacrity displayed by the Governor in the whole affair, as, without the very prompt assistance which he afforded, I am convinced my exertions would have been entirely fruitless. The sensation which it has created in the Town, and the consternation into which it has thrown those Persons who are reported to be engaged in the Slave-trade, are such, that it will, I have very little doubt, tend more than any event which has hitherto taken place to repress that infamous traffick.

I have the honour to, be, &c.

The Rt. Hon. George Canning. J. H. LANCE.

(Inclosure 1.)—The British Commissioner of Arbitration to the Governor of Surinam.

Paramaribo, July 30, 1823.

Mr. Lance, believing His Excellency to be actuated by a sincere desire to put an end to the abominable traffick in Slaves, wishes to draw His Excellency's attention to some facts relative to their importation into this Colony.

From what has fallen under Mr. Lance's observation publickly in the Streets, he has strong reasons for believing, that a clandestine importation of Slaves still continues. Mr. Lance has frequently seen Negroes who were

evidently new, conducted about the Town for sale. Mr. Lance has also reason to believe that there is in Paramaribo more than one Yard, set apart for the reception of fresh imported Negroes, and, moreover, that there are at the present moment a great number of newly imported African Negroes for sale on a Plantation in the River Surinam, called Bellward.

Ignorant, as Mr. Lance is, how far His Excellency's Authority extends, in entering Private Yards for the purpose of searching for newly imported Negroes, when the Vessel which brought them into the Colony is not known, or of seizing and emancipating them when found, it is impossible for Mr. Lance to suggest any course to be pursued by His Excellency; yet, situated as Mr. Lance is, he feels it to be his duty to direct His Excellency's attention to the above circumstances, as being too notorious to be passed over silently; not doubting but that His Excellency will do his utmost to put an end to the evil, which must be regarded as a most glaring infraction of the Treaty now subsisting between the Two Governments.

His Excellency General De Veer.

(Inclosure 2.)—The British Commissioner of Arbitration to the Governor of Surinam.

(Report.) *August* 1, 1823.

The Undersigned, being requested by His Excellency the Governor to make a Report of the proceedings in which he, the Undersigned, was yesterday engaged, the 31st day of July, declares as follows:—

That, in consequence of a written Communication he made to His Excellency, about 9 o'clock in the Morning, His Excellency ordered a boat to be made ready immediately, and authorised the Undersigned to proceed to Plantation Bellward, situate on the River Surinam, to make an inspection for the purpose of ascertaining whether a number of newly imported African Negroes were not there for sale, That His Excellency at first expressed a determination to go with the Undersigned himself; but, after a little consideration, said, that having been indisposed, he had taken some medicine that Morning, which would prevent him from putting this intention into effect; that in his place, and for the purpose of giving effect and authority to such Commission, His Excellency ordered the Secretary to the Government to accompany the Undersigned to the above-mentioned Plantation. That, accordingly, a little before 10 o'clock in the same Morning, the Secretary to the Government, and the Undersigned, embarked together, and arrived at Plantation Bellward about 11. The Undersigned immediately on landing, saw a number of Negroes bearing every appearance of newly imported Africans, but to convince himself of the fact, he addressed some of them, and found them totally ignorant of the Language of the Colony. That the Secretary and the Undersigned proceeded on to the house, where they found a number of other Negroes, both male and female, and all bearing evident marks of being newly imported from Africa. A white Person then came forward, who spoke the French Language, and appeared to be a Frenchman. Upon asking him to whom the Plantation belonged, he said, that he and a Mr. Gardé, of Paramaribo, were joint Proprietors, but that the sale had not been completed, in consequence of 20,000 Florins being asked when they would only give 18,000 Florins for it; he further said, that his

own name was Fromentin; that there were 69 new Negroes there; that is, 61 healthy, and 8 sick; that they had been there about five Months; and that he was the Captain of the Vessel which brought them there; that it was his and Mr. Gardé's intention, now to put the Estate in cultivation of sugar with these Negroes; and the Undersigned, in accordance with that declaration, saw a number of Cane-tops lying near the landing place; that the Government Secretary then addressed Mr. Fromentin, informing him that we were specially sent by the Government, that, in the name and on the part of the Governor, he prohibited Mr. Fromentin from sending or allowing to be sent or taken away, a single Person from the Plantation, until he received further orders from the Governor, and that the Governor would consider Mr. Fromentin as responsible for every person so removed from the Plantation. That the Government Secretary and the Undersigned then re-embarked and returned to Town. And to this effect the Undersigned is ready to depose upon oath, if required.

His Excellency General De Veer. J. H. LANCE.

Proclamation of the Governor of Surinam.

(Translation.) *Paramaribo, August* 1, 1823.

Whereas, on yesterday the 31st of July, a certain White Person calling himself *Fromentin*, and pretending to be a Frenchman, having been in the dwellings on the Plantations called Belwaarde, situated in the River Surinam; together with 69 Negroes, intimated by the said Fromentin to be Slaves:

And whereas we, having ordered the said Person of Fromentin not to absent himself, nor any of the Slaves, from the said Place, but, on the contrary, to remain there, together with the said Slaves, till our further commands against him and these Slaves should be given:

And whereas the said Person, Fromentin, having absented himself from the before-mentioned Place, together with the aforesaid Slaves, contrary to these our Commands; in consequence whereof the persons whom we have despatched to fetch them, and to carry them before us, have not been able to trace them:

All and every one are hereby cautioned not to harbour or to conceal the aforesaid Person of Fromentin, and the said Slaves, much less to give them any opportunity, or to assist them in their escape; but, on the contrary, knowing where the aforesaid Person and Slaves are concealing themselves, to give immediate notice thereof to the nearest Publick Authority, either Military or Civil, and to assist in their apprehension; and that otherwise, all and every one who shall act to the contrary shall be proceeded against according to Law.

All Publick Authorities in the Divisions of this Colony, and moreover all Officers and other Military men on the Posts upon the borders, are hereby invited, and forasmuch as need be, commanded, carefully to look out that the said fugitive Person and Slaves do not pass their Residences or Posts, but attempting the same, to detain them; and further to make the necessary searches, and on discovering them, immediately to arrest the same, and to send them in safe custody to Paramaribo.

The aforesaid Person of Fromentin was dressed with a white shirt; trousers; a waistcoat; without a neck handkerchief,—and is, by guess, fifty years of age—full five feet tall—brown, and of a healthy colour,—Forehead broad; Countenance round; Eyes gray; Eyebrows, light brown; Nose common; Mouth middling; Chin round.

And in order that this may come to the knowledge of every one, We hereby command and order that this shall be published and affixed, and further be sent round the Colony from Plantation to Plantation.

A. DE VEER.

Given at the Government-House, at Paramaribo, this 1st of August, 1823.

By Command of His Excellency,

J. C. GUICHERIT, Government Secretary.

Faithfully translated from the Dutch Language, by,

CHS. LIONARONS, Sworn Translator.

No. 88.—*Mr. Secretary Canning to J. H. Lance, Esq.*

SIR, *Foreign Office, August* 4, 1823.

I have to acknowledge the receipt of your Despatch of the 11th of May, 1823, respecting the capture and condemnation of the Slave-schooner *Snow;* and I have to convey to you His Majesty's approbation of your conduct, both in regard to the measures taken by you, conjointly with The Netherlands Commissary Judge, for the condemnation of the Vessel, and to your exertions for bringing to trial the British seaman, *William Askens,* found on board of the condemned Vessel.

I am, &c.

J. H. Lance, Esq. GEORGE CANNING.

No. 89.—*Mr. Secretary Canning to the British Commissioners at Surinam, and Sierra Leone.*

GENTLEMEN, *Foreign Office, September* 3, 1823.

I have to acquaint you, for your information, and the information of the other Members of the Board of Commission in which you act, that it has been duly notified to His Majesty's Government, through The Netherlands Minister at this Court, that The Netherlands Brig Mercury, *(De Merkuur,)* of 18 guns and 100 men, commanded by Captain P. Muller, and destined for the Island of Curaçoa, will be furnished with a Copy of the Treaty of the 4th of May 1818, for preventing the Traffick in Slaves, and of the Documents annexed thereto.

I am, &c.

GEORGE CANNING.

The British Commissioners at Surinam. &c.

No. 90—Mr. Secretary Canning to J. H. Lance, Esq.

SIR, *Foreign Office, September*, 3 1823.

In reference to your Despatch of the 11th of May 1823, I have to acquaint you that the Governor of Barbadoes has been instructed by His Majesty's Secretary of State for Colonial Affairs to prosecute *William Askens*, for being concerned in the Slave-trade on board of the *Snow*. You will, therefore, send to the Governor of Barbadoes whatever information you may be able to obtain upon the subject.

I am, &c.

J. H. Lance, Esq. GEORGE CANNING.

No. 91.—J. H. Lance, Esq. to Mr. Secretary Canning.

(Received December, 13.)

(Extract.) *Surinam, September* 20, 1823.

With regard to the sixty-nine newly imported African Negroes, mentioned in my Despatch of the 2d. ultimo, as having been seen by the Government Secretary and myself upon a Plantation in the River Surinam, and as having been afterwards clandestinely removed from thence, I have now to mention that the whole affair has been put into the hands of his Honour the Fiscal, whose particular province I understand it is to make the necessary enquiries, and bring the Offenders to Justice.

A Court was accordingly held by his Honour, on the 5th ultimo, before which I was examined upon oath, relative to the facts stated in my Note and Report to the Governor, Copies of which I enclosed in my abovementioned Despatch. Since that time I have received no further Communications from the Authorities here on the subject; but having learnt, on the 6th ultimo, by a report upon which I thought I could depend, where the Negroes had been removed to, I deemed it right to acquaint His Excellency the Governor, and his Honour the Fiscal, with what I had heard, and the Inclosure is a Copy of the Note I addressed to the Fiscal on the occasion.

I understand that a search was made in consequence, on the day following, upon the Estate I had mentioned; but as I have not been officially made acquainted with the result, I conclude that it was unsuccessful.

On the 10th instant, a large Brig, called *La Légère*, with 354 African Negroes on board, was brought into this Port,

under the following circumstances, which I learnt from Captain Rich, of His Majesty's Ship, Ringdove.

On the 7th instant, Captain Sir Thomas Cochrane, of His Majesty's Ship Forte, in company with Captain Rich, discovered her at anchor off the Coast of this Colony, without any Colours. Upon a signal being made for her to shew her Colours, she immediately cut her cable and endeavoured to escape, but finding that impossible, she hoisted the French Flag, and struck it again to Captain Rich at the same instant. As soon as she was boarded, the Captain (a Frenchman,) declared at once, that he knew he was a good prize, and should, therefore, not attempt to conceal any thing. He informed Captain Rich, that his Supercargo had landed, and been in Paramaribo for three days, looking for a market, and if he could not succeed here, it was, he said, his intention, however absurd, to go on to Berbice and Demerara, and try to dispose of the cargo there.

Under these circumstances Captain Sir T. Cochrane detained her, and dispatched Captain Rich to Paramaribo, to give her up to the Authorities here. Although this was a Case clearly not within the jurisdiction of the Mixed Court, I thought it right to see His Excellency the Governor on the subject, and I was gratified to find that he had agreed to receive her as a Vessel taken in the act of attempting to violate the Decrees of The King of The Netherlands, and a Force was accordingly dispatched to take possession of her, and bring her into this Port, where she is now laying for adjudication by the Fiscal.

The Captain and one of the Officers of the Brig, (neither of whose names have I been able to learn,) have been put in close confinement.

The Negroes have all been landed, and I understand from His Excellency the Governor, that, as soon as the Fiscal shall have given Judgment, it is His Excellency's intention to apprentice them out to different Persons as free Negroes, according to the method pursued in the British Colonies with Negroes brought in there, since the abolition of the Slave-trade. I have, &c.

The Rt. Hon. George Canning. J. H. LANCE.

(Inclosure.)—The British Commissioner of Arbitration to the Fiscal.

Paramaribo, August 6, 1823.

Mr. Lance, wishing to assist the object of the Proclamation issued by His Excellency the Governor, on Friday last, the 1st instant, for the discovery

of the Negroes who were clandestinely removed from Plantation Bellward, begs to communicate to His Honour the Fiscal a report which has reached Mr. Lance to-day, and to which he thinks some credit may be attached, of those Negroes being at present on an Estate next to Plantation Zoelen, in the River Commewine, but the name of which Mr. Lance has been unable to learn.

Mr. Lance has imparted the above intelligence to His Excellency the Governor, by whom he was requested to lay it before His Honour, and Mr. Lance does not doubt but that His Honour will take all the necessary measures for ascertaining its correctness as soon as possible.

His Honour the Fiscal.

No. 92.—Mr. Secretary Canning to the British Commissioners at Surinam.

GENTLEMEN, *Foreign Office, October* 30, 1823.

In reference to your Despatch of the 18th May 1823, on the subject of Regulations for the proceedings of the Mixed Board of Commission at Surinam;—I transmit to you, for your information, the Copy of a Despatch, dated the 5th ultimo, with its Inclosure, which I have received from The Earl of Clancarty, His Majesty's Ambassador to The King of The Netherlands, stating, that Instructions were sent, on the 24th of June last, to the Local Authorities at Surinam, for the settlement of the Form of Process, requisite for the direction of the proceedings of the Commission.

I am, &c. GEORGE CANNING.

The British Commissioners at Surinam.

No. 93.—Mr. Secretary Canning to the British Commissioners at Surinam.

GENTLEMEN, *Foreign Office, December* 26, 1823.

In reference to your Despatch of the 11th of May 1823, I send to you the Copy of a Communication which has been made by the Governor of Barbadoes to the Under Secretary of State for the Colonial Department, shewing that the Grand Jury at Barbadoes, upon hearing the evidence in the Case of *William Askens*, taken on board the Slave-vessel the *Snow*, threw out the Bill, and that the Judge of the Vice Admiralty Court had expressed his opinion, that William Askens had been harshly and improperly treated.

I am, &c. GEORGE CANNING.

The British Commissioners at Surinam.

(Inclosure.)—The Governor of Barbadoes to the Under Secretary of State for the Colonial Department.

SIR, *Government-House, Barbadoes, October* 16, 1823.

I have been honoured by your Communication of 21st August last, covering various Documents relative to *William Askens*, taken on board the Slave-vessel the *Snow*, by His Netherlands Majesty's Sloop the Kemphaan, and in reply, have to state the following particulars with regard to that individual:

W. Askens arrived here from Surinam, in the Kemphaan, on the 4th of last July, and I, at the same time, received a Communication from Mr. Lance, the British Commissioner of Arbitration in that Colony, stating the circumstances of Askens' Case, and transmitting several Documents relating thereto, and requesting that he might be tried. The Documents alluded to were immediately forwarded to the Judge of the Vice-Admiralty Court of this Island, with my orders to bring him to trial without delay. On the 9th of the same Month, William Askens was brought before a Court of Vice-Admiralty Session; the Grand Jury, on hearing evidence in the matter, threw out the bill, and no Charge appearing against him, he was in consequence discharged by my Order, on the requisition of the Judge of the Vice-Admiralty Court to that effect, who stated, that it appeared that Askens had been hardly and improperly used, I have, &c.

HENRY WARDE.

Robt. Wilmot Horton, Esq.

No. 94.—*J. H. Lance, Esq. to Mr. Secretary Canning.*
(Received April 26.*)*

SIR, *Surinam, February* 4, 1824.

I have the honour to acknowledge the receipt of your several Despatches to the 3d of September last, and also of the several Papers laid before Parliament relating to the Slave-trade, all of which arrived here on the 25th December last. I should have acknowledged the receipt of them much earlier, had I not been prevented by illness, from which, owing to the unusual length and severity of the late dry season, few people in this Colony have escaped.

I shall take particular care to regulate all my future Correspondence with His Majesty's Government, in conformity with the instructions contained in your Despatches.

I acquainted the other Members of the Board of Commission in which I act, with the information contained in your Despatch of the 3d of September, that The Netherlands Brig *Mercury (de Merkuur)* of 18 guns, and 100 men, commanded by Captain P. Muller, and destined for the Island of Curaçoa, would be furnished with a Copy of the Treaty of the 4th of May, 1818, for preventing the traffick in Slaves, and the Documents annexed thereto.

A Form of Process has been sent out by The Netherlands Government for the use of the Mixed Court here on future occasions.

In reference to my Despatch of August 2, 1823, and the Inclosures therein contained, I have now to request your attention to the singular circumstance, that six months have elapsed, and no intelligence whatever has been gained of the 69 newly imported African Negroes, whom I, in company with the Government Secretary, saw upon a Plantation, called Bellward, in the River Surinam.

The prosecution of the whole affair, after the first discovery, rested with His Honour the Fiscal, and the conduct of that Officer in this business has been such as to impress me with a very unfavourable idea of his sincerity in enforcing the Decrees of His Majesty The King of The Netherlands for abolishing the Slave-trade. That I may not be thought to have formed this opinion upon insufficient grounds, I will detail the circumstances of the Case :

Plantation Bellward lies between the Town of Paramaribo and Fort Amsterdam, being on the same side of the River with the latter, from which it is about two miles distant, and it is impossible for Vessels of any description to reach either the Plantation or the Town without passing that Fortress.

Now, it is sufficiently surprising that the Vessel containing all those Negroes, and I believe many more which had been disposed of previous to my gaining information of them, should have eluded the vigilance of the sentinels of that Fort, in their way to Plantation Bellward, but that such a number of people should privately escape from thence, when they must have passed either the Town or the Fort in their flight, and that they should do that, not only without the knowledge of, but in the face of the measures taken by, His Honour the Fiscal, and set at defiance all his enquiries afterwards, is to me so extraordinary, that I think I am fully warranted by the facts, when I state, though with great reluctance, I cannot come to any other conclusion than that there must have been either great negligence or connivance on the part of the Fiscal, or of those employed under him,

I also think that other and more decisive measures might have been adopted for apprehending the accused Party than the issuing the Proclamation, of which I inclose a Translation, citing him to appear before the Court of Policy and

Criminal Justice on the 28th November last. Mr. Fromentin, who had acknowledged himself to be a part Owner of the Negroes, and to have been the Captain of the Vessel which imported them, and was by such confession rendered liable to a fine of 5000 guilders, and five years imprisonment, was not likely to give himself up to a simple citation; and no reward has been offered either for his apprehension or that of the Negroes in any stage of the proceedings.

I am happy to be able to add, in reference to my Note to His Excellency the Governor, inclosed in my Despatch of the 2d of August, that a complete stop has been put to selling newly imported Africans publickly in the Streets; nor do I believe that any Depôt for their reception exists at present in the Town; and though the importation may still possibly continue, it must be at a great distance from the Town, and of a comparative limited extent.

Indeed, His Excellency has repeatedly informed me, that, unless he is allowed more Ships-of-War by his Government to cruize off the Coast, it is absolutely impossible, with the best intentions, for him to put an entire stop to the importation; and when I state to you, that no Vessels-of-War of any description have been here from the end of June last, to the middle of December last, I think you will agree with me in considering it as a matter of surprise that more advantage has not been taken of such apathy or negligence on the part of The Netherlands Government, by Persons interested in carrying on the African Slave-trade.

I am, &c. J. H. LANCE.

The Right Hon. George Canning.

(Inclosure.)—Proclamation of the Fiscal of Surinam. (Translation.)

CITATION BY EDICT.

In pursuance of Authority granted by the Honourable Councillors, Commissaries of the Roll of the Court of Policy and Criminal Justice of this Colony, bearing date the 4th instant.

On the request of E. L. Baron Von Heeckeren, L. L. D. Councillor, Fiscal of the said Colony, R. O. Plaintiff, of the one Part, upon and against the Person of Fromentin, Defendant, on the other Part.

In the affair of Sixty-nine (so called) *New* African Negroes, on the 31st July last, on the Plantation Belwaarde, situated on the left hand side in going up the River of Surinam, discovered by Messrs. J. H. Lance, Arbiter in the Mixed Court, and J. C. Guicherit, Government Secretary, (who were commissioned by His Excellency the Governor to that effect,) whom the Defendant, then there present, declared he had imported into this Colony

five months before in his own Vessel, and had put them on the said Plantation, in order to cultivate tha same; and which 69 Negroes, early on the morning of the 1st August last, were not found on the Plantation Belwaarde, nor was the person of the Defendant then there present, notwithstanding Mr. Government Secretary, on behalf of His Excellency the Governor, did interdict the Defendant on his own responsibility, not to move any of the said Negroes, before he should have received the commands of His Excellency respecting the same. And whereas such importation having been effected in a clandestine manner, and without the knowledge of the Colonial Government, the same thereby gives birth to suspicions of a violent nature, that such importation has either been effected direct from the Coast of Guinea, or from some Colony where the direct Slave-trade from the Coast of Guinea is still allowed; and His Honour the Fiscal aforesaid, on account of the Police deeming it proper to take cognizance of such a deed, in order that those concerned in the same, for the example of others, should be convicted and punished, did apply for, and obtain from His Excellency the Governor (on account of the Court of Policy and Criminal Justice not being then sitting) a Decree of personal Summons against the said Fromentin, in conformity whereof His Honour the Fiscal, by exploict from the Door-keeper, bearing date 17th September, 1823, did summons the said Fromentin to appear in person this day at the Criminal Roll Court, for all such purposes as are described in the said Act of Summation.

And whereas the Defendant aforesaid not having complied with the said Summons, as appears by his non-appearance, His Honour the Fiscal, R. O. did apply, that a Summons should be served against the said Defendant, with the clause of edicte ad valvas curiæ.

We, therefore, for the second time, do hereby summons the said Fromentin to appear in person on Friday the 28th day of this month of November, in the morning, at nine o'clock, at the Criminal Roll Court, in order that he may purge himself of his former non-appearance, in default of which he will be proceeded against according to Law.

This Summons by Edict will be published after the drum being first beaten from before the front of the Court-house, and affixed ad valvas curiæ.

Paramaribo, dated ut supra.

By command of Messrs. the Counsellors Commissaries aforesaid,

J. BROMET, First Commissioner.

Faithfully translated from the Dutch language by

CHARLES LIONARONS, Sworn Translator.

No. 95.—J. H. Lance, Esq. to Mr. Secretary Canning.

(Received April 26.)

SIR, *Surinam, February* 6, 1824.

In obedience to the directions which I have had the honour to receive, concerning the Office of *Marshal* of the Court of Mixed Commission established here, I have to inform you, that, in the only Case which has hitherto been brought before this Court, the services usually rendered by a Marshal in our Courts of Admiralty, were performed partly by the Secretary

of the Court, and partly by the Person who has acted as Doorkeeper. As the Secretary has a regular Salary allowed by The Netherlands Government, no account of Services has been given in, nor any charge made by him.

As no provision had been made by The Netherlands Government, either in respect to the Person exercising the Office of Marshal, or the fund out of which the expences should be paid, the Court was obliged to take upon itself the appointing a Person, and the charges were defrayed out of the gross sum produced by the sale of the Vessel. The expences of the Crew, and the Slaves on board of the captured Vessel, previous to her arrival at this Port, were also deducted out of the same fund; but, after her arrival, the Crew being placed in confinement till the decision of the Court was known, their expences were paid by this Government, while those of the Negroes were still deducted in the same manner as before. I presume a similar course will be pursued upon the capture of other Slave-vessels, until instructions arrive to the contrary; and, as it appears upon the whole to be fair and equitable, I humbly conceive that an alteration, with regard to this particular Court, would very probably not be more effectual for the purposes required, or give greater satisfaction than the present arrangement.

I now wish to draw your attention to a fact which probably you may deem worthy of some representation to The Netherlands Government, namely, that the Officers and Crew of the Vessel capturing, are not entitled to any part of the money produced by the sale of the Slave-vessel, nor are they, I am informed, allowed any equivalent by The Netherlands Government. I mention this circumstance, because I think it cannot fail to have great influence with Dutch Ships-of-War, in making future captures, as the Captain now runs all the risk of the Slave-vessel not being condemned, and of being thereby rendered liable himself to an action for damages by the Owners, for having illegally detained her, without any compensation for such a risk.

I have, &c.

The Right Hon. George Canning. J. H. LANCE.

No. 96.—J. H. Lance, Esq. to Mr. Secretary Canning.

(Received April 26.)

SIR, *Surinam, February 16, 1824.*

In reference to my Despatch of the 20th of September of

last Year, I have now the honour to inform you, that the French Brig *La Légère*, with 353 Slaves on board (stated by mistake at 354 in my former Despatch) detained and sent in by His Majesty's Ship Forte, Captain Sir Thomas Cochrane, on the 9th of September last, was, after a very long investigation before the Fiscal and Court of Policy and Criminal Justice, acquitted of the intention of smuggling the Slaves into this Colony, and was accordingly restored to Jean Marie Bled, the Supercargo, and Pierre Pousin, the Captain, upon payment of all the legal and other expences incurred here;—the being found at anchor off this Coast, with provisions for forty days on board; the endeavouring to escape; the Supercargo being on Shore for three days, and coming to Town for fresh provisions only; and the Declaration of M. Pousin to Captain Rich at the time of the capture; being all considered as insufficient Evidence of such an intention, so as to bring her within the Decrees of His Majesty The King of The Netherlands.

Such being the case, His Excellency the Governor determined upon sending her to Martinique, under escort of The Netherlands Sloop-of-War, the Kemphaan, there to be delivered up to the French Authorities; and, in pursuance of such determination, the Slaves were re-embarked on the 6th ultimo, and the Vessel was ordered to sail as soon as possible.

On the 8th she got under weigh, but, in proceeding down the River, accompanied by the Kemphaan, ran aground between the Town and Fort Amsterdam. The Captain of the Kemphaan immediately dispatched an Officer with some men to give the requisite assistance in getting her a-float again. The Officer, on going on board, found that the Supercargo and M. Pousin had absconded, and acquainted the Captain of the Kemphaan with that circumstance, who, thereupon, reported it by Letter to the Governor, and requested to know whether he should still carry the Brig to Martinique, and whether any fresh instructions were necessary.

The Governor instantly decided, that the absence of the Supercargo and M. Pousin was not of sufficient importance to prevent or delay the intended voyage, and, therefore, ordered the Captain to proceed with his charge forthwith; but shortly after, hearing a report that all the Negroes had been again disembarked and carried away, His Excellency dispatched an Officer on board to learn the truth, who, upon his return,

brought the information, that only fifteen Negroes remained in the Brig, the others having been smuggled out of her in the most daring manner, while she lay under the guns of Fort Zealandia on the one side, and within musket-shot of the Kemphaan on the other.

Upon the receipt of this intelligence, the Court of Policy and Criminal Justice was immediately summoned, and the inclosed Proclamation, (marked A,) was issued, "prohibiting all Persons from concealing the Negroes,and offering a reward of ten thousand Guilders to whoever would give information, so as to apprehend and convict the Persons guilty of carrying them away"; and the Governor, by the inclosed Proclamation, (marked B,) "in order to take away all means by which the Supercargo and Captain, together with part of the Crew of the Brig might escape, by clandestinely leaving the Colony", laid an embargo upon all Vessels then in this Port, or which should arrive afterwards, except the Dutch Merchant Ships, which, nevertheless, were to be subject to all such searches as should be deemed proper

Troops were also dispatched to the Mouths of all the Rivers and Creeks communicating with the Sea, with orders to arrest every boat or canoe proceeding out to Sea, and the reputed Agent and Consignee of the Brig, a Mr. Richard O'Ferral, junior, was placed in close confinement in the Fort.

In consequence of all these measures, His Excellency very soon obtained information of the Place where the Negroes were concealed, which he no sooner ascertained, than, having stationed a number of armed Sloops in different parts of the River, so as to preclude the possibility of any boat or canoe passing for the purpose of giving the alarm, he dispatched a strong detachment of troops, who arrived near the place, where the fugitives were all encamped in huts hastily erected, about 4 o'clock in the Morning of the 13th, (it being in a part of the bush near the Mouth of the Surinam River, called Younkerman's Creek,) and having surrounded the whole, succeeded in taking then into custody, together with the Supercargo, and a white man from Martinique, who had been on board the Brig, and one of the sailors, without any resistance or accident. Indeed, the Negroes were so well satisfied with the treatment they had experienced during the time they had been here, that they hailed the soldiers as their old friends, and the Supercargo and the sailor,the only Persons who were

prepared for, and most probably would have made, resistance, were disarmed and secured while sleeping.

The anxiety of the Governor for the success of the undertaking was so great, that he went in person to the spot and superintended the whole business.

The Negroes were all then conveyed to Town, and the past events having set at rest all doubts concerning the intention of smuggling them into this Colony, the Brig was immediately taken possession of by the Government; the Negroes were declared free, and all the White People concerned in carrying them away were placed in confinement, where they still remain awaiting the decision of the Court.

The conduct of the Governor throughout this whole affair has been such as to evince his sincerity in executing the Decrees of The King of The Netherlands against the Slave-trade, and I firmly believe that it is wholly owing to his individual exertions, (made too at a period of the greatest family distress, from the death of one of his sons, and the severe illness of a daughter,) that the re-capture of the Negroes was effected; and this most barefaced attempt at setting his authority and the laws at defiance, met with the reward it merited.

You will observe by the inclosed Proclamation, (marked C,) by which the embargo is taken off, that only 269 Negroes are mentioned as being retaken. This is accounted for by the circumstance that 44 of the original number had been in the Hospital, and never were re-embarked on board the Brig, but had been secreted by the Consignee, and a false Certificate given to the Fiscal of their having been taken on board. The Person having them in charge, finding the danger he ran in harbouring them, delivered them up to the Fiscal the day after the first Proclamation.

It has been ascertained that the Captain of the Brig took two Negro girls with him when he left the Vessel, who have not yet been discovered: that one Negro died in the bush during the time of their concealment, and 22 died in the Hospital since their arrival, which, with the 15 left on board, make up the original number of 353.

The embargo was continued some days longer in hopes of retaking M. Pousin, but no intelligence was gained concerning him, and, most probably, he has effected his escape.

I have, &c. J. H. LANCE.

The Right Hon. George Canning.

(Inclosure 1.)—Proclamation (A.) of the Governor of Surinam.

(Translation.) CAUTION. *Paramaribo, January* 10, 1824.

Whereas the Court of Policy and Criminal Justice of this Colony, having, with indignation, discovered that a great number of Negroes, who were on board of the French Brig La Légère, after their embarkation in the said Brig, on the Morning of the 6th January this Year, have been taken off and carried away, without the place of their present residence being known.

All and every one are hereby cautioned and forbidden not to secrete, or to conceal any of these Negroes, much less to buy any of them, on pain that those who shall be found to have secreted, concealed, or bought one or more of the said Negroes, shall incur the same punishment as is fixed by His Majesty's Decree of the 17th September, 1818, against the Slave-traders.

Moreover all and every one knowing the Person, or Persons guilty of carrying away the said Negroes, or the Accomplices of such Person or Persons, are invited immediately to give notice to the Fiscal, in such manner that the same may be convicted thereof, and in which case, a premium of ten thousand Guilders will be paid to any such Person or Persons, and his or their names, if required, be concealed.

And in order that nobody may pretend any ignorance hereof, this shall be published and affixed, where it is customary to be done.

Paramaribo, January 10, 1824. A. DE VEER.

By Command of the Court, R. VAN REES, Secretary.

Faithfully translated from the Dutch Language, by

CHARLES LIONARONS, Sworn Translator.

(Inclosure 2.)—Proclamation (B.) of the Governor of Surinam.

(Translation.) *Paramaribo, January* 10, 1824.

We, Abraham de Veer, &c. &c. &c.

Whereas we deem it of importance to discover where the fugitive Persons, Jean Marie Bled, Supercargo, and Pierre Pousin, Captain, along with some of the Crew of the French Brig La Légère, together with the Slaves clandestinely carried away on the River of Surinam from on board of the said Brig, do conceal themselves: and in order to avoid all means by which they might escape our pursuit, by clandestinely leaving the Colony, or be carried away;

We have thought proper to command, as we do command by these presents, that an embargo be laid through the whole extent of this Colony, on all Ships and Vessels which are here, or those which shall arrive, with the exception of Netherlands Merchant-vessels belonging to Subjects of that Kingdom, which Vessels will, nevertheless, on their departure, be subject to all such searches and regulations as we shall deem proper for the aforesaid purposes:

And this measure shall take effect until the same shall be removed.

And We do further command that this shall be published, affixed, and inserted in the Government Paper and Gazette.

Done at Paramaribo, in the Colony of Surinam, this 10th January, 1824. in the Eleventh year of His Majesty's Reign. A. DE VEER.

By command of His Excellency, in the absence of the Government, Secretary. J. G. RINGELING. 1st Commis.

Faithfully translated from the Dutch Language, by

CHARLES LIONARONS, Sworn Translator.

(Inclosure 3.)—Proclamation (C.) of the Governor of Surinam.

(Translation.) PUBLICATION. *Paramaribo, January* 23, 1824.

We, Abraham de Veer, &c. &c. &c.

To all men unto whom this shall come, greeting. Whereas, the causes which have given occasion to the laying on of an embargo on the Ships, by our Publication of the 10th of this Month, now, for the most part, have ceased to exist, inasmuch as the fugitive Person of Jean Marie Bled, and one of the missing sailors of the Slave-trading French Brig La Légère, together with the number of 269 African Negroes, clandestinely carried off from the same Vessel, have been since apprehended by this Government, and the African Negroes freed from the Slavery into which the drivers of that prohibited and detestable trade carried them away.

And whereas, we trust that the Caution issued on the 10th of this Month, by the Court of Policy and Criminal Justice, will have its due influence on all the inhabitants of this extended Colony, and, that nobody will harbour, conceal, secrete, or clandestinely and criminally carry away from this Colony the Persons and Negroes of the aforesaid French Brig, still missing, that the same may get into the hands of Government.

And in order to ease and promote navigation and trade, we have resolved to remove the interruption which was occasioned by the embargo, and by these presents do free all Vessels and Ships from the same.

All Captains and Commanders are yet earnestly prohibited, on pain of being liable to a severe prosecution and punishment, not secretly and criminally to carry away any of the Persons or African Negroes still missing, in order that they may not escape our pursuit.

We do further command that this shall be published, affixed, and inserted in the Government Paper and Gazette.

Done at Paramaribo, in the Colony of Surinam, this 23d day of January, 1824, in the Eleventh year of His Majesty's Reign.

Published and affixed the 24th following. A. DE VEER.

By command of His Excellency. J. C. GUICHERIT, Government Secretary.

Faithfully translated from the Dutch Language, by

CHARLES LIONARONS, Sworn Translator.

No. 97.—J. H. Lance, Esq. to Mr. Secretary Canning.

(Received May 1.)

(Extract.) *Surinam, February* 26, 1824.

I have the honour to acknowledge the receipt of your Despatches to the 6th of November, 1823, which arrived on the 22d of this Month.

I forwarded an Extract from your Despatch of the 6th of November, to the British Commissioners at Sierra Leone, upon the subject of a *Marshal* of the Mixed Court, to the Dutch Commissary Judge, and I have since had a conversation with him on that subject, in which he expressed his perfect readiness to concur, provisionally, with the British Com-

missioners upon the points mentioned in your Despatch, in any case on which occasion may arise for their application.

I have, &c. J. H. LANCE.

The Right Hon. George Canning.

No. 98.—Mr. Secretary Canning to J. H. Lance, Esq.

SIR, *Foreign Office, May 9, 1824.*

Your Despatches up to the 26th of February, 1824, have been received and laid before The King.

The King has been graciously pleased to signify His approbrobation of the fidelity and discretion with which you appear to have exercised the duties of your Situation; and, in acknowledging the receipt of your Despatch, of the 16th of that Month, His Majesty's Government are glad to express the gratification with which they have perused the Report which you give, of the highly honourable conduct of the Governor of Surinam, on the occasion of the detention of the French Brig *La Légère.* I am, &c.

J. H. Lance, Esq. GEORGE CANNING.

CORRESPONDENCE of the COLONIAL OFFICE,

RELATING TO

*The SLAVE TRADE,**

"RECEIVED FROM THE GOVERNORS OF SIERRA LEONE, AND OTHER BRITISH POSSESSIONS ON THE COAST OF AFRICA, AND FROM THE GOVERNORS OF THE MAURITIUS AND THE CAPE OF GOOD HOPE; SINCE THE 1st. OF JANUARY, 1823."

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MAURITIUS.

No. 1.—Sir R. Farquhar to Earl Bathurst.

MY LORD, *Port Louis, Mauritius, January 1, 1823.*

I BEG leave to return to your Lordship my most humble and grateful thanks for the manner in which your Lordship has been pleased to communicate His Majesty's most gracious approbation of the Measures I had reported to your Lordship, for effectually closing the source of Slave Traffic in the Dominions and Dependencies of the Imaum of Muscat.

Your Lordship will already have been apprized of the successful result of those Measures, by my Letter of November 27th last, transmitting the Definitive Treaty concluded with the Imaum on this subject.

* Presented to the House of Commons, 14th June, 1824.

I beg leave to add, that I sedulously avail myself of every occasion of impressing upon the Imaum the solid Advantages which he must expect to derive from the continuance of the friendship and protection of Great Britain, which must depend, in a great measure, upon the fidelity with which he fulfils his solemn Engagements, in conformity to the earnest wishes and expectations of His Majesty. I have, &c.

Earl Bathurst. R. T. FARQUHAR.

No. 2.—Sir Robert Farquhar to R. W. Horton, Esq.

(Extract.) *Mauritius, January* 22, 1823.

I HAVE the honour to subjoin an Extract of a Letter addressed to me by Commodore Nourse, under date December 8th last, exhibiting the practical effects of our Treaty with the Imaum of Muscat, in preventing the Slave Trade, at the former great Market of Zanzibar. The intelligence will, I trust, be considered interesting. The Commodore writes,—"We arrived "at Zanzibar on Sunday the 1st of December and quitted the 8th. About "fifteen days before my arrival, a Vessel under French colours, with "twenty-four guns, they said, came direct from Europe, to purchase Slaves "at Zanzibar, which was refused; and she sailed professedly for Muscat."

Commodore Nourse, with a view of promoting and enforcing a strict fulfilment of the Treaty with the Imaum, in Zanzibar and the adjoining Dependencies of that Sovereign, provisionally appointed a Consul, with the consent of the Governor of Zanzibar, and in conformity to the tenor of the Treaty, to reside at Zanzibar.

No. 3.—Sir Robert Farquhar to Earl Bathurst.

MY LORD, *Port Louis, Mauritius, January* 23, 1823.

I DO myself the honour of enclosing a Copy of a Letter from the Collector of Customs, on the subject of two Blacks, which have been seized and condemned to the Crown, during the last year, on the Abolition Acts. It is a great source of satisfaction to me, to be enabled to point your Lordship's attention to the Testimony of the Collector, as proving, that even these two Individuals were not introduced since the affair of the "Courreur;" the Vessel that was chased a-shore and wrecked, two years ago, as reported to your Lordship at the time; since which no attempt to land Negroes here has been made.

I am happy to be able to confirm my former Reports to your Lordship, of the sources of the Slave Traffic having been closed by our Treaties, and every hope of its renewal cut off, as well by those most effectual means, as by the zeal and vigilance of His Majesty's Naval and Military Forces on the Station, and of the internal Police of the Colony.

Your Lordship may depend on my unremitted exertions in the course I have hitherto pursued, in carrying into effect His Majesty's Commands on this most important point. It has ever appeared to me, and experience has proved, that the mode of proceeding, which could most reasonably be expected to lead to the permanent and final extinction of the Slave Trade, was to make both the Exporter and the Importer feel that the relinquishment of that commerce was their common interest. I have, &c.

Earl Bathurst. R. T. FARQUHAR.

(Inclosure in No. 3.)—Report of the Collector of Customs.

SIR, *Custom-House, Port Louis, January* 22, 1823.

I HAVE the honour to inclose, for your Excellency's Information, a Copy of the Report, dated 1st January, 1823, on the subject of the Blacks condemned to His Majesty, and apprenticed or otherwise disposed of, under the the Slave Trade Abolition Acts, and the Orders in Council, which I have had the honour to address to His Majesty's Principal Secretary of State for the Colonial Department. With reference to the two Blacks, whose Names are contained in the Schedule, as being the only Natives of Africa condemned to His Majesty, under the Slave Trade Abolition Acts, during the last year, your Excellency may be glad to learn, that I had the most satisfactory Evidence of these two Individuals having formed part of the Cargo of the "Courreur," at the time that vessel was burnt on these Shores; though I did not happen to take them up until many Months after the seizure of the main Body of Slaves introduced on that occasion. I have, &c.

Sir R. T. Farquhar. HART DAVIS.

MY LORD, *Custom-House, Port Louis, January* 1, 1823.

AGREEABLY to the injunctions contained in the Order of His late Majesty in Council, dated 16th March, 1808, as confirmed by a subsequent Order of His Royal Highness ThePrinceRegent in Council, under date the 11th July, 1817, I have the honour to forward inclosed, for your Lordship's information, a Statement, specifying the names, numbers, sex, and age of the new Negroes received by me, as Collector of His Majesty's Customs, after condemnation to His Majesty in the Court of Vice-Admiralty, and subsequently enlisted, apprenticed, or otherwise disposed of, from the 31st December, 1821, (the period at which the last similar Return closed) to the 31st December, 1822; together with the names and descriptions of the Masters and Mistresses, and the occupations to which they have been apprenticed.

I have the honour to add, with reference to the Report I had the honour to address to your Lordship on the 1st of January, 1822, regarding the means I had adopted to endeavour to ascertain the state and condition of the Apprentices at large, that I have not renewed in the Year just concluded the requisition for the attendance of the Apprentices at the Custom-house, for personal examination, which I had carried into effect in the preceding year.

In my last year's Report to your Lordship, I had the honour to offer as an opinion, that the best means of avoiding the difficulty of identifying the Apprentices, as well as for the correction of any chance error that might arise in giving them out, was apparently to be found in the frequency of the Collector's examination of the Apprentices; and that, if this appeal was not absolutely necessary every year, it would appear extremely undesirable to allow at any time, two years to pass without such an event. Your Lordship may therefore have expected to learn that I had effected, in the year just closed, a personal examination of the Apprentices similar to that of the preceding year.

That I have not done so has arisen chiefly from an idea that before a second appeal was entered upon, it might be desirable to know whether the previous undertaking was wholly approved by your Lordship, or whether any alterations might be suggested by your Lordship, through His Excellency the Governor, or otherwise, in the mode of proceeding; and I felt the less difficulty in adopting this view of the subject, from not having originally regarded the omission of one year as of major importance.

Earl Bathurst. I am, &c. HART DAVIS.

(INCLOSURE IN No. 3.)

DETAILED STATEMENT OF BLACKS seized, since the last Return, dated 31st December, 1821, on board different Vessels, or on Shore in the Island of Mauritius and Dependencies, and condemned in His Majesty's Vice-Admiralty Court at Mauritius, under the Act of 47 Geo. III. and the subsequent Slave Trade Abolition Acts, forwarded by the Collector of Customs of Mauritius to His Majesty's Principal Secretary of State for the Colonial Department, as required by the Order in Council, of the 16th March, 1808.

Name of Ships in which, or where, captured.	Numeral.	Native Name.	Apparent Age	CAST.	SEX.	French height. Feet.	Inch	MARKS.	Date of Condemnation.	At whose Suit Condemned.	To whom Apprenticed.	Description of Masters.	Place of Abode of Masters.	Trade or Employment of Apprentices.	Term of Apprenticeship from date of Condemnation.	When not Apprentic'd how otherwise disposed of.	Remarks.
On Shore	1	Mandola	24	Mozambique	Male	5	2	* on stomach; belly, arms, forehead, cheeks, and temples, tattoed.	Feb. 8, 1822	Hart Davis, Esq. Collector of Customs.	Mr. J. Coudray.	Proviseur of the Royal College.	Port Louis	Servant	Fourteen years	—	—
Ditto -	2	Fadaguira	25	Ditto - -	ditto	5	½	⊙ on both cheeks; tattoed on forehead, temples and breast	Ditto	Ditto -	Ditto -	Ditto -	Ditto -	Ditto -	Ditto -	—	—

Total Number of the foregoing Schedule, Two.

Custom-House, Port Louis, Mauritius, this 31st December, 1822.

HART DAVIS,
Collector of Customs.

No. 4.—Sir Robert Farquhar to Earl Bathurst.

(Extract.) *Mauritius, May* 16, 1823.

The Treaty between Radama and this Government has been religiously observed, and there is no ground for believing that a single Slave has been shipped from any part of His Dominions to any other Country since the Treaty was confirmed. It is a great source of satisfaction to me to leave this Island freed from the stigma of the Slave Traffick; no instance of this crime having occurred for so long a period, and the measures for preventing its revival receiving each day greater force, extent, and consolidation.

No. 5.—Major General Darling, to Earl Bathurst.

(Extract.) *Mauritius, June* 15, 1823.

I beg leave to transmit, for your Lordship's information, the Copy of a Proclamation, announcing the Treaty which had been entered into by Captain Moresby, of His Majesty's Ship Menai, with The Imaum of Muscat, for the suppression of the Slave Trade; and to state, that it does not appear by any Documents here, that the Imaum is to receive any pecuniary compensation for the part he has taken in this affair.

PROCLAMATION.

In the Name of His Majesty George IV. of The United Kingdom of Great Britain and Ireland, King;—His Excellency Sir Robert Townsend Farquhar, Bart. Governor and Commander in Chief of the Island of Mauritius and Dependencies, Captain General and Vice Admiral, &c. &c.

Whereas by a Treaty bearing date the 10th 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's Ship Menai, C. B. vested, for this purpose, with Full Powers, by His Excellency Sir R. T. 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 Traffick 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

Crews, 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 sixty miles to the eastward of the Island of Socotro, and on to Diu Head, 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 these Certificates shall be liable to Seizure and Confiscation after the 10th January next, in order the more effectually to extirpate the Slave Traffick; of which all Persons will take due notice.

R. T. FARQUHAR.

By order, G. A. BARRY,
Chief Secretary to Government.

Government House,
Port Louis, Mauritius,
Oct. 30th, 1822.

SIERRA LEONE, AND COAST OF AFRICA.

No. 6.—Sir Charles Mac Carthy to Earl Bathurst.

My Lord, *Cape Coast Castle, December* 13, 1823.

On my arrival here I received with heartfelt sorrow the news of the death of Commodore Sir R. Mends, commanding His Majesty's Squadron on this Station; that gallant Officer was at that time in these Roads, ready to afford every assistance in his power for the defence of His Majesty's Settlements; the zeal he evinced on that occasion, and the very essential aid Major Chisholm derived in making the necessary dispositions for attack or defence from Captain Bowen, commanding His Majesty's Ship "Driver," who had received instructions to that effect from the late Commodore, will be more fully stated at an early opportunity.

Captain Percy Grace, of His Majesty's Ship "Cyrene," is now returning with her, in obedience to Admiralty Orders, to Europe; and as I am led to fear that his conduct in taking a French Vessel may have been the cause of these Orders, and may, perhaps, retard his promotion, I trust that I shall not be deemed trespassing the proper line of discretion, in humbly volunteering to express my sincere regrets at his departure, and the opinion I entertain of his zeal for His Majesty's Service. Recent information fully proves that the Traffick in Slaves is continued to be carried on in full vigour by the French: during the period of eighteen months, no less than five Vessels

have taken cargoes at Shebar, the mouth of the Sherbro. As the Gallinas and Cape Mount have not been visited for several months by our Cruizers, the exact number of Slaves has not been ascertained, but I am informed on good authority, that scarcely one month has elapsed without two or three French Vessels being thus employed at those Places; and by the arrival of a Danish Schooner we have information, that she fell in with *two* at the Gallinas, and one at Cape Mount, last September. I have, &c.

Earl Bathurst. C. MAC CARTHY.

CAPE OF GOOD HOPE - - - - - - - - NIL.

CORRESPONDENCE of the ADMIRALTY,

RELATING TO

*The SLAVE TRADE,**

"BETWEEN THE LORDS COMMISSRS OF THE ADMIRALTY and NAVAL OFFICERS, since the 1st of JANUARY, 1823," *viz.*

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* Presented to the House of Commons, June 15, 1824.

A.

COMMUNICATIONS received by The Lords Commissioners of the Admiralty, from Naval Officers, since Jan. 1, 1823.

No. 1.—*Captain Percy Grace to Commodore Sir Robert Mends.*

(Extract.) *H. M. S. Cyrene, Sierra Leone River, Oct.* 7, 1822.

" I was informed at Porto Praya, by unquestionable authority, that Senhor Pinhel had dispatched Senhor Brandaõ, late Commander of a Brig, to Maranham, from whence he was to proceed to The United States of America; there purchase a large Brig, and return with her to Maranham, where she was to be well manned and heavily armed, and then proceed to Bissao, on the coast of Africa, for a cargo of Slaves; Senhor Pinhel and Senhor Brandaõ (the Commander, who was also to be Part-owner) having publickly declared their determination to make good their former losses out of the first unarmed English Vessel they may meet with, having done so to a French Merchant Vessel on a former occasion.

" The George Canning sailed from Old Calabar on the 2d August, and by her was informed, that four Vessels under French Colours had sailed from that river with full cargoes of Slaves, since the departure of the Iphigenia from that coast, and that a large hermaphrodite Brig, of nearly 400 tons, under similar Colours, had arrived there for the same purpose *two days previous to her sailing.*

" The Master of the George Canning showed a letter from the Master of the Molly, who was in the river Bonny trading for oil, which was dated ten days after the departure of the Iphigenia, from that river, and stated that no arrivals of Slaves had taken place since the Captures, which were made there by the boats of the Iphigenia and Myrmidon."

No. 2.—*Captain C. R. Moorsom to Commodore Nourse.*

Sir, *H. M. S. Ariadne, Port Louis, June* 21, 1823.

" I have the honour to represent to you, that since my arrival in this Port in April last, several Vessels have come from the Seychelles Islands, bringing Blacks, to the number of 154, of both sexes. I have, in every instance had these Slaves examined at the Custom-house, and the Individuals have, with the exception of two, been found to answer to the Registry Lists. The number of Blacks thus brought into this Island, and the Advertisements which appear in the Gazette of ' Slaves from Seychelles ' to be sold, has led me to suspect that the transfer of Slaves from the Dependencies of The Mauritius to the Island itself, legalized by Act of Parliament, was made the cover for a systematic Slave Traffic; and that the Slaves thus transferred, were either new Blacks imported into the Seychelles, or old Slaves whose places were supplied by new importations. The certificates of original Registry, which, with the other Documents required by Law, accompanied the Slaves, offered at first view, a refutation of my suspicions; but an enquiry into the mode of registering the Slaves has satisfied me, that the existing system, as founded upon the Act of Parliament, is totally inadequate to the prevention of the fraudulent introduction of a new Black to correspond with a Register previously made, this last being commonly the Register of a fic-

titious person. That the Slave Proprietors here, have in many instances made these fictitious Returns is, I believe, capable of proof; and that two Individuals, who never possessed a Slave, did each make a return of 100 Slaves, is a fact publicly talked of. My suspicions have, however, received confirmation by evidence as conclusive as the nature of the case seems to admit, and I shall state to you the facts upon which I found my conviction, that an indirect importation of Slaves is effected into Mauritius by a direct importation of Blacks into its Dependencies, which Blacks would appear to be brought from the Northern Peninsula of Madagascar (a tract of Country altogether independent of King Radama,) and probably also from Mosambique:

"1st. By the Custom-house books it appears, that 396 Slaves were transferred from Seychelles to Mauritius between January, 1822, and January, 1823, and 177 Slaves between January and June, 1823, and that 20 only have been returned to Seychelles in the whole period.

"2d. The Exports of Cotton (the staple commodity) from the Seychelles between 1st January and July, 1822, were 320 bales, the whole Export of the year being 689 bales. The Exports between 1st January, and 10th June, 1823 are 422 bales; it would hence appear that the Export of Cotton is increased this half-year by one-third. This Cotton is the produce of Slave Cultivators."

If then, in 1822, each Proprietor at Seychelles had as many Slaves as he could maintain with profit (and I apprehend that no one would keep more,) and if his trade has since increased, it is not likely that he would decrease the number of his labourers. But the Seychelles have exported this half-year 167 Slaves (the difference between 177 admitted and 10 returned,) hence I infer that an equal number at least had been previously imported. The number introduced may perhaps appear disproportioned to the supply which might be considered necessary to keep up the requisite number of Slave Cultivators in Mauritius; but it must be borne in mind that this importation has taken place at a period during which the commerce of this Island has suffered great reverses, when Sugar has fallen from Seven to Four Dollars the Hundred-weight, between the 1st January, 1822, and June 1823, and when it might be presumed that these circumstances would render additional labourers unnecessary, or necessary only to a small amount.

To corroborate the inference deduced from this reasoning, a Report has been received by the Governor, from the Agent at the Seychelles, that the Schooner Le Composant, commanded by a man named Dodero, (an English Subject, but an Italian by birth) had effected the landing of 57 Blacks on the Island of Mahi in January last, but that he had not been able to seize any of them.

I have information that the same Dodero carried 150 Blacks to the Seychelles above a year ago, and that he procured them at Bombetoc. The Blacks before-mentioned he appears to have procured at the bay of Angoutsi, when he carried on this traffic under the French Flag; but a vessel belonging to this Island having gone into the Bay, Dodero showed to her the English Ensign. The capture by Captain Moresby, in 1821, of Le Succès and L'Industrie, and the destruction of Le Coureur, which Vessels were engaged in bringing Slaves to the Mauritius, appears to have shown the

Slave Dealers that too much risk attended the direct importation to this Island, particularly as the price of Slaves fell with the fall in the price of produce; and there is no known instance of any attempt to land Blacks since that period. Captain Moresby, in his letter to me of the 24th April, asserts the 'total abandonment of the Slave Trade to this Island.' I feel satisfied, however, that the direct importation of Blacks into the Seychelles, and their transfer hither with the requisite Documents, has been the mode by which the Slave Population of the Mauritius has been kept up to the number required: an addition necessarily small during this period, from the circumstance before stated, but which is likely to increase in consequence of the rising price of the exporting produce of the Island. Every feeling, whether dictated by religion or humanity, coincides with the duty required of me by the instructions I have received, to use every exertion to annihilate the Slave-trade; and I should neither do justice to those feelings, nor obey my orders, if I refrained from reporting to you the state in which I believe this Trade to be in these Seas. The Seychelles and Almirante Islands, into both which groups I believe the Slaves to be brought, are comprized within a space occupying 5 deg. of Latitude, and 5 deg. of Longitude, the centre of which is N. by W. about 900 miles from Mauritius, and N. E. by N. about 500 from the north end of Madagascar. Slave Vessels from the west side of Madagascar, (Bombetoc,) or from Mosambique, would go along the African Coast till they could fetch Seychelles on the larboard tack, or they would beat up on the parallel of 5 deg. S°. Latitude.

No. 3.—Commodore Sir E. Owen, to J. W. Croker, Esq.

H. M. S. Gloucester, in Port Royal Harbour, Jamaica, Aug. 2, 1823.

SIR,

I have the honour to enclose you an extract from the Report of Captain Sir Thomas Cochrane, of His Majesty's Ship Forte, senior Officer on the Windward Station, dated 23d Instant, with the Copy of a Letter to him from the Governor of St. Christopher's, which I request you will be pleased to lay before my Lords Commissioners of the Admiralty.

I have desired that he will afford the Governor proper facility for pursuing his Remonstrance with the Authorities at Porto Rico, and that he will keep the circumstance in view, reporting its result to me.

I have, &c.

J. W. Croker, Esq. E. OWEN.

(Inclosure 1.)—Captain Sir Thomas Cochrane, of H. M. S. Forte, to Commodore Sir E. Owen, dated July 22d, 1823.

(Extract.)

The accompanying Letter from the Governor of St. Christopher's relates to some Apprentice Negroes, who, it is said, have been carried off from Tortola, and sold as Slaves in the Island of Porto Rico.

I have had a personal Conference with the Governor on the Subject, and shall shortly address the Authorities of Porto Rico by the Vessel which I shall, in pursuance of your Directions, station among these Islands. She will also take down with her such Despatches and Persons as the Governor may wish to send, or he may consider necessary towards the attainment of the objects in view.

(Inclosure 2.)—The Governor of St. Christopher's to Capt. Sir T. Cochrane.

SIR, *Government House, St. Christopher's, July* 8, 1823.

I have received a Communication from Major Moody, the Commissioner of Inquiry into the condition of captured Africans at Tortola, stating that certain Individuals of this Class had been seduced from the Island and carried into Porto Rico, where they were sold as Slaves.

Having addressed the Political Chief of Porto Rico on a former occasion, to obtain his countenance and support in aid of the exertions of an Individual, who went to that Island with proper Documents to identify and claim two captured Africans, and nothing satisfactory having resulted from my Communication, to which I have received no answer, I do myself the honour of requesting your assistance on this occasion, and of soliciting that you will be pleased to allow one of His Majesty's Ships to call at Porto Rico, for the purpose of reclaiming all such captured Africans as can be identified.

In furtherance of this object, I should wish the Vessel under your orders to touch at this Port, that I may furnish the necessary Documents for identifying the several Africans.

The Instructions of His Majesty's Government require, that I should afford every possible facility to Major Moody and his Colleague in the execution of their Commission; and the above object is one of great importance, as connected with it, not only in relation to the Individuals who have been clandestinely withdrawn from the Protection of the British Government, but, if permitted to pass with impunity, it will afford encouragement to similar attempts, and perhaps involve in its consequences a large proportion of these unfortunate People.

As I am anxious that this object should be effected with as little delay as possible, I shall feel obliged by your communicating with me as early as your convenience will admit. I have, &c.

Capt. Sir T. Cochrane. CHAS. WM. MAXWELL.

No. 4.—Commodore Sir Robert Mends, to J. W. Croker, Esq.

(Extract.) *H.M.S. Owen Glendower, Cape Coast, August* 8, 1823.

I beg you will be pleased to acquaint their Lordships that I anchored here on the 31st ultimo, after a five months cruize, having examined with my boats, since I have been on the Coast, every river and creek from the Senegal to the Congo, notwithstanding the rains and the inclemency of the weather, extending over a space of 3,000 miles.

The few Vessels I met with along this immense line of coast, as well as the information I every where received, authorize me in stating my belief that the Slave Trade is considerably on the decline. Where formerly whole Fleets were engaged in that Traffick, not a ship is now to be seen. In the Bonny, New and Old Calabars, and Cameroons, only four Vessels were found, two of these were French; and two Spaniards, having on board 249 Slaves, were captured by our boats. To the southward of the Line at Cabenda, we saw only one Portuguese Brig with 322 Slaves on board, and one Spanish Schooner, which escaped by outsailing the boats.

The Chiefs every where complain that we have deprived them of the Slave Trade, without giving them any thing in return; they will furnish they say, palm oil in any quantity required at a cheap rate and short notice.

No. 5.—Commodore Nourse to J. W. Croker, Esq.

(Extract.) *H. M. S. Andromache, in Simon's Bay, September* 11, 1823.

The subjugation of the Western Coast (of Madagascar) particularly in the N.W. to his (King Radama's) authority, will be of considerable importance, as there is no doubt a Traffick in Slaves is still carried on from that Quarter, and from Mosambique to Bombetoc, from whence Vessels, under Colours that may suit the occasion, obtain them; and I have information that the Master of a Schooner, called the "Walter Farquhar," has sold her to an Arab named Abdala Badom, who has insinuated himself into the Chieftaincy of Bembatoc, and there is reason to believe this Vessel is employed in the Slave Traffick under the Arab Flag.

No. 6.—Commodore Nourse to J. W. Croker, Esq.

(Extract.) *H. M. S. Andromache, in Simon's Bay, September* 26, 1823.

I learn that the Portuguese, upon the appearance of the surveying Vessels, sent 180 Natives (Slaves) from their Fort, in order that they should not be seen by the English Men-of-War, probably fearing they might be seized.

I mention this circumstance, to show there is a Traffick in Slaves from Delagoa Bay: I believe them to be carried to Mosambique, and from thence exported to the Brazils, and that numbers are sent from Mosambique to Madagascar, and that some are conveyed to the Seychelles and to Bourbon.

No. 7.—Captain Sir Thomas Cochrane, of His Majesty's Ship Forte, to Commodore Sir E. Owen.

(Extract.) *Trinidad, October* 8, 1823.

I have the honour to forward you a Copy of the translation of a Letter I have received from the Governor of Porto Rico, in answer to the joint reclamation of the Governor of St. Kitt's and myself, of the Negroes supposed to have been stolen from Tortola.

By Captain Crole's Letter, a Copy of which accompanies this, you will perceive that the unlucky illness of a principal Evidence, on the subject of the Slaves stolen from Tortola, prevented his accompanying him to Porto Rico.

It therefore appears to me, that, in the unsupported statement that has been made on this subject, the Letter of the Political Chief says every thing we can reasonably expect from him.

(Inclosure 1.)—The Governor of Porto Rico to Captain Sir T. Cochrane.

SIR,

The Political Superior Chief, to whom I have submitted the representation which you have made to this Captaincy General, respecting various Coloured Persons, Fugitives, or fugitively taken from the Island of St. Christopher, whose Governor has addressed to me a similar representation, has this day communicated to me what I herewith Copy.

" Excellent Sir,

" I have received from your Office your Excellency's Letter of yesterday's date, wherein you were pleased to enclose to me various Reclamations and Communications respecting some Men of Colour, who are under the protection of Great Britain, who appear to have been introduced and sold in this

Island. The most efficacious dispositions are already given, to the desired effect, of the worthy purpose proposed by Sir Thomas Cochrane and the Commissioners of the British Government, which is highly gratifying to me, as well because justice and humanity are interested in the question, and because it is my sincere desire to have an opportunity to manifest to Sir Thomas Cochrane my particular disposition to please and to give him satisfaction; and as well, because therein the fulfilment of a just and worthy desire of the British Government is interested. It is doubtless desirable, that in order to act with the hope of a better result, the Communication should, if possible, be more ample and individualized. I intreat your Excellency will be pleased thus to explain it.

"This answer I transmit to you, Sir, in reply to the Letters in which you were pleased to speak to me of this business; and so soon as the same shall have been finished, I shall lose no time to satisfy your wishes and communicate the result. "I have the honour to be, &c.

"*Porto Rico, August* 31, 1823. "MIGUEL LATOME."

(Inclosure 2.)—Captain Crole, of H. M. S. Surinam, to Captain Sir Thomas Cochrane.

(Extract.) *St. Thomas, 9th Sept.* 1823.

I have to acquaint you that, in pursuance of your orders, after delivering your Despatches for the Governor of Martinique, I proceeded to St. Christopher, and was requested by Colonel Maxwell to receive from Tortola a Person who could identify the Africans which have been stolen from that Island. On my arrival there I unfortunately found the Person appointed to accompany me had been taken ill that morning, and was unable to embark; In consequence of which I proceeded alone to St. John's, Porto Rico, and delivered your Despatches to the Spanish Governor.

No. 8.—*Captain C. R. Moorsom, of His Majesty's Ship Ariadne, to Commodore Nourse.*

Sir, *H. M. Ship Ariadne, Port Louis, Oct.* 15, 1823.

I have the honour to report to you my proceedings in His Majesty's Ship under my command, since I sailed from Port Louis on the 13th September. Having ascertained, by information that appeared to me to be depended on, that Captain Dodero, in the Schooner the Composant, whose landing of Slaves at Seychelles I mentioned in my letter No. 6, had procured these people from the East Coast of Madagascar, I thought it necessary to call the attention of King Radama to this infraction of the Treaty, and I accordingly proceeded to Foule Point, where I supposed The King to be. On arrival I found that he had marched to the North to receive the Allegiance of the Districts, the Chiefs of which were lately in insurrection, but who had been subdued by the army sent by The King in July last for that purpose, as reported in my letter No. 9; I therefore sailed for Antongil Bay, and met The King at Mananhar, a roadstead to the West of Cape Bellones.

Having laid before The King, through the medium of Mr Hastie as Interpreter, the circumstances which had come to my knowledge respecting the Slave-dealings of Captain Dodero; I told him that it was not only ne-

cessary to prevent the Chiefs from selling their people, but also to establish such Military Posts as might prevent the attempts of Vessels going along shore to kidnap the natives. The King replied, that when he entered into the Treaty with England for the suppression of the Slave Trade, it was with the most sincere intention to execute it; that he had now even stronger motives than those which then actuated him; but as he could not be every where, His Laws might sometimes be infringed: he was now, however, establishing Military Posts along the Coast, and was proceeding to the North for the purpose of making such arrangements as might secure the due execution of the Laws. The King stating his intention of going to Angontar (the place from whence I had told him I believed the greater part of Dodero's cargo to have been taken) asked me if his escort could be conveyed across the bay in the peroques. I explained to him that with the prevailing South-east wind the attempt would be dangerous; but that they could go before the wind up to the head of the bay, and thence cross the Country to Angousti, by a shorter route than that of the beach. As the king would suffer many inconveniences in an open boat, I offered to convey him, his personal Attendants and a company of his guards, in the Ariadne. He accepted my proposal with great satisfaction, and in a few hours I ran them up to a place formerly named Port Choiseul, when the French had Establishments on this Coast, but called by the natives Maranset. Previous to the King's quitting the Ship, I expressed to him my satisfaction at the opportunity afforded me of assisting him in his measures to prevent the export of natives from His Dominions, and said, I hoped we should co-operate till the Slave-trade was extinguished in Madagascar. He replied by repeating his determination to fulfil the Treaty; and said, if he could always move with the rapidity he had done in the Ariadne we should have no cause to reproach him.

Mr. Hastie has acquainted me that he has certain information of a French Schooner having lately conveyed a cargo of Slaves from the neighbourhood of Fort Dauphin to Bourbon; and also that a Schooner belonging to Mauritius is gone to Bombetock to procure Slaves for the same market. I believe it is the intention of King Radama to visit the latter Place before he returns to Tananasine, and the former in the course of next season.

I have no reason to suppose that Slaves are introduced into Mauritius in any other mode than by transfer from the Seychelles; but His Excellency the Governor has lately received information, which leads him to believe that attempts are about to be made to effect the landing of Slaves, and I have therefore ordered the Wizard on a cruize round the Island.

The only effectual plan to prevent the exportation of natives from Madagascar seems to me to be, that of rigorously enforcing upon King Radama the necessity of his adopting such measures as will guarantee the execution of the conditions of the Treaty.

I had intended to proceed to the Jean de Nova Islands, for the purpose of examining them, as well as of crossing the track of the Slave Vessels; but rainy weather having set in, I found the Ship leak so much in the upper works as to render it necessary to caulk her throughout; for which purpose I returned to this Port, where I arrived on the 12th.

I have, &c. C. R. MOORSOM.

Commodore Nourse.

No. 9.—Captain Bowen, of H. M. S. Driver, to J. W. Croker, Esq.

(Extract.) *Cape Coast Roads, 17th of October*, 1823.

I beg leave to acquaint you, for the information of the Lords Commissioners of the Admiralty, that on the 30th August last, I sailed from this place, and in pursuance of Orders from Commodore Sir Robert Mends, proceeded to cruize for the suppression of the Slave Trade in the Bights of Benin and Biafra. In the execution of this service, I boarded two Vessels only, engaged in this Traffick. They were under Portuguese colours; but I regret that from the circumstance of their Slaves not being embarked, I could not detain them. From the small number of Vessels fallen in with, I have reason to suppose that this odious Traffick is on the decline, or has at least suffered a temporary interruption.

No. 10.—Commodore Sir E. Owen, to J. W. Croker, Esq.

H. M. S. Gloucester, Port Royal Harbour Jamaica, 18th Oct. 1823.

Sir,

I have the honour to inclose the Copy of a Letter, dated 10th September, which Sir Thomas Cochrane, Captain of His Majesty's Ship Forte, has written to me, detailing all the circumstances which called on him to seize the brig Légère, which he had found three days preceding on the coast of Surinam, near Porte Orange, endeavouring, under French colours, to smuggle into that Colony a cargo of Slaves, which she had brought there from St. Thomas's on the coast of Africa, and to deliver her to His Excellency the Governor of that Colony, in the breach of whose Laws she was thus acting.

I request you will be pleased to lay the same before my Lords Commissioners of the Admiralty, together with the Correspondence which took place in consequence, between Sir Thomas Cochrane and Major General de Veer, the Governor; and I trust their Lordships will confirm the opinion I have given, that Sir Thomas Cochrane's conduct in this instance has been guided by good judgment; for though it may be possible, that prosecuting the said Vessel (under the Dutch Treaty) she might have been proved Dutch property, and thereby made a prize, yet covered as she was by the French Flag, this proof of property would have been difficult: whilst by the mode adopted, the Governor who seems to enter into the same views, will deal with her more readily under his Laws of contraband.

I have, &c. E. OWEN.

J. W. Croker, Esq.

(Inclosure 1.)—Captain Sir T. Cochrane to Commodore Sir E. Owen.

Sir, *His Majesty's Ship Forte, off Surinam, 10th Sept.* 1823.

I have the honour to acquaint you, that on Sunday last, 7th instant, while running down the coast of Guyana, and approaching the Dutch Port called "Port Orange," a Brig was observed at anchor, who, on our nearing her, cut her cable and made all sail from us; on coming up with and bringing her to, she proved to be a small Brig called the Légère, of 196 Tons, from St. Thomas's, in Africa, with 353 Slaves on board (having lost 30 on her voyage), which she was then attempting to dispose of on the Coast.

On the Master of her being brought on board, I caused him to be examined in the presence of Captain Rich, Lieutenant Smith of this Ship, and myself (all understanding the French Language), when he made the Declaration, a Copy of which I have the honour to inclose, and on the strength of this, as well as from the situation he was first seen in, I determined to carry him to the Port of Surinam, then only five hours sail to leeward, and deliver him over to the Dutch Authorities; and arriving off the river, I despatched Captain Rich to Paramaribo, with a Letter to the Dutch Governor, a Copy of which accompanies this, together with his answer, in consequence of which the Brig Légère was delivered into the charge of the Captain of the Port, who was sent to take possession of her.

I trust, Sir, that in the steps which I have pursued with respect to this Vessel, I shall be found to have acted in every respect consonant to the wishes of my Government, and have confined myself within the limits of authority vested in me.

Had I fallen in with the Légère at sea, much as I might have suspected the truth of her claim to the protection of the French Flag, I should have permitted her to pass unmolested, however reluctant I might have been to have done so, or however grating it might have been to my feelings to witness the success of these dealers in human beings, in consigning their wretched cargo to perpetual slavery; but as she was found on the coast of a Nation in strict alliance with my own in the suppression of the Trade in question,—as the Supercargo was on shore, and had gone to Paramaribo to dispose of his cargo (where he actually was when Captain Rich got there), —as the Captain without hesitation avowed that it was their intention to dispose of them, not only on the Dutch Coast, but in the English Colonies of Berbice and Demerara, to leeward of it, thereby infringing the Laws of both Nations, I could no longer believe he could look to the French Flag for protection; or that any Government would countenance so glaring a prostitution of its Colours, or expect that they should be respected, not only in the act of infringing its own Laws (with which I am aware we have nothing to do), but in waving it in defiance on the coast of its neighbours, and hovering on it for a convenient opportunity of forcing a Trade with any who might be found debased enough to treat with them.

By these reasons I was swayed in my decision, and it was after mature consideration, and feeling that I should lay myself open to your reproof, or that of my Lords Commissioners of the Admiralty, for want of energy in checking a trade so discountenanced by my Country, that I determined to pursue the steps I have taken.

You will perceive, Sir by the Governor's Answer to my Letter, that the Captain of the Légère has confirmed the statement made to me before the proper Authorities in Paramaribo, but I learn from Captain Rich, that the arrival of this Vessel has been looked for this month past, and that there is every reason to believe, whatever the Vessel may be (and I much doubt the fact of her being French property), that the cargo is consigned to a Person in that Town, who notoriously earns his livelihood by this inhuman traffick.

The Supercargo, as I before mentioned, was in the Town on Captain Rich's arrival there: on being called before the Governor, he of course denied any intention of introducing the Slaves into Surinam, stating that he only came for provisions and water to carry him to Martinique, where he

intended to smuggle them; but as he had 28 days water and provisions on board on the day after his detention, the falsehood of this plea will be immediately detected, and operate against him.

I must now further observe, it is admitted by the Crew that this Vessel sailed from Nantes precisely in the state she now is, that is, being in all respects prepared to receive Slaves on board, and as every French Vessel is strictly examined by the Marine Department prior to sailing, to ascertain whether she is sea-worthy, and in all respects properly equipped for her voyage, as appears by a long Document on board the Légère, given by that Officer on her departure, and minutely describing her state, it is quite impossible but they must have been fully aware of the nature of the Trade in which she was about to be engaged.

As it may be misplaced, and indeed unnecessary, for me to point out the consequences that must result, from the Flag of any one Country covering a Traffick declared illegal by every Other, I shall therefore, Sir, conclude with assuring you, that the only motive which actuated me on this occasion, is an anxious desire strictly to observe the line of conduct which I considered would best meet the wishes of my Lords Commissioners of the Admiralty and yourself. I have, &c.

Commodore Sir E. Owen. THOMAS COCHRANE.

(Inclosure 2.)—Sir T. Cochrane to the Governor of Surinam.

SIR, *H. M. S. Forte, off the River Surinam, 8th Sept.* 1823.

I have the honour to acquaint your Excellency, that in sailing down the coast from Cayenne towards this anchorage, I yesterday observed a Vessel at anchor, close in with Port Orange, who, on our near approach to her, cut her cable and made sail away; but after a chase of some time she was overtaken, and proved to be a small Brig called The Légère, under French Colours, of only 196 Tons burthen, but crowded with 353 miserable Slaves (out of 383 she sailed with) from Africa, whom she had been attempting to introduce into your Excellency's Government, and whose Supercargo is at this moment on shore, and I believe in the Town of Paramaribo for that purpose; but the accompanying Paper, containing the Declaration of the Captain of the Vessel, will more particularly detail to your Excellency the object of her visit to your coast.

The several Treaties existing, and lately entered into, between our respective Governments, fully evince the horror they entertain at the continuance of this traffick in our fellow-creatures, as well as their anxious and sincere wish to put a stop to a Trade revolting to the best feelings of human nature; and I should but ill second their benevolent intentions, did I view with indifference the openly declared attempt to introduce those Slaves into the Colonies of His Majesty The King of The Netherlands, (and failing to do so, then into His Britannic Majesty's,) and not use my endeavours to defeat it, while a Treaty is before me, in which the two Nations respectively have engaged mutually to assist in repressing such inhuman Speculations; and I have lost no time in bringing the Brig off Surinam, that she may await your Excellency's Commands; and I have directed the Captain (Rich) of His Britannick Majesty's Sloop, Ringdove, who is the bearer of this, to deliver to your Excellency her Papers and Log-book; who, with a Lieutenant of this Ship, will be ready to depose to the Statements made by the

Captain on his arrival on board the Forte, and afford any other information your Excellency may desire. The Captain, and one of the Crew accompany Captain Rich, in case your Excellency may wish to examine them.

The Brig, as your Excellency will perceive, is under French Colours; but I cannot believe that French Owners would send a Vessel upon such an uncertain and indefinite voyage; at the same time, should she really be of the Nation she professes, her coming within the jurisdiction of your Government, with the declared intention of infringing its Laws, as well as those of the British Colonies on this Coast, must deprive her of all the rights to which that character would otherwise entitle her.

I trust your Excellency will view, on the occasion that affords me the honour of making this Communication, a ready disposition, on my part, to promote the views of your Excellency's Government; and in this, and every other way that may be compatible with my duty, and I beg to assure your Excellency, so long as I shall be entrusted with the execution of the duties of the Naval Department in this Division of the West Indies, it will afford me the greatest satisfaction, at all times, to cultivate the most friendly feeling between our respective Nations, and to convince your Excellency of the high respect with which I have, &c.

H. E. The Governor of Surinam. THOMAS COCHRANE.

(Inclosure 3.)—Declaration of the Captain of the "Légère."

St. Poussin Pierre, Captain of the Brig Légère, declared before us, in answer to questions, as to where he was from, where bound, and what cargo he had on board,

That he was from St. Thomas's, in Africa, laden with Slaves:

That he passed Cayenne, and saw the Flag flying on the Fort some days ago:

That he anchored off the Maroni River, in hopes of disposing of part of his cargo, but did not succeed:

That he stopped at one or two places to the Westward of it for the same object, but found only fishermen's huts:

That lastly, he anchored off Port Orange for the same purpose, but seeing the Dutch Flag flying, the Supercargo went on shore last night, under pretence of buying Stock, but in reality to find out if Purchasers for the Negroes could be had:

That the Supercargo is left on shore: he sent off one or two fowls by the boat, and to say that the Commander of the Port could not let him have Stock without leave from the Governor, and he believes he is gone on to Surinam, under pretence of asking for a Supply, but in reality to procure Purchasers.

That in the event of not being able to dispose of them here, he meant to run further to leeward, to try to sell them at the Colony of Berbice or Demerara, or in short wherever he could find a market.

Dated on board the Forte, off Surinam, Sept. 8, 1823.

THOMAS COCHRANE, Captain of the Forte.
E. L. RICH, Commander of the Ringdove.
HENRY SMITH, Lieutenant, (Forte.)

(Inclosure 4.)—The Governor of Surinam to Sir T. Cochrane.

SIR, *Paramaribo, Surinam, Sept. 9, 1823.*

I have had the honour of receiving your Letter of the 8th instant, written from on board His Britannick Majesty's Ship Forte, off the River of Surinam, communicating to me, that a small Brig called the Légère under French Colours, crowded with 353 enslaved Africans, has been observed by you on our coast at anchor, close in with Port Orange, and brought off this Port that she may await my commands.

The Captain Rich, of His Britannick Majesty's Sloop Ringdove, accompanied by a Lieutenant of your Ship, has also handed to me the Papers and the Log-book of the said Brig, and delivered the Captain and one of her Crew, to whose statements made in your presence they have furthermore deposed before Commissioned Members of the Honourable Court of Criminal Justice in this Colony, to the Judgment of which Court I have submitted the Case of the aforesaid Slave-trading French Vessel.

I therefore request you to send her up the River to this part of Paramaribo, in order that the unfortunate Africans may be restored to freedom, and the Vessel and Crew may stand their Trial, and undergo the just punishment of their inhuman speculation.

I also herewith express my sincere thanks for the service you have been pleased to render me, by so amicably assisting me in defeating the undoubted attempt or intention to introduce these Africans as Slaves into the Colony under my command; and I anticipate the pleasure of tendering you the deserved acknowledgments of my Government, for your humane and loyal conduct, the merits whereof I am confident will be duly appreciated by your own Government.

I beg to assure you of my reciprocal disposition to cultivate the subsisting friendly feelings between our respective Nations, and will, at all times, feel the greatest satisfaction in being useful to you in the meritorious fulfilment of your high duties. I have, &c.

Sir Thomas John Cochrane. A. DE VEER.

No. 11.—Capt. Filmore, of H. M. S. Owen Glendower, to J. W. Croker, Esq.

(Extract.) *At Sea, in Lat. 1. 29. S. Long. 5. 10. W. Nov. 24, 1823.*

From several Vessels, which I have boarded, I have every reason to suppose the Slave Trade in the Bights is carried on to a very limited extent to what it has been hitherto done.

No. 12.—Vice-Admiral Sir L. W. Halsted to J. W. Croker, Esq.

SIR, *H. M. S. Pyramus, Port Royal Harbour, Dec. 26, 1823.*

In reply to your Letter of the 4th ult. (No. 2.) I beg you will be pleased to refer my Lords Commissioners of the Admiralty to Commodore Sir E. Owen's Letters, numbered 162 and 354, by which their Lordships will perceive that every arrangement has been made, and is still in progress, for aiding the efforts of His Majesty's Officers in the Colonies for the release of the Apprenticed Negroes enticed away from the British West-India Islands.

If, on the arrival of the Forte, I find any further steps necessary, directions shall be given accordingly. I have, &c.

J. W. Croker, Esq. L. W. HALSTED.

No. 13.—*Captain Sir Thomas Cochrane, of H. M. S. Forte, to Commodore Sir E. Owen.*

SIR, *St. Juan's, Porto Rico, January* 28, 1824.

I consider it my duty to call your attention to the traffick in Slaves still carried on in these Seas, and, I have reason to believe, to an extent (as far as the Nations countenancing it are concerned) as great as at any former period.

In my letter of the 10th of September last, (No. 23.) acquainting you with my having detained a Slave-vessel under French Colours, and delivered her over to the Dutch Governor of Surinam, I have stated that the Vessel in question sailed from Nantes, completely equipped for the Trade in Slaves, and which could not but be known to the Public Authorities there, as a minute Description of her was on board, and signed by the Head of the Marine Department at that Port.

I have since learnt, from undoubted authority, that the Slave Trade is openly and publicly carried on in Surinam, and that new Negroes can be purchased there with the same facility as could have been done in a British Colony before that traffick was by Law abolished.

The same System, I am sorry to say, prevails in this Colony; Slave-vessels being publicly admitted, and their cargoes openly sold, the decency of secrecy not even being considered necessary in their infraction of the positive Laws passed by Spain at the instance of Great Britain.

A cargo came in from Africa a few weeks before my arrival, and was publicly sold, with a British Man-of-War then lying in the Port; and the same, as well as another Vessel, has sailed during my stay here, supposed on a similar mission.

Could I have anticipated so glaring an outrage on the Treaties existing between the two Countries, I should not have failed to have instructed the Captains of His Majesty's Ships then under my Orders, to have remonstrated on such a circumstance occurring; or had I myself been here, I should have allowed no legitimate means to have escaped me of preventing the introduction of this cargo of Human Beings; which traffick is not, however, confined to this Port, every part of the Island benefiting by it, wherever an accession of strength is required. There is every reason to believe the importations, unless checked, will increase; and I much regret to add, that Englishmen, among others, are deeply concerned in these inhuman speculations.

Out of a Population of above 300,000 inhabitants, not more than 25,000 are Slaves; consequently the manufacture of Sugar has been very limited: the remainder of the Population being employed in raising Cattle, and the ordinary food for their own sustenance, with enough Tobacco and Coffee to carry to Market for the purchase of other necessaries of life.

Under these circumstances, a large portion of this fine Island remains in a state of nature; and the richness of its soil, with the inducements held out by the Spanish Government, have brought a considerable number of Speculators from the neighbouring Islands, (many of them English,) who, establishing Sugar and Coffee Estates, require proportionate hands to cultivate them.

I understand, from good authority, that the cargoes of from eight to ten

Vessels are annually distributed in the Island; but the temptations to many ruined Planters in other worn-out Islands to cultivate in this Country are such, that I am persuaded, so long as the present facility of making importations exists, fresh Settlers will annually arrive, and their cupidity will give energy to a Trade already extensively carried on, and which cannot fail to be attended by all the miseries belonging to a state, where it is more the Master's interest to purchase from time to time new Negroes than to pursue those measures for encouraging the increase of Population on his own Estate, which contribute so much to the happiness of the Slaves in British Colonies; and I am sorry to say, that during my stay here, I have had opportunities of hearing sentiments expressed fully corroborating what I have above suggested. I am, &c. THOMAS COCHRANE.

Commodore Sir Edward Owen.

No. 14.—*Captain Sir Thomas Cochrane to Commodore Sir E. Owen.*

(Extract.) *29th January*, 1824.

On the same day, (the 1st December) in consequence of a Man of colour, named William Forbes, having claimed my protection as a British subject, taken in the Sloop Eliza, I addressed to the Governor the Letter marked No. 2, the result of which has been the emancipation of William Forbes, whom I received on board the Forte for a passage to Jamaica,

During my stay at Porto Rico, I received a petition from a Woman of colour, named Louisa Dunbar, praying my protection, she having been detained in the Island two years and a half as a Slave, although a free woman of Jamaica, whose liberation I effected; and she is now on board the Forte, for a passage home.

A black Man of Tortola I also procured permission to depart, and sent him to that Island.

(Inclosure.)—Sir T. Cochrane to the Governor of Porto Rico.—No. 2.

SIR, *H. M. S. Forte, St. Juan's Harbour, Porto Rico, 2d Dec.* 1823.

Since I had the honour to pay my respects to your Excellency, this forenoon a Mulatto Boy has come on board the Forte, speaking English, and stating his name to be William Forbes, and that he is a free British subject, born in Corn Island; that he was captured by the Fortuna, in the Sloop Eliza, relative to which Vessel I have just had the honour to address your Excellency; he further states, that Antonio Piero, since his arrival at Porto Rico, has attempted to sell him, but without as yet succeeding in doing so.

As it was, I apprehend, the duty of the Commander of the Fortuna to report, on his arrival, to your Excellency, all captured Persons he might have with him, either in a state of Slavery or restraint, it will be easily ascertained if he has made a correct Report, or whether he has in this instance been guilty of similar nefarious practices, to those with which he already stands so seriously charged.

In the mean time, I have permitted the Boy to remain on board the Forte, until your Excellency shall be good enough to express your wishes with respect to him. I have the honour, &c.

H. E. The Capt. General of Porto Rico. THOMAS COCHRANE.

No. 15.—Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.

SIR, *Serapis, Port Royal, Jamaica, February 7, 1824.*

In addition to what I reported to you in my Letter No. 16, of the 26th December last, upon the subject of the measures taken for aiding His Majesty's Officers in the recovery of certain Apprenticed Africans stolen from Tortola, and said to have been sold as Slaves at Porto Rico, I directed the attention of Captain Brace thereto, and ordered him to send the Surinam, both to Tortola and Porto Rico on her way down.

From the enclosed Copy of a Letter, however, that I have since received from Captain Sir Thomas Cochrane of the Forte, my Lords Commissioners of the Admiralty will perceive, that the absence from Tortola of the principal Evidence is likely to prevent this business being pursued to a successful issue.

I have, &c.

J. W. Croker, Esq. L. W. HALSTED.

(Inclosure.)—Capt. Sir T. Cochrane to Vice-Admiral Sir L. Halsted.

SIR, *H. M. S. Forte, Port Royal, Jamaica, Feb. 6, 1824.*

In the hope that some further Evidence might be forthcoming, relative to the Negroes stolen from the Island of Tortola, alluded to in my Letter of the 8th of October last (No. 27) addressed to Commodore Sir E. Owen, I called at St. Kitt's, and the before-mentioned Island, on my way to Porto Rico, to offer my assistance towards their recovery; but the absence from Tortola of the principal Evidence, who on the former occasion was prevented by illness from accompanying Captain Crole, precluded my further interfering in the subject.

I have, &c.

Vice Admiral Sir Law. Halsted. THOMAS COCHRANE.

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B.

INSTRUCTIONS issued by The Lords Commissioners of the Admiralty, to Naval Officers, since the 1st of Jan. 1823.

No. 1.—John Barrow, Esq. to Lieutenant Scott, commanding His Majesty's Gun-Brig Swinger.

SIR, *Admiralty Office, July 24, 1823.*

In reference to the order of my Lords Commissioners of the Admiralty, directing you to proceed to the African Station, I am commanded by their Lordships to transmit to you Copies of the Treaties which have been entered into with Spain, Portugal, and The Netherlands, for the prevention of an illicit traffick in Slaves, with Copies of 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 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 several Acts of Parliament, prohibiting the Traffick in Slaves by His Majesty's Subjects.

I am, &c. JOHN BARROW.

Lieut. Scott.

No. 2.—Instructions issued by The Lords Commissioners of the Admiralty, to Rear Admiral Sir George Eyre, as Commander-in-Chief of His Majesty's Ships and Vessels on the South American Station.

(Extract.) *Admiralty Office, August 29, 1823.*

We transmit you herewith, for your information and guidance, Copies of the Treaties which have been concluded between this Country and The Kings of Spain and Portugal, for the prevention of an illicit traffick in Slaves, with copies of the Acts of Parliament which have been passed to give effect thereto; and Copies of the Instructions authorizing the Commanders of His Majesty's Ships and Vessels under your orders, agreeably to the Stipulations in the said Treaties, to search Vessels bearing the Flags of those Nations.

No. 3.—Instructions issued by the Lords Commissioners of the Admiralty, to Vice-Admiral Sir Lawrence William Halstead, as Commander-in-Chief of His Majesty's Ships and Vessels on the West-India Station.

(Extract.) *Admiralty Office, October 9, 1823.*

We transmit to you herewith, for your information and guidance, Abstracts or Copies of the several Acts of Parliament which have been passed

for the prevention of a traffick in Slaves by His Majesty's Subjects; and also Copies of the Treaties which have been concluded between this Country and the Kings of Spain, Portugal, and The Netherlands, for the prevention of such traffick by the Subjects of the respective Countries, with Copies of the Acts of Parliament which have been passed to give effect thereto; and Copies of Instructions which, in conformity with the respective Treaties, are issued under our signatures to the Commanders of His Majesty's Ships and Vessels on the Jamaica and certain other Stations, to authorize them to search Vessels bearing the Flags of the three before-mentioned Nations. You will take care that these Acts, Treaties, and Instructions, be strictly adhered to by the Commanders of the Ships and Vessels under your orders; and you will observe that Vessels of the said Nations, which may be detained for illicit trafficking in Slaves, are to be sent for adjudication to the following Places, as may be most convenient, according to the situation in which the detention may take place; viz.

Vessels of *any of the Three Nations*, to Sierra Leone; or, *Spanish* Vessels, to The Havannah; and *Dutch* Vessels, to Surinam; Courts having been established at these Places for the trial of Offences of the above description committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours may be sent to, and tried at, either of the Places above enumerated; and, of course, at any British Port where proper Courts of Judicature exist, as explained in the several Acts of Parliament.

With respect to the Dutch Vessels we have further to observe to you, that the number of His Majesty's Ships which may be authorized to search those Vessels being limited by the Treaty, instructions to search Dutch Vessels have only been issued to four of the Squadron under your Command; and you are therefore to take care that, whenever any Ship or Vessel, furnished therewith, shall be about to leave the Station, the Dutch instructions, and papers relating to them, be transferred to another Vessel, the name of which is to be reported, at the time, to our Secretary.

No. 4.—John Barrow, Esq. to Captain Bullen of His Majesty's Ship Maidstone.

SIR, *Admiralty Office, January* 15, 1824.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, an Extract of a Letter from a Gentleman at The Havannah, respecting the sailing of three Spanish Vessels from Cuba for the Coast of Africa, with the supposed intention of engaging in the Slave Trade.

I am, &c.

Capt. Bullen. JOHN BARROW.

(Inclosure)—Extract of a Letter from Mr. ———; *dated Havannah, 25th October*, 1823.

On the 19th instant, three Vessels cleared out from the Port for the Islands on the Coast of Africa; namely, the Brig Orestes, Don Domingo Zurbano, master, for St. Thomas's; and the Brig Teresa, Don Juan Sandrino, master; and the Schooner Socorro, Don Antonio Pulles, master; for

Prince's Island. The declared object of their voyage is, of course, lawful commerce in these Parts; but their real object is, undoubtedly, the Slave Trade.

I am told that these Vessels have been fitted out in consequence of a report which has reached this Place, that our Squadron on the Coast of Africa has been considerably reduced in number.

No. 5.—John Barrow, Esq. to Captain Bullen of His Majesty's Ship Maidstone.

SIR, *Admiralty Office, January* 24, 1824.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, a Copy of a Letter from a Gentleman at The Havannah, relative to a Vessel named the Eugenie, under Dutch Colours, but manned with a French crew, which has been captured in the West Indies, with a cargo of Slaves on board from Calabar; and to a Spanish Vessel called the Romano, which it is suspected may be intended to proceed to the Coast of Africa, for the purpose of engaging in the Slave Trade.

Capt. Bullen. I am, &c. JOHN BARROW.

(Inclosure.)—Letter from Mr. ————, at The Havannah.

SIR, *Havannah, December* 5, 1823.

I have been informed by Commodore Sir Edward Owen, that a Vessel was captured on the 3d ultimo by one of his cruizers, having on board 237 Negroes. The Master stated he was from Calabar, and bound to Santiago de Cuba. The Vessel is called the Eugenie, under Dutch Colours, from St. Eustatia, but last cleared from St. Thomas's, and manned by Frenchmen, the Master being of the same Nation. The Commodore found it necessary to land the Negroes, in consequence of the state they were in, and the smallness of the Vessel.

On the 2d instant, the Spanish Privateer Romano, Don José del Cotorro, Captain, having 14 guns and 140 men, sailed from this Port. This Vessel was fitted out for the purpose of cruizing against French Commerce, but as it is now too late for that, she is said to be destined for Costa Firme; it is much to be feared, however, that she will ultimately try her fortune on the African Coast. I have, &c. ————

No. 6.—John Barrow, 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, February* 11, 1824.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of two Additional Articles to the Convention concluded on the 28th of July, 1817, with The King of Portugal, for the prevention of the Illicit Traffick in Slaves *; and also —— other Copies of the said Articles, which you are to issue to the Commanders of His Majesty's Ships and Vessels under your Orders, with directions for carrying into effect His Majesty's intentions in regard to the stipulation recorded in these Articles.

I am, &c. JOHN BARROW.

* See Page 23

No. 7.—Instructions issued by the Lords Commissioners of the Admiralty, to Commodore Bullen, as Commanding Officer of His Majesty's Ships and Vessels on the Coast of Africa.

(Extract.) *Admiralty Office, March* 25, 1824.

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 proceed with all convenient expedition to the Coast of Africa, where you are to employ yourself in affording such countenance and assistance to the British Settlements, and such protection to the British Commerce as may be found requisite; and in preventing to the utmost of your power any illicit Traffick in Slaves by His Majesty's Subjects, or by the Subjects of The Kings of Spain, Portugal, and The Netherlands, with whom Treaties, as hereinafter mentioned, have been concluded by this Country respecting that Traffick; taking under your Orders, and employing upon the said Services, the Sloops and Gun-Brig named in the margin,* which are now on the African Station, and whose Commanders are directed, by the Orders which we herewith enclose to you, to place themselves under your command.

You are to proceed in the first instance to Sierra Leone, where you are to communicate with the Governor, and to confer with him as to the best mode of effecting the objects you have in view.

You will assign such Stations, and give such Instructions to the Vessels under your Orders, as you may judge most proper, with a view to the effectual fulfilment of the objects before mentioned; and for which purpose the several Bays and Creeks, particularly in the Bights of Benin and Biafra, must be diligently watched, and frequently examined, to ensure as far as practicable, by the Force under your Orders, the seizure of such Vessels as may be liable thereto under the several Acts and Treaties for putting a stop to the trading in Slaves.

We herewith transmit to you Copies or Abstracts of the several Acts of Parliament relating to British Subjects engaged in Traffick in Slaves, by which you are to be governed with regard to such British Subjects as you may discover to be engaged in the said Traffick, and to use every means in your power to carry into full effect the said Acts.

With regard to Vessels belonging to the Subjects of the The Kings of Spain, Portugal, and The Netherlands, we transmit to you herewith the following Documents; viz.

Copies of the Treaties or Conventions concluded between His Majesty and those Sovereigns for the prevention of an illicit Traffick in Slaves by Their respective Subjects:

Acts of Parliament which have been passed to give effect to those Treaties; and,

Instructions, signed by us, authorizing you, in conformity with the Treaties, to search Vessels, bearing the Flags of the said Nations, respectively.

You are to be strictly governed by these Documents in your conduct towards the Vessels in question, and you will take care that the Commanders of the Vessels under your Orders, also strictly attend to the same.

* Bann, Driver, Victor, Swinger, g. b.

You will observe, in the Treaty with Spain, that the period for which that Nation reserved to Herself the Right of trading in Slaves to the South of the Equator is now expired; and consequently *all* Spanish Ships which shall in future be found trafficking in Slaves, in any part of the Coast of Africa, whether North or South of the Equator, will be liable to be dealt with for condemnation, as directed by the said Treaty.

And you are to understand, that any Ships of the Three before-mentioned Nations, which may be captured for illicit Trafficking in Slaves, are to be sent for Adjudication to the following Places, as may be most convenient, according to the situation in which the capture may be made; viz.

Ships of *any of the Three Nations*, to Sierra Leone; or, *Spanish* Ships, to The Havannah, and *Dutch* Ships to Surinam; Courts having been established at these Places for the Trial of Offences of the above description, committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours, may be sent to, and tried at, either of the Places enumerated.

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 in the Maidstone, or send to England any of the Squadron under your command; in which case, you will consider yourself at liberty so to act.

No. 8.—*John Barrow, 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, April* 27, 1824.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for your information and guidance, a Copy of an Act, (5th of Geo. 4. c. 17.)* for the more effectual Suppression of the African Slave Trade.

And I also inclose —— other Copies of the said Act, for issue to the Commanders of His Majesty's Ships and Vessels under your orders.

I am, &c. JOHN BARROW.

No. 9.—*Letter to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the* 23*d of June*, 1823, *to the* 30*th of April*, 1824, *to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies.*

SIR, *Admiralty-Office.*

IN reference to the Order of my Lords Commissioners of the Admiralty, directing you to proceed to the ———— Station, I am commanded

* See Page 122.

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 23d of June, 1823, and the 30th of April, 1824, to the Commanders of the following Ships and Vessels of His Majesty:—*Larne, Slaney, Mersey, Spartiate, Isis, Ganges, Superb, Victor, Cambridge, Hussar, Tamar, Arachne, Tweed.*

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*ACT of the British Parliament, to amend and consolidate the Laws relating to the Abolition of the Slave Trade.**

[*24th June*, 1824.]

Whereas it is expedient that the various Acts and Enactments relating to Slavery and the Slave Trade should be consolidated and amended; 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 1st day of January in the Year of our Lord 1825, all the Acts and Enactments relating to the Slave Trade and the Abolition thereof, and the Exportation and Importation of Slaves, shall be and the same are hereby *repealed*, save and except in so far as they may have repealed any prior Acts or Enactments, or may have been acted upon, or may be expressly confirmed by this present Act.

II. And be it further enacted, That it shall not be lawful (except in such special Cases as are herein-after mentioned) for any Persons to *deal or trade in, purchase, sell, barter, or transfer*, or to contract for the dealing or trading in, purchase, sale, barter or transfer of Slaves, or Persons intended to be dealt with as Slaves; or to *carry away or remove* or to contract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves; or to *import or bring*, or to contract for the importing or bringing into any Place whatsoever, Slaves or other Persons, as or in order to their

* 5 Geo. IV. Cap. 113.

being dealt with as Slaves, or to *ship, tranship, embark, receive, detain, or confine on board,* or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as Slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as Slaves; or to *fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire,* or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects, and contracts have herein-before been declared unlawful; or to *lend or advance,* or become Security for the loan or advance, or to contract for the lending or advancing, or becoming Security for the loan or advance of *Money, Goods, or Effects,* employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to become *Guarantee or Security,* or to contract for the becoming Guarantee or Security for Agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or in any other manner to *engage or to contract* to engage directly or indirectly therein, as a *Partner, Agent, or otherwise*; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transhipping, lading, receiving, or *putting on board* of any Ship, Vessel, or Boat, *Money, Goods, or Effects,* to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to take the *Charge or Command, or to navigate or enter and embark on board,* or to contract for the taking the Charge or Command, or for the navigating or entering and embarking on board of any Ship, Vessel, or Boat, as Captain, Master, Mate, Petty Officer,

Surgeon, Supercargo, Seaman, Marine, or Servant, or in any other Capacity, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to *insure* or to contract for the insuring of any Slaves, or any Property, or other Subject Matter, engaged or employed, or intended to be engaged or employed, in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful.

III. And be it further enacted, That (except in such special Cases as are in and by this Act permitted) if any Persons shall deal or trade in, purchase, sell, barter or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of Slaves, or Persons intended to be dealt with as Slaves, or shall carry away or remove or contract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves, or shall import, or bring or contract for the importing or bringing into any Place whatsoever Slaves or other Persons, as or in order to their being dealt with as Slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons for the purpose of their being carried away or removed, as or in order to their being dealt with as Slaves; or to ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves, or other Persons, for the purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as Slaves, then and in every such Case the Person so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall *forfeit and pay* for every such Offence the sum of £100 of lawful money of *Great Britain for each and every Slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transhipped, embarked, received, detained or confined* on

on board, or so contracted for as aforesaid; the one moiety thereof to the use of His Majesty, His Heirs and Successors, and the other moiety to the use of any Person who shall inform, sue, and prosecute for the same; and all Property or pretended Property in such Slaves or Persons as aforesaid shall also be forfeited, and the said Slaves or Persons shall and may be seized and prosecuted as herein-after is mentioned and provided.

IV. And be it further enacted, That (except in such special Cases or for such special purposes as are in and by this Act permitted) if any Persons shall *fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire,* or contract, for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting or taking to freight or on hire, any Ship, Vessel or Boat, in order to accomplish any of the objects or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, such Ship, Vessel, or Boat, together with all her boats, guns, tackle, apparel, and furniture, and together likewise with all property, goods, or effects found on board, belonging to the Owner or Owners, Part Owner or Part Owners of any *such Ship, Vessel, or Boat, shall become forfeited,* and may and shall be seized and prosecuted as herein-after is mentioned and provided.

V. And be it further enacted, That (except in such special Cases or for such special purposes as are in and by this Act permitted) if any Persons shall knowingly and wilfully lend or *advance, or become Security* for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such Case the Person so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall *forfeit and pay* for every such Offence *double the value of all the money, goods, and effects so lent, advanced, or secured,* or so contracted for as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

VI. And be it further enacted, That (except in such special Cases or for such special purposes as are in and by this Act permitted) if any Persons shall knowingly and wilfully

become *Guarantee or Security* or contract for the becoming Guarantee or Security for Agents employed, or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall in any other manner engage or contract to engage directly or indirectly therein, as a partner, agent, or otherwise, then and in every such case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall *forfeit and pay* for every such Offence *double the value of all the money, goods, and effects so by them secured* or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided

VII. And be it further enacted, That (except in such special Cases or for such special purposes as are in and by this Act permitted), if any Person shall knowingly and wilfully *ship, tranship, lade, receive, or put on board,* or contract for the shipping, transhipping lading, receiving, or putting on board of any Ship, Vessel, or Boat, any money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall *forfeit and pay* for every such Offence *double the value of all the money, goods, and effects,* so shipped, transhipped, laden, received, or put on board, or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

VIII. And be it further enacted, That (except in such special Cases or for such special purposes as are in and by this Act permitted) if any Person shall knowingly and wilfully *insure* or contract for the insuring of any Slaves, or any property or other subject matter engaged or employed or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the Person so offending, and their Procurers, Counsellors, Aiders, and Abettors shall *forfeit and pay* for every such Offence the sum of £100 of lawful money of *Great Britain* for every such *Insurance* or contract for the same, and also *treble the amount of the Premium* of any such Insurance or contract for the same, the one moiety thereof

to the use of His Majesty, His Heirs and Successors, and the other moiety to the use of any Person who shall inform, sue, and prosecute for the same, and every such Insurance shall be absolutely null and void.

IX. And be it further enacted, That if any subject or subjects, of His Majesty, or any Person or Persons residing or being within any of the Dominions, Forts, Settlements, Factories, or Territories, now or hereafter belonging to His Majesty, or being in His Majesty's occupation or possession, or under the Government of the United Company of Merchants of *England* trading to the *East Indies*, shall, except in such Cases as are in and by this Act permitted, after the 1st day of *January*, 1825, upon the High Seas, or in any Haven, River, Creek, or Place where the Admiral has jurisdiction, knowingly and wilfully *carry away, convey, or remove*, or aid or assist in carrying away, conveying, or removing, any Person or Persons as a Slave or Slaves, or for the purpose of his, her, or their being imported or brought as a Slave or Slaves, into any Island, Colony, Country, Territory, or Place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves, or shall after the said 1st day of *January*, 1825, except in such Cases as are in and by this Act permitted, upon the High Seas, or within the jurisdiction aforesaid, knowingly and wilfully *ship, embark, receive, detain, or confine*, or assist in shipping, embarking, receiving, detaining, or confining, on board any Ship, Vessel, or Boat, any Person or Persons for the purpose of his, her, or their being carried away, conveyed, or removed as a Slave or Slaves, or for the purpose of his, her, or their being imported or brought as a Slave or Slaves into any Island, Colony, Country, Territory, or Place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves, then and in every such Case the Person or Persons so offending shall be deemed and adjudged guilty of *Piracy, Felony, and Robbery*, and being convicted thereof shall suffer Death without Benefit of Clergy, and loss of lands, goods, and chattels, as Pirates, Felons, and Robbers upon the Seas ought to suffer.

X. And be it further enacted, That (except in such special cases as are in and by this Act permitted or otherwise provided for) if any Persons shall *deal or trade in, purchase, sell, barter, or transfer*, or contract for the dealing or trading

in, purchase, sale, barter, or transfer of Slaves, or Persons intended to be dealt with as Slaves, or shall, otherwise than as aforesaid, *carry away or remove*, or contract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves; or shall *import or bring*, or contract for the importing or bringing into any Place whatsoever, Slaves or other Persons, as or in order to their being dealt with as Slaves; or shall, otherwise than as aforesaid, *ship, tranship, embark, receive, detain, or confine on board*, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as Slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as Slaves; or shall *fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire*, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully *lend or advance, or become Security* for the loan or advance, or contract for the lending or advancing, or becoming security for the loan or advance of *Money, Goods, or Effects*, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully become *Guarantee or Security*, or contract for the becoming guarantee or security, for Agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or in any other manner to engage, or to contract to engage, directly or indirectly therein, as a Partner, Agent, or otherwise; or shall knowingly and wilfully *ship, tranship, lade, receive, or put on board*, or contract for the shipping, transhipping, lading, receiving, or putting

on board of any Ship, Vessel, or Boat, *Money, Goods, or Effects* to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall take the *charge or command, or navigate, or enter and embark on board*, or contract for the taking the charge or command, or for the navigating or entering and embarking on board of any Ship, Vessel, or Boat, as *Captain, Master, Mate, Surgeon, or Supercargo*, knowing that such Ship, Vessel or Boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully *insure*, or contract for the insuring of any Slaves, or any Property or other Subject Matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall wilfully and fraudulently *forge or counterfeit* any Certificate, Certificate of Valuation, Sentence, or Decree of Condemnation or Restitution, Copy of Sentence or Decree of Condemnation or Restitution, or any Receipt (such Receipts being required by this Act), or any Part of such Certificate, Certificate of Valuation, Sentence or Decree of Condemnation or Restitution, Copy of Sentence or Decree of Condemnation or Restitution, or Receipt as aforesaid; or shall knowingly and wilfully *utter or publish* the same, knowing it to be forged or counterfeited, with intent to defraud His Majesty, His Heirs or Successors, or any other Person or Persons whatsoever, or any Body Politic or Corporate; then, and in every such Case, the Person or Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall be and are hereby declared to be *Felons*, and shall be *transported* beyond Seas for a term not exceeding 14 Years, or shall be confined and kept to hard labour for a Term not exceeding 5 Years, nor less than 3 Years, at the discretion of the Court before whom such Offender or Offenders shall be tried and convicted.

XI. And be it further enacted, That (except in such special Cases, or for such special Purposes as are in and by this

Act expressly permitted) if any Persons shall *enter and embark* on board, or contract for the entering and embarking on board of any Ship, Vessel, or Boat, as *Petty Officer*, *Seaman*, *Marine*, *or Servant*, or in any other Capacity not herein-before specifically mentioned, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same Occasion, in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; then and in every such Case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall be and they are hereby declared to be guilty of a *Misdemeanor* only, and shall be punished by *Imprisonment* for a Term not exceeding 2 Years.

XII. Provided always, and it is hereby further enacted and declared, That nothing in this Act contained, making Piracies, Felonies, Robberies, and Misdemeanors of the several Offences aforesaid, shall be construed to repeal, annul, or alter the Provisions and Enactments in this Act also contained, imposing Forfeitures and Penalties or either of them upon the same Offences, or to repeal, annul, or alter the Remedies given for the Recovery thereof; but that the said Provisions and Enactments imposing *Forfeitures and Penalties* shall in all respects be deemed and taken to be in full Force, it being the true Intent and Meaning of this Act, that the Right and Privilege heretofore exercised of *suing in Vice Admiralty Courts* for the Forfeitures or Penalties, shall remain in full force and effect as before the passing of this Act; and the Jurisdiction of the said Vice Admiralty Courts in all Cases of Forfeitures and Penalties imposed by this Act is hereby established, given, ratified, and confirmed.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent any Persons from *dealing or trading in, purchasing, selling, bartering, or transferring*, or from the contracting for the dealing or trading in, purchase, sale, barter, or transfer of any Slaves or Slave lawfully being within any Island, Colony, Dominion, Fort, Settlement, Factory or Territory belonging to, or in the Possession of, His Majesty, in case such dealing or trading, purchase, sale,

barter, transfer or contract shall be made and entered into with the true intent and purpose of employing or working such Slaves or Slave *within such and the same Island*, Colony, Dominion, Fort, Settlement, Factory or Territory, in which they, he, or she may lawfully be at the time of the making or entering into any such dealing or trading, purchase, sale, barter, transfer, or contract.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent any Person from *carrying away or removing* by Land or Coastwise, or from contracting for the carrying away or removing by Land or Coastwise, of any Slaves, lawfully being in any Part of any Island, Colony, Dominion, Fort, Settlement, Factory, or Territory belonging to or in the Possession of His Majesty, *to any other Part of the same Island*, Colony, Dominion, Fort, Settlement, Factory, or Territory: Provided always, that where Two or more Islands are comprized in the same Colonial Government, nothing in this Act contained shall prevent or be construed to prevent any Proprietor of Slaves, lawfully being in any one of such Islands, from carrying away or removing such Slaves to any other Island, within the same Government, for the purpose of cultivating any Estate or Plantation belonging to such Proprietor himself, provided that such special purpose of the removal shall previously be made to appear to the satisfaction of the Governor or Lieutenant Governor, or other Person having the Chief Civil Command for the time being within such Government, who thereupon shall and may grant a *Licence* for such Removal, specifying therein the special cause thereof; but before any Slave or Slaves shall, by virtue of any such Licence, be so removed or embarked on board of any Ship or Vessel for that purpose, such *Clearances or Permits* and such *Certificates* shall be obtained as are herein-after mentioned and directed in regard to Domestic Slaves attending on their Owner or Master or his Family by Sea.

XV. Provided also, and be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order or Orders to be by Him or Them from time to time issued, with the Advice of His or Their Privy Council, to authorize and permit, *until the* 31*st Day of July*, 1827, and to the end of the next ensuing Session of Parliament and no longer, the *Removal of any Slaves from any Island in*

the West Indies belonging to or in the Possession of His Majesty, *to any other Island in the West Indies* belonging to or in the Possession of His Majesty, in case it shall be made appear to His Majesty, His Heirs and Successors, and His or Their Council, that such Removal is essential to the welfare of the Slaves proposed to be so removed: Provided also that it shall and may be lawful for His Majesty, His Heirs and Successors, by any such Order or Orders as aforesaid, to make and establish such *Stipulations, Conditions, and Regulations* for the benefit of such Slaves, in the Island to which they may be so removed, as to His Majesty, His Heirs and Successors, with the advice of His or Their Council, may seem meet, and to take *Security* in double the value of the Slaves so to be removed (such value to be estimated according to the Price of Slaves in the Island to which such Slaves are to be taken) by Bond or Recognizance to be made and entered into by the Person or Persons to or on the application of whom such Licence may be granted, with at least two sufficient Sureties, for the due and faithful observance and performance of all such Stipulations, Conditions, and Regulations as aforesaid; and all Orders in Council to be so issued as aforesaid shall be laid before both Houses of Parliament within six weeks next after the commencement of each Session.

XVI. Provided also, and be it further enacted, That nothing in this Act contained, shall prevent the *Transportation* to any Foreign Colony or Place of any Slave or Slaves that shall have been *convicted* in any Court of Record, by due course of Law, in any present or future *British* Island or Colony, of any Crime to which the punishment of Transportation is or shall be annexed by the Law of such Island or Colony; but in every such Case a Copy of the Judgment or Sentence, certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such *Convict* shall be transported.

XVII. Provided also, and be it further enacted, That nothing in this Act contained, shall prevent any Slave, who shall be really and truly the *Domestic Servant* of any Person residing or being in any Island, Colony, Plantation, or Territory, belonging to or under the dominion or in the possession of His Majesty, from *attending such his Owner or Master*, or any part of his family, by Sea, to any Place whatever; nevertheless, under the following *Regulations:* that is to say, First,

the Name and Occupation of every such Domestic Slave or Slaves, shall be inserted in or indorsed upon the Clearance or Permit to depart of such Ship or Vessel, by or in the presence of the Collector, Comptroller, or other Chief Officer of the Customs of the Port or Place, from which such Ship or Vessel shall clear outwards on any voyage, who shall, without fee or reward, certify under his hand, that the Slave or Slaves so embarked or carried were reported or described to him as Domestic Servants; Secondly, the *Master* or *Owner* of any such Domestic Slave or Slaves shall obtain from the Registry of the Colony to which the same shall belong, an extract, certified by the Registrar thereof, showing that such Domestic Slave or Slaves has or have been duly entered in the Slave Registry of the said Colony, by their name and description or names and descriptions therein specified, which extract and certificate shall always be on board the Ship or Vessel in which any such Domestic Slave or Slaves is or are carried; and upon such Slave or Slaves being brought into or landed in any *British* Colony, the Extract and Certificate of his, her, or their registration in the Colony from which he, she, or they may have come, shall be forthwith produced to the Collector or Principal Officer of the Customs, and a Copy thereof shall be by him delivered to the Registrar of Slaves in the Colony into which he, she, or they may be brought; and if the Domestic Slave or Slaves shall be again removed from the Colony into which they may have been so brought, previous to the next period for making Returns of Slaves therein, the Collector shall, previous to the embarkation of such Domestic Slave or Slaves, return to the Party requiring it the original Extract and Certificate of registration delivered into his Office to be kept on board the Ship or Vessel in which such Domestic Slave or Slaves may be carried; and if the *Regulations* herein contained be not complied with, the Owners of the said Slave or Slaves shall *forfeit* the sum of £100 for every such Slave or Slaves so illegally dealt with, and the Master or other Person having the charge of such Ship or Vessel, shall in every such Case forfeit the sum of £100 for each and every Domestic Slave so unlawfully taken on board.

XVIII. Provided also, and be it further enacted, That nothing in this Act contained shall prevent any Slave or Slaves from being *employed in navigation*, in numbers not exceeding in any One Vessel or Boat, those usually employed

in navigating such Vessels or Boats; nevertheless where he or they shall be designedly so employed in navigating from any *British* Island, Colony, Plantation, or Territory, the *Regulations* prescribed for the Transit of Domestic Slaves as aforesaid shall be duly observed.

XIX. Provided also, and be it further enacted, That nothing in this Act contained, shall prevent any Slave or Slaves from being *employed in fishing*, or any other his ordinary business or occupation upon the Seas; nevertheless, where he or they shall be so employed in the Course of a Navigation designedly undertaken from any *British* Island, Colony, Plantation, or Territory, the *Regulations* prescribed for the Transit of Domestic Slaves as aforesaid shall be duly observed.

XX. Provided also, and be it further enacted, That nothing in this Act contained, shall prevent any Slave or Slaves from being *put on board* any Ship or Vessel by the Order of His Majesty's Commander-in-Chief, either by Sea or Land, in any Island, Colony, Plantation, or Territory belonging to, or under the dominion of, His Majesty, *in order to be employed in His Majesty's Military or Naval Service*, and from being by such Order so employed, however or wheresoever the said Service may require.

XXI. Provided also, and be it further enacted, That nothing in this Act contained shall prevent the *transhipping* and assisting at Sea any Slave or Slaves which shall be in any Ship or *Vessel in distress*.

XXII. And be it further enacted, That all Slaves and all Persons treated, dealt with, carried, kept, or detained as Slaves, which shall be seized or taken as *Prize of War* or liable to *Forfeiture* under this Act, shall and may, for the purposes only of seizure, prosecution, and condemnation as Prize or as Forfeiture, be considered, treated, taken, and adjudged as *Slaves and Property*, in the same manner as Negro Slaves have been heretofore considered, treated, taken, and adjudged when seized as Prize of War, or as forfeited for any Offence against the Laws of Trade and Navigation respectively; but the same shall be condemned as Prize of War or as forfeited to the sole use of His Majesty, His Heirs and Successors, for the purpose only of divesting and barring all other property, right, title, or interest whatever, which before existed or might afterwards be set up or claimed in or to such Slaves or Persons so seized, prosecuted or condemned; and

the same nevertheless shall *in no case* be liable to be sold, disposed of, treated, or dealt with *as Slaves* by or on the part of His Majesty, His Heirs or Successors, or by or on the part of any Person or Persons claiming or to claim from, by, or under His Majesty, His Heirs and Successors, or under or by force of any such Sentence or Condemnation: Provided always, that it shall be lawful for His Majesty, His Heirs and Successors, and such Officers, Civil or Military, as shall by any general or special Order of The King in Council be from time to time appointed to receive, protect, and provide for such *Persons* as shall be so *condemned*, either to *enter and enlist* the same or any of them into His Majesty's Land or Sea Service as *Soldiers*, *Seamen*, or *Marines*, or to bind the same or any of them, whether of full age or not, as *Apprentices* for any Term not exceeding Seven Years, to such Person or Persons, in such Place or Places, and upon such terms and conditions, and subject to such Regulations as to His Majesty shall seem meet, and as shall by any general or special Order of His Majesty in Council, be in that behalf directed and appointed; and any *Indenture of Apprenticeship*, duly made and executed by any Person or Persons to be for that purpose appointed by any such Order in Council for any Term not exceeding Seven Years, shall be of the same force and effect as if the Party thereby bound as an Apprentice had himself or herself when of full age upon good consideration duly executed the same; and every such Person who shall be so enlisted or entered as aforesaid into His Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

XXIII. Provided always, and be it further enacted, That in case any Person or Persons *illegally held or detained* in Slavery shall hereafter by *shipwreck* or otherwise be cast upon, or shall *escape* to or arrive at any Island or Colony, Fort, Territory, or Place under the dominion or in the possession of His Majesty, it shall and may be lawful for His Majesty, His Heirs and Successors, or for any such Officers, Civil or Military as aforesaid, to *deal with, protect, and provide for* any such Person or Persons, in such and the same manner as is herein-before directed with respect to Persons condemned as Prize of War, or as forfeited under this Act.

XXIV. And be it further enacted, That whenever any

Person *apprenticed* under the provisions of any of the Acts for the Abolition of the Slave Trade, shall be *ill-treated* by the Master to whom he is apprenticed, or by any other Person by his directions, or with his knowledge, approbation, or consent, it shall and may be lawful for such Person so apprenticed and so ill-treated, to apply himself, or by any other Person on his behalf, to the Judge of the Vice-Admiralty Court nearest to which his said Master shall be residing; and the said Judge shall have authority and is hereby empowered and required to take cognizance of the said Complaint, and to summon the said Master, Witnesses, and other Persons before him, and examine into the same summarily, and decide thereupon; and if the said Complaint shall, in the judgment of the said Court, be satisfactorily proved, it shall be lawful for the said Judge to *fine* the said Master any Sum not exceeding £ 100 of good and lawful money of *Great Britain*, and to enforce payment thereof by distress and imprisonment; and also, if it shall seem to him meet, to *cancel the Indentures* of apprenticeship; and any Fine so enforced shall go to and belong to our Sovereign Lord The King, His Heirs and Successors.

XXV. Provided always, and be it further enacted, That where any Slaves or Persons treated, dealt with, carried, kept, or detained as Slaves taken as *Prize of War* by any of His Majesty's Ships of War or Privateers duly commissioned, shall be finally condemned as such to His Majesty's use as aforesaid, there shall be paid to the Captors thereof, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such *Bounty* as His Majesty, His Heirs and Successors, shall direct by any Order in Council, so as the same shall not exceed the Sum of £ 20. lawful money of *Great Britain, for every Man, Woman, and Child* that shall be so taken and condemned, and shall be delivered over to the proper Officer or Officers, Civil or Military, appointed to receive, protect, and provide for the same; which Bounties shall be divided amongst the Officers, Seamen, Marines, and Soldiers on board His Majesty's Ships of War or hired armed Ships, in manner, form, and proportion, as by His Majesty's Proclamation for granting the *distribution* of Prizes to be issued for that purpose shall be directed and appointed, and amongst the Owners, Officers, and Seamen of any private Ship or Vessel of War, in such manner and proportion as by any agreement in writing which they shall have entered into for that purpose shall be directed.

XXVI. Provided also, and be it further enacted, That on the *Condemnation* to the use of His Majesty, His Heirs and Successors, of any Slaves or Persons treated, dealt with, carried, kept, or detained as Slaves, seized and prosecuted, not as Prize of War, but as *forfeited* for any offence against this Act (when such Seizure has been made *at Sea* by the Commander or Officer of any of His Majesty's Ships or Vessels of War), there shall be paid to the *Commander or Officer* of such Ship or Vessel of War, who shall so seize, inform, and prosecute, for every Man, Woman, and Child so condemned and delivered over, the Sum of £10. like money, subject nevertheless to such *distribution* of the said *Bounties* or Rewards for the said Seizures made at Sea, as His Majesty, His Heirs and Successors, shall think fit and direct by any Order in Council made for that purpose; and where such seizure shall *not have been made at Sea* by the Commander or Officer of any of His Majesty's Ships or Vessels of War, there shall be paid to and to the use of the *Person* who shall have sued, informed, and prosecuted the same to condemnation, the Sum of £7. 10*s*. lawful money aforesaid, for every Man, Woman, and Child that shall be so condemned and delivered over, and also the like Sums to and to the use of the *Governor or Commander in Chief* of any Colony or Plantation wherein such seizure shall be made.

XXVII. Provided always, and be it further enacted, That in order to entitle the Captors to *receive* the said *Bounty* Money, the Numbers of Men, Women, and Children so taken, condemned, and delivered over, shall be proved to the Commissioners of His Majesty's Treasury, by producing a Copy duly certified of the *Sentence and Decree of Condemnation*, and also a *Certificate* under the Hand of the said Officer or Officers, Military or Civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to His Majesty's Instructions and Regulations as aforesaid.

XXVIII. Provided also, and be it further enacted, That in any Cases in which *doubts* shall arise, whether the Party or Parties claiming such *Bounty Money* is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, subject nevertheless to an

Appeal to the Lords Commissioners of Appeals in Prize Causes.

XXIX. Provided always, and be it further enacted, That no *Appeals* shall be prosecuted from any Decree or Sentence of any Court of Admiralty or Vice Admiralty, touching any of the Matters provided for in this Act, unless the Inhibition shall be applied for and decreed within *Twelve Months* from the Time when such Decree or Sentence was pronounced, except where such Decree or Sentence shall be passed in any Vice Admiralty Court at the *Cape of Good Hope* or to the Eastward thereof, in which Cases *Eighteen Months* shall be allowed for the Prosecution of the said Appeal.

XXX. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to repeal or alter a certain Act passed in the 57th Year of His late Majesty King *George* the Third, (Cap. 127.) intituled, *An Act to settle the Share of Prize Money, Droits of Admiralty and Bounty Money, payable to* Greenwich *Hospital, and for securing to the said Hospital all unclaimed Shares of Vessels found derelict, and of Seizures for Breach of the Revenue, Colonial Navigation, and Slave Abolition Laws;* but that the provisions of the said Act shall be, and they are hereby declared to be, applicable to the several matters and things in this Act contained, the same as if the said provisions were specially enumerated and enacted herein.

XXXI. Provided also, and be it further enacted, That it shall be lawful for His Majesty in Council, from time to time to make such *Orders and Regulations* for the future disposal and support of such Persons as shall have been bound Apprentices under this Act, or the Acts hereby repealed, after the term of their *Apprenticeship* shall have *expired*, or the Indenture of Apprenticeship shall have been cancelled, as to His Majesty shall seem meet, and as may prevent such Persons from becoming at any time chargeable upon the Island, Colony, or Settlement in which they shall have been so bound Apprentices as aforesaid.

XXXII. And be it further enacted, That when any Slaves or Persons treated, dealt with, carried, kept, or detained as *Slaves*, shall be *captured*, or seized as Prize of War, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any Law, *and brought to adjudication* in the High Court of Admiralty, or in any Court of Vice Admiralty, or in any Court of His Majesty's

Colonies or Plantations, or elsewhere within His Majesty's Dominions, which is or may be authorized to hold jurisdiction in such Cases, it shall be lawful for the Person or Persons claiming any right or property in, or the possession of such Slaves, and he is hereby required *to put such Slaves on shore*; and it shall be lawful for the Collector or other Chief Officer of the Customs in such Port or Place in which such Slaves shall be brought to adjudication, and he is hereby required to direct enquiry to be made, whether the Persons or Person claiming any right or property in, or the possession of such Slaves, shall have furnished, or shall be willing and able to furnish sufficient *food and necessaries* for the support and wholesome maintenance of the said Slaves, during the Proceedings which may have been or may be instituted respecting such Slaves; and such Collector or other Chief Officer of the Customs shall, as soon as may be, report to the Governor or Lieutenant Governor, or other Person exercising the authority of Governor in such Colony, or Plantation or Place, the result of such enquiry; and if it shall appear to the said Governor or Lieutenant Governor, or other Person exercising the authority of Governor, that sufficient food and necessaries for the wholesome maintenance of such Slaves, during the Proceedings so instituted or to be instituted as aforesaid, have not been furnished; and if the Person or Persons claiming any right or property in or to such Slaves, shall *refuse* or afterwards *neglect* or omit to supply proper food and necessaries for the support and wholesome maintenance of the said Slaves during such Proceedings, the said Governor or Lieutenant Governor, or other Person exercising the authority of Governor in such Colony, or Plantation, or Place, being satisfied of the truth of the report so made to him, shall authorize the said Collector or Chief Officer of the Customs to take on himself the immediate *care and custody* of such Slaves, and to provide proper food and necessaries for such Slaves, during the Proceedings so instituted, or to be instituted in any such Court as aforesaid, until the said Court shall have made its Decree, having the force and effect of a definitive Sentence, condemning or restoring the said Slaves; and in case the said Court shall, by such Decree, absolutely *restore or condemn* such Slaves, the said Court shall, on application made by the said Collector or Chief Officer of the Customs so providing or having provided for the support and maintenance of such

Slaves as aforesaid, direct the *Accounts* for the provisions and necessaries so supplied for the said Slaves, to be brought into the Registry of the Court and examined, and direct the same, when confirmed, to be a charge on the said Slaves, to be *defrayed* by the Person receiving possession thereof, under the Decree of such Court: Provided nevertheless, that in case the Court shall not immediately restore or condemn the said Slaves by Decree, having the force and effect of a definitive Sentence, but shall direct *further proof* to be made in the Cause, whereby the restitution or condemnation shall be *deferred*, and the Person claiming any right or property in, or the possession of, the said Slaves, shall not have supplied, or at any time pending Proceedings in that Court, shall refuse or neglect to supply proper food and necessaries for the said Slaves, it shall be lawful for the Court to direct a *valuation* to be made of such Slaves, and to decree such Slaves, after such valuation had and approved by the Court, to be *delivered over* to such Officer or Person as may be appointed by His Majesty to receive Slaves condemned to His Majesty's use, according to the provisions of this Act, and the same shall be dealt with and treated in all respects according to the said provisions, save and except that the *Bounty* shall not be due or payable for such Slaves, but in the event of *final Condemnation*, according to the provisions of this Act.

XXXIII. And be it further enacted, That in all Cases in which there shall have been a Decree having the force and effect of a definitive *Sentence*, restoring or condemning the said Slaves, and the same shall be *suspended by Appeal*, it shall be lawful for the Court, notwithstanding such Appeal, and it is hereby required to proceed forthwith to direct the Slaves so detained to be *valued* as above directed; and after such valuation had and approved by the Court, to be *delivered over* to such Officer or Person as may be appointed to receive Slaves condemned to His Majesty's use, according to the aforesaid provisions, as if the same had been finally condemned to His Majesty; and such Slaves shall be treated and dealt with in all respects in the same manner as if they had been finally condemned to His Majesty, save and except that the *Bounties* shall not be due or payable thereon, but in the event of *final Condemnation* to His Majesty, according to the provisions of this Act.

XXXIV. And be it further enacted, That in all Cases in

which such Slaves shall have been delivered over as before directed, and shall be finally *restored* in the Court of Appeal, *restitution* in value shall be made for the use of the Claimant or Proprietor thereof, according to the *valuation* made as above directed, together with *interest thereon*, such Sums being deducted therefrom as may have been expended for the *support and maintenance* of the said Slaves, by the Collector or Chief Officer of the Customs as above directed; and the value so adjusted shall be paid out of the *Consolidated Fund*, in the same manner as Bounties are directed to be paid for Slaves condemned to His Majesty under this Act, on the production of an official Copy of the final Sentence of restitution, with the valuation of the said Slaves endorsed thereon by the Registrar of the said Court, or his Deputy, subject nevertheless, when the restitution shall be decreed by the Court of Appeal, to the review and correction of the said valuation.

XXXV. Provided always, and be it enacted, That nothing herein contained shall prevent the said Courts, or any of them, having jurisdiction in the principal Cause, from adjudging and decreeing the Captors, Seizors, or Prosecutors in any such Cause as aforesaid, to pay, out of their own proper Monies, such Sums in the nature of *Costs or Damages*, as the said Court shall decree, when it shall appear to such Court that the *capture, seizure, or prosecution*, or the Appeal thereon on the behalf of the Captor, Seizor, or Prosecutor, *shall not be justified* by the circumstances of the Case.

XXXVI. And be it further enacted, That all Ships or Vessels, whether *British* or Foreign, which shall be *condemned* in any Court of Admiralty or Vice Admiralty, in any part of His Majesty's Dominions, for any Offence in relation to the Slave Trade, or under any of the Mixed Commission Courts herein-after mentioned, or which may in future be established in pursuance of any Treaty or Convention between this Country and any Foreign Power, shall, from and after such Judgment or Condemnation respectively, be entitled to a *Certificate or Registry* as a *British* Ship, and thereupon have and enjoy all the privileges and advantages of *British*-built Ships and Vessels, being first duly registered according to the provisions of an Act made in the 26th Year of the Reign of His late Majesty, and shall be deemed and taken as such, and shall be entitled to have and enjoy all and every the same rights, liberties, privileges, and advantages, in all respects

whatsoever with *British*-built Ships and Vessels, and shall be subject and liable to all and every the Rules and Regulations that *British*-built Ships or Vessels are subject and liable to; any Law, Custom, or Usage, to the contrary thereof in anywise notwithstanding.

XXXVII. And whereas in and by an Act, passed in the 59th Year of His late Majesty, King *George* the Third, (Cap. 120.) intituled *An Act for establishing a Registry of Colonial Slaves in* Great Britain, *and for making further Provisions with respect to the Removal of Slaves from* British *Colonies*, it is enacted, that it shall be lawful for His Majesty to nominate and appoint, by Warrant, under the Hand and Seal of One of His Majesty's Principal Secretaries of State, some fit and proper Person as the *Registrar of Colonial Slaves*, to receive the Copies of all Registries or Returns of Slaves, and of any Abstracts or Indexes referring thereto, which may have been, or which may at any time hereafter be transmitted from any of His Majesty's Foreign Possessions, either in pursuance of any Order of His Majesty in Council, or of any Law or Ordinance duly passed in any of the *British* Colonies respectively, which said Registrar, and his Successors respectively, shall continue to hold the said Office during His Majesty's pleasure; and also, that the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, shall assign to the Registrar so appointed such a *Salary*, not exceeding in the whole the Sum of £800 *per Annum*, as shall appear to them adequate and proper, and shall fix the number of such *Clerks, Officers, or other Persons*, to assist the said Registrar, as may from time to time be necessary, and shall allow to them also such *Salaries* as may be proper, and also reasonable Sums for *incidental Charges*; all which Salaries and Charges shall be defrayed and paid, in the same manner as the Salaries and incidental Charges of the Offices of His Majesty's Principal Secretaries of State are now defrayed and paid; and also, that the said Commissioners of the Treasury, or any Three or more of them, shall provide a proper and distinct *Office* for the said Registrar, and shall appoint the several *Fees* to be taken by the Registrar or his Assistants in the said Office, and shall cause a *Schedule* of the same to be delivered to the said Registrar at the time of his Appointment, which said Schedule, or a Copy thereof, shall be always kept

and hung, for public information, in the Office of the Registrar; provided always, that the *Fees* so received by the Registrar, or his Assistants, shall be carried to the Public Account, and the Residue thereof, if any, after paying the Salaries of the Registrar, and other Persons employed in his Office, shall be applied, under the direction of the said Commissioners of the Treasury, in aid of the Expences of His Majesty's Civil List; and also, that the Person who may be at any time appointed *Registrar* of Colonial Slaves shall, before he enters on the execution of his said Office be *sworn* before the Chief Justice, or One of the Justices of His Majesty's Courts of King's Bench or Common Pleas, or the Chief Baron, or One of the Barons of His Majesty's Court of Exchequer, in the words following:

'I, *A. B.* do solemnly promise and swear, That I will in 'all respects faithfully and uprightly perform the Duties of 'Registrar of Colonial Slaves, to the best of my judgment 'and ability, 'So help me GOD.'

And also, that any *Registrar* of Slaves who may be appointed by virtue of this Act shall, during his continuance in such Office, be incapable of being elected or of sitting as a *Member of the House of Commons*; and also, that as soon as the Office of Registrar of Colonial Slaves shall be opened, Copies and Duplicates of the several *Registries and Returns* of Slaves in the several Colonies, and all Papers connected therewith, which may have been received by any of His Majesty's Secretaries of State, shall be delivered over to the said Registrar, and shall be by him kept in the said Office; and the said Registrar shall from time to time carry on, continue, correct, and enlarge the Copies of the several Registries of Slaves respectively, pursuant to the further Returns of Slaves which may from time to time be received from the several Colonies, and shall form such Indexes and Abstracts, and such convenient arrangements in other respects as may best promote regularity in keeping the said Books and facilitate search therein; and also, that every such Registrar or his Clerk or Assistants, so to be appointed as aforesaid, shall give due *Attendance* at the said Office every day in the week (except *Sundays* and such *Holidays* as are kept at the Bank of *England*), from the hour of 10 of the clock in the morning to the hour of 4 of the clock in the afternoon, for the dispatch of all

business belonging to the said Office; and that every such *Registrar*, or his Clerks or Assistants, shall, as often as required, make *Searches* concerning any Slave or Slaves that shall be registered or supposed to be registered in any of the said Books; and shall also, if required, give *Certificates* under the hand of the said Registrar as to the registration or non-registration of any such Slave or Slaves, with extracts, when the same is or are found to be registered, of the name and description or names and descriptions thereof, and of the Plantation or Plantations, Owner or Owners to whom the same is or are described to belong, and of any other particulars relating thereto which may be stated in the said Registry; and that such Registrar shall be entitled to receive for every such Search, Certificate, or Extract, such Sums as shall be duly appointed in the *Schedule of Fees*, to be fixed by the said Commissioners of the Treasury as is herein-before provided for; and also, that it shall not be lawful for any of His Majesty's Subjects in this United Kingdom to *purchase* or to lend or *advance any money*, goods, or effects upon the security of any Slave or Slaves in any of His Majesty's Colonies or Foreign Possessions, unless such Slave or Slaves shall appear by the Return received therein to have been *first duly registered* in the said Office of the Registrar of Colonial Slaves; and that every *sale, mortgage, and conveyance*, or assurance of, and every charge or other security upon any Slave or Slaves not so appearing to be registered, which shall be made or executed within this United Kingdom, to or in trust for any of His Majesty's Subjects, shall be absolutely *null and void* in respect of any such *unregistered* Slave or Slaves; and that for this purpose no Slave or Slaves shall be deemed and taken to be *duly registered*, unless it shall appear that a *Return* of such Slave or Slaves duly made by the Owner or Owners or other Persons in his or their behalf, in the manner and form required by Law in the Colony in which such Slave or Slaves may reside, or a Copy or abstract of such Return, shall have been received in the Office of the said Registrar from the Colony in which such Slave or Slaves shall reside, within the *four Years* next preceding the date of such sale, mortgage, conveyance, or assurance, charge, or security as aforesaid; and also, that no *Deed or Instrument* made or executed within this United Kingdom, whereby any Slave or Slaves in any of the said Colonies shall be intended to be *mortgaged, sold,*

charged, or in any manner *transferred* or conveyed, or any estate or interest therein created or raised, shall be good or valid in Law, to pass or convey, charge or affect any such Slave or Slaves, unless the *registered name and description*, or names and descriptions, of such Slave or Slaves, shall be duly set forth in such *Deed or Instrument*, or in some *Schedule* thereupon indorsed or thereto annexed, according to the then latest *Registration*, or corrected Registration, of such Slave or Slaves, in the said Office of the Registrar of Slaves: Provided always, that no Deed or Instrument shall be avoided or impeached by reason of a *clerical Error* in setting forth the names and descriptions of any Slave or Slaves therein, or in any Schedule thereto contained, nor shall the same be avoided or impeached by reason of any disagreement between the names and descriptions and the entries thereof, in the Books of the Registry, or Duplicate Registry, which shall have arisen from any error or default of the Registrar, his Assistant or Clerks, in extracting and certifying the said names and descriptions, without the fraudulent contrivance or wilful default of the Parties to such Deed or Instrument: Provided also, that nothing herein contained shall extend or be construed to hinder or prevent the *transfer or assignment* of any *security, mortgage, or charge*, of or upon Slaves, granted, made, created, or executed antecedently to the passing of this Act, nor to avoid any Deed or Instrument whereby such security, mortgage, or charge shall be hereafter transferred, nor to avoid, hinder, or impeach any Will, Codicil, or other Testamentary Paper, or any Probate or Letters of Administration, or any Bill of sale, assignment, conveyance, or Instrument, made by or under the authority of any Commission of Bankrupt, or any Public Officer appointed to assign or convey any insolvent estate and effects, or by or under the authority of any Court of Justice, or any Officer thereof, or in the execution of any legal Process, by reason that the registered names and descriptions of any Slaves are not set forth in such Deed, Will, Codicil, Testamentary Paper, Probate of Letters of Administration, Bill of Sale, Assignment, Conveyance, or Instrument; and also, that the *Issue* of any Slave or Slaves, named or described in any Deed or Instrument executed in the United Kingdom, or any Schedule thereto, born after the Return required by Law, in the Colony in which such Slave or Slaves may be resident, who shall afterwards be duly

registered in the next Return required by Law in the said Colony, shall be deemed and considered to pass and be conveyed and affected as registered Slaves by such Deed or Instrument, as effectually to all intents and purposes as if such *Issue* were therein named and described, and any thing in this Act contained to the contrary notwithstanding; now be it declared and enacted, That the said several enactments shall be and remain in full force and effect.

XXXVIII. And be it further enacted, That every Act which the *Governor* of any Island, Colony, Plantation, or Territory, belonging to or under the Dominion of His Majesty, is by this Act directed or authorized to do or perform, may be lawfully done or performed by the Person or Persons executing, *pro tempore*, the Office or function of Governor of any such Island, Colony, Plantation, or Territory, by authority from His Majesty, whether under the style and title of Governor, Lieutenant Governor, President of the Council, or under any other style or title whatsoever.

XXXIX. And be it further enacted, That every *Mortgage*, Bond, Bill, Note, or other Security, made in or to accomplish any of the *objects*, or the contracts in relation to the objects, which objects and contracts have by this Act been declared *unlawful*, shall, except in the Case of a *bonâ fide* Purchaser or Holder of any such of the said Securities as are in their nature negociable, who may have purchased or obtained the same, without notice that the same were made or given for any such unlawful purposes, be *void*.

XL. Provided always, and be it further enacted, That if any Person or *Persons offending* as a Petty Officer, Seaman, Marine, or Servant, against any of the provisions of this Act, shall, within *two Years* after the offence committed, *give information* on oath before any competent Magistrate, against any Owner or Part Owner, or any Captain, Master, Mate, Surgeon, or Supercargo of any Ship or Vessel, who shall have committed any Offence against this Act, and shall give Evidence on oath against such Owner or Part Owner, Captain, Master, Mate, Surgeon, or Supercargo, before any Magistrate or Court before whom such Offender may be tried; or if such Person or Persons so offending shall give information to any of *His Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Chargés d'Affaires, Consuls, Residents, or other Agents*, so that any Person or Persons owning such Ship or Vessel, or

navigating or taking charge of the same, as Captain, Master, Mate, Surgeon, or Supercargo, may be apprehended, such Person or Persons so giving information and Evidence shall *not be liable* to any of the pains or penalties under this Act, incurred in respect of his Offence, and His Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Chargés d'Affaires, Consuls, Residents, or other Agents, are hereby required to receive any such information as aforesaid, and to transmit the particulars thereof, without delay, to One of His Majesty's Principal Secretaries of State, and to transmit Copies of the same to the Commanders of His Majesty's Ships or Vessels then being in the said Port or Place.

XLI. And be it further enacted, That if any oath taken under this Act shall be wilfully false, or if such *false oath* shall be unlawfully or wilfully procured or suborned, the Offender shall incur and suffer the like pains and penalties as are by Law inflicted upon Persons committing wilful and corrupt *Perjury*, orSubornation of Perjury respectively.

XLII. And be it further enacted, That where any Slave or *Slaves* that may be lawfully *removed*, shall be sent, removed, carried, or conveyed, *without observing the Regulations*, or any or either of them, required by this Act, such Slave or Slaves shall be *forfeited* to His Majesty, His Heirs and Successors; and where any Slave or Slaves shall be found on board, who shall be *untruly* or fraudulently *described* in or upon the Clearance or Permit required by this Act, with intent to violate or elude any of the prohibitions or regulations in this Act contained, the Owner, Master, or other Person by whom or by whose procurement such Slave or Slaves shall be so untruly or fraudulently described, with such intent as aforesaid, shall respectively *forfeit* and pay the sum of £.100 lawful Money of *Great Britain* for every such Slave or Slaves; and also where the non-observance shall consist in *exporting*, sending, removing, carrying, or conveying any Slave or Slaves (not being Domestics or Mariners, as in this Act aforesaid), *without such certified Copy* from the Registrar of the Colony, as by this Act is mentioned, the *Ship* or Vessel in which the same shall be so exported, sent, removed, carried, or conveyed, shall be *forfeited* to His Majesty, His Heirs and Successors; and where the non-observance shall consist in *embarking* or carrying any Slave or Slaves *without such Certificate*, the *Master* or other Person having the charge of the Ship or Ves-

sel in which the same shall be so embarked and carried, without such Certificate as aforesaid, shall *forfeit* and pay the Sum of £.100 lawful Money aforesaid, for every such Slave or Slaves.

XLIII. And be it further enacted, That all *Ships*, Vessels, *Slaves*, or Persons treated, dealt with, carried, kept, or detained as Slaves, and all Goods and Effects that may become *forfeited* under this Act, shall and may be *seized* by any *Officer* of His Majesty's *Customs*, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War, or any Officer bearing His Majesty's Commission in His Majesty's *Navy or Army*; and moreover, it shall and may be lawful for all *Governors* or Persons having the Chief Command, Civil or Military, of any of the Colonies, Settlements, Forts, or Factories belonging to His Majesty, and for all Persons deputed and authorized by any such Governor or Commander-in-Chief, *to seize and prosecute* all Ships and Vessels, Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, and all Goods and Effects whatsoever that shall or may become forfeited for any Offence under this Act

XLIV. And be it further enacted, That the *Proceeds* of all Ships and Goods *seized*, *prosecuted*, and *condemned* for any Offence against this Act, except in such Seizures as shall be made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War, shall be *divided*, *paid*, *and applied* as follows; that is to say, after deducting the Charges of Prosecution from the Gross Amount thereof, *One-Third* of the Net Proceeds shall be paid into the hands of such Person as *His Majesty*, His Heirs and Successors, may please to appoint, for the use of His Majesty, His Heirs and Successors; *One-Third* part thereof to the *Governor* or Commander-in-Chief of the Island, Colony, Plantation, Settlement or Territory where the said Seizure shall have been made or prosecuted; and the *other Third* part thereof to the *Person* or Persons who shall lawfully *seize*, *inform and prosecute* the same to Condemnation; and in Cases of Seizures made at *Sea* by the Commanders or Officers of His Majesty's Ships or Vessels of War, *One Moiety* of the said Net Proceeds, after deducting the Charges of Prosecution as aforesaid, shall be paid into the hands of such Person as His Majesty, His Heirs and Successors, may please to appoint, for the use of *His Majesty*, His Heirs and Successors, and the *other Moiety*

to the *Commanders* or Officers of His Majesty's Ships or Vessels of War, who shall have made the Seizure, and prosecuted the same to Condemnation, subject nevertheless to such *distribution* in the Seizures made by the Commanders or Officers of His Majesty's Ships or Vessels of War, whether at Sea or otherwise, as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that purpose.

XLV. And be it further enacted, That all Persons authorized to make *Seizures* under this Act shall, in making and prosecuting any such Seizures, have the benefit of all the provisions made by an Act of the 4th year of His late Majesty King *George* the Third, (Cap. 15.) intituled, *An Act for granting certain Duties in the* British *Colonies and Plantations in* America; *for continuing, amending, and making perpetual an Act, passed in the 6th year of the reign of His late Majesty King* George *the Second, intituled, 'An Act for the better securing 'and encouraging the Trade of His Majesty's Sugar Colonies 'in* America,' *for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the 25th year of the reign of King* Charles *the Second, intituled, 'An Act for the Encouragement of the 'Greenland and* Eastland *Trades, and for the better securing 'the Plantation Trade;' and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and* Great Britain; or any other Act made for the protection of Officers seizing and prosecuting for any Offence against the said Act, relating to the Trade and Revenues of the *British* Colonies or Plantations in *America*.

XLVI. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain*, or elsewhere, against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the *General Issue*, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by

the authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover *treble Costs*, and have the like remedy for the same, as Defendants have in other Cases by law.

XLVII. And be it further enacted, That all *Actions*, Suits, Bills, Indictments, or Informations, for the recovery of any of the Penalties or Forfeitures under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted, at any time *within five Years* after the Offence committed, by reason whereof such Penalty or Forfeiture shall be incurred: Provided always, that where any *Slave or Slaves* have been, or shall at any time have been, *illegally imported*, nothing herein contained shall extend to prevent Proceedings being commenced to obtain the condemnation or forfeiture thereof, but that the said Slave or Slaves, so illegally imported, shall and may be *condemned* and forfeited *at any time* after such illegal importation.

XLVIII. And be it further enacted, That all *Offences* against this Act, which shall be committed in any Country, Territory, or Place, other than this United Kingdom, or on the High Seas, or in any Port, Sea, Creek, or Place, where the Admiral has jurisdiction, and which shall be prosecuted as Piracies, Felonies, Robberies, or Misdemeanors, shall and may be *enquired of*, either according to the ordinary course of Law, and the provisions of an Act passed in the 28th year of the reign of King *Henry* the Eighth, (Cap. 15.) intituled, *An Act for Pirates*; or according to the provisions of an Act passed in the 33d year of the reign of King *Henry* the Eighth, (Cap. 23.) intituled, *An Act to proceed by Commission of Oyer and Terminer against such Persons as shall confess Treason and Felony, without remanding the same to be tried in the Shire where the Offence was committed*, as far as the same Act is now unrepealed; or according to the provisions of an Act passed in the 11th and 12th Years of the reign of His late Majesty King *William* the Third, (Cap. 7.) intituled, *An Act passed for the more effectual Suppression of Piracy*, in and as far as the same Act is now unrepealed; or according to the provisions of an Act passed in the 46th year of the reign of His

late Majesty King *George* the Third,* intituled, *An Act passed for the more speedy Trial of Offences committed in distant Parts, upon the Seas*; and all Persons convicted of any of the said Offences, to be enquired of, tried, and determined, under and by virtue of any Commission to be made or issued according to the directions of the said Act of the 46th year of His late Majesty's reign aforesaid, shall be subject and liable to and shall suffer all such and the same *Pains, Penalties, and Forfeitures* as by this Act, or any Law or Laws now in force, Persons convicted of the same respectively would be subject and liable to, in case the same were respectively enquired of, tried, and determined, and adjudged, within this Realm, by virtue of any Commission made according to the directions of the Statute of the 28th year of the reign of King *Henry* the Eighth.

XLIX. And be it further enacted, That all *Offences* against this Act, which shall be committed in any Place *where the Admiral has not jurisdiction*, and not being within the local jurisdiction of any Ordinary Court of a *British* Colony, Settlement, Plantation, or Territory, competent to try such Offence, may be enquired of, tried, and determined, under and by virtue of any *Commission* to be issued, according to the directions of the said Act of the forty-sixth year of the reign of His late Majesty, King *George* the Third.

L. And be it further enacted, That all *Offences* committed against this Act may be enquired of, tried, determined, and dealt with, as if the same had been respectively committed within the body of the *County of Middlesex*.

LI. And be it further enacted, That, unless in Cases specially provided for by this Act, all *Forfeitures and Penalties* shall and *may be prosecuted*, sued for, recovered, and applied, as follows; that is to say, the several pecuniary Penalties and Forfeitures imposed and inflicted by this Act shall and may be sued for, prosecuted, and recovered in any Court of Record in *Great Britain*, or in any *Court of Record or Vice Admiralty* in any part of His Majesty's Dominions, wherein the offence was committed, or where the Offender may be found after the commission of such offence; and all *seizures* of Ships, Vessels, or Boats, Slaves, or Persons, treated, dealt with, carried, kept, or detained, as Slaves, Goods, or Effects, subject to forfeiture under this Act, shall and may be sued for, prosecuted,

* Cap. 54.

and recovered, in any *Court of Record* in *Great Britain*, or in any *Court of Record or Vice Admiralty* in any part of His Majesty's Dominions in or nearest to which such Seizures may be made, or to which such Ships or Vessels, Slaves or Persons treated as Slaves as aforesaid, Goods or Effects (if seized at Sea or without the limits of any *British* jurisdiction) may most conveniently be carried for Trial; and all the said *Penalties and Forfeitures*, whether pecuniary or specific (unless where it is expressly otherwise provided for by this Act), shall go and belong to such Persons, in such *shares and proportions*, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any Penalties or Forfeitures incurred in *Great Britain* and in the *British* Colonies and Plantations in *America* respectively, by force of any Act relating to the Trade and Revenues of the said *British* Colonies or Plantations in *America*, now go and belong to, and may now be sued for, prosecuted, tried, recovered, distributed, and applied, respectively in *Great Britain*, or in the said Colonies or Plantations respectively, under and by virtue of a certain Act made in the 4th year of His late Majesty, King *George* the Third, (cap. 15.) intituled, *An Act for granting certain Duties in the* British *Colonies and Plantations in* America; *for continuing, amending, and making perpetual an Act passed in the 6th year of the reign of His late Majesty King* George *the Second, intituled,* '*An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in* America;' *for applying the Produce of such Duties to arise by virtue of the said Act towards defraying the Expences of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act made in the 25th year of the reign of King* Charles *the Second, intituled,* '*An Act for the Encouragement of the* Greenland *and* East-' land *Trades, and for the better securing the Plantation* ' *Trade*;' *and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and* Great Britain.

LII. And whereas certain *Treaties and Conventions*, and a *Declaration*, together with certain Explanatory and Additional

Articles, still subsisting in full force, were made between His late Majesty King *George* the Third, and His Catholick Majesty The King of *Spain*, His Most Faithful Majesty The King of *Portugal*, and His Majesty The King of The *Netherlands* respectively, for preventing Traffic in Slaves, of the tenor and effect following; *videlicet*,

TREATY between Great Britain and Portugal, Signed at Vienna, the 22nd of January, 1815, *(in the English and Portuguese Languages.)*

In the Name of the Most Holy and Undivided Trinity:

His Royal Highness The Prince Regent of *Portugal* having, by the 10th Article of the Treaty of Alliance concluded at *Rio de Janeiro*, on the 19th *Feb.* 1810, declared His determination to co-operate with His *Britannic* Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual Abolition of the Slave Trade; and His Royal Highness, in pursuance of His said Declaration, and desiring to effectuate, in concert with His *Britannic* Majesty and the other Powers of *Europe* who have been induced to assist in this benevolent Object, an immediate Abolition of the said Traffic upon the Parts of the Coast of *Africa* which are situated to the Northward of the Line; His *Britannic* Majesty and His Royal Highness The Prince Regent of *Portugal*, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive Portion of the Continent of *Africa*, by its being delivered from the evils of the Slave Trade, have agreed to enter into a Treaty for the said purpose, and have accordingly named as their Plenipotentiaries; *viz.* His Majesty The King of the United Kingdom of *Great Britain* and *Ireland*, The Right Honourable *Robert Stewart*, Viscount *Castlereagh*, &c. &c. &c.; and His Royal Highness The Prince Regent of *Portugal*, the Most Illustrious and Most Excellent *Don Pedro de Sousa Holstein*, Count of *Palmella*, &c. &c. &c. the Most Illustrious and Most Excellent *Anthony de Saldanha da Gama*, &c. &c. &c. and the Most Illustrious and Most Excellent *Don Joachim Lobo da Silveira*, &c. &c. &c.; who, having mutually exchanged their Full Powers, found in good and due form, have agreed upon the following Articles;

1. That from and after the Ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the Subjects of the Crown of *Portugal* to purchase Slaves, or to carry on the Slave Trade, on any part of the Coast of *Africa* to the northward of the Equator, upon any pretext, or in any manner whatsoever: Provided nevertheless, that the said provision shall not extend to any Ship or Ships having cleared out from the Ports of *Brazil* previous to the publication of such Ratification, and provided the Voyage in which such Ship or Ships are engaged shall not be protracted beyond 6 months after such publication as aforesaid.

2. His Royal Highness The Prince Regent of *Portugal* hereby agrees and binds Himself to adopt, in concert with His *Britannic* Majesty, such Measures as may best conduce to the effectual execution of the preceding Engagement, according to its true intent and meaning; and His *Britannic* Majesty engages, in concert with His Royal Highness, to give such Orders as may effectually prevent any interruption being given to *Portuguese* Ships

resorting to the actual Dominions of the Crown of *Portugal*, or to the Territories which are claimed in the said Treaty of Alliance, as belonging to the said Crown of *Portugal*, to the Southward of the Line, for the purposes of trading in Slaves as aforesaid, during such further Period as the same may be permitted to be carried on by the Laws of *Portugal*, and under the Treaties subsisting between the Two Crowns.

3. The Treaty of Alliance concluded at *Rio de Janeiro* on the 19th of *February*, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts and of no effect; without prejudice, however, to the ancient Treaties of Alliance, Friendship, and Guarantee, which have so long and so happily subsisted between the Two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

4. The High Contracting Parties reserve to themselves, and engage to determine by a Separate Treaty, the Period at which the Trade in Slaves shall universally cease, and be prohibited throughout the entire Dominions of *Portugal;* The Prince Regent of *Portugal* hereby renewing His former Declaration and Engagement, that during the interval which is to elapse before such general and final Abolition shall take effect, it shall not be lawful for the Subjects of *Portugal* to purchase or trade in Slaves upon any Parts of the Coast of *Africa*, except to the Southward of the Line, as specified in the Second Article of this Treaty, nor to engage in the same, nor to permit their Flag to be used, except for the purpose of supplying the Transatlantic Possessions belonging to the Crown of *Portugal.*

5. His *Britannic* Majesty hereby agrees to remit, from the date at which the Ratification, mentioned in the First Article, shall be promulgated, such further Payments as may then remain due and payable upon the Loan of £600,000, made in *London* for the service of *Portugal*, in the year 1809, in consequence of a Convention, signed on the 21st of *April* of the same Year; which Convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.

6. The present Treaty shall be ratified, and the Ratifications shall be exchanged at *Rio de Janeiro* in the space of 5 months, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed it, and have thereunto affixed the Seals of their Arms.

Done at *Vienna*, this 22d of *January*, 1815.

(L.S.) CASTLEREAGH. (L.S.) CONDE DE PALMELLA.
(L.S.) ANTONIO DE SALDANHA DA GAMA.
(L.S.) B. JOAQUIM LOBO DA SILVEIRA.

Additional Article.—It is agreed, that in the event of any of the *Portuguese* Settlers being desirous of retiring from the Settlements of the Crown of *Portugal* on the Coast of *Africa* to the Northward of the Equator, with the Negroes *bonâ fide* their Domestics, to some other of the Possessions of the Crown of *Portugal*, the same shall not be deemed unlawful, provided it does not take place on board a Slave-trading Vessel, and provided they be furnished with proper Passports and Certificates, according to a Form to be agreed upon between the Two Governments.

The present Additional Article shall have the same force and effect as if

it were inserted word for word in the Treaty signed this day, and shall be ratified, and the Ratifications exchanged at the same time.

In Witness whereof the respective Plenipotentiaries have signed it, and have thereunto affixed the Seals of their Arms.

Done at *Vienna* this 22d of January, 1815.

(L.S.) CASTLEREAGH. (L.S.) CONDE DE PALMELLA.
(L.S.) ANTONIO DE SALDANHA DA GAMA.
(L.S.) B. JOAQUIM LOBO DA SILVEIRA.

ADDITIONAL CONVENTION to the Treaty of the 22d *January*, 1815, *between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing Their Subjects from engaging in any Illicit Traffick in Slaves, Signed at London the* 28th *of July*, 1817, *in the English and Portuguese Languages.*

His Majesty The King of the United Kingdom of *Great Britain* and *Ireland*, and His Majesty The King of the United Kingdom of *Portugal*, *Brazil*, and *Algarves*, adhering to the Principles which They have manifested in the Declaration of the Congress of *Vienna* bearing date the 8th of *February*, 1815, and being desirous to fulfil faithfully, and to their utmost extent, the Engagements which they mutually contracted by the Treaty of the 22d *January*, 1815, and till the period shall arrive when, according to the tenor of the 4th Article of the said Treaty, His Most Faithful Majesty has reserved to Himself, in concert with His *Britannic* Majesty, to fix the time when the Trade in Slaves shall cease entirely and be prohibited in His Dominions; and His Majesty The King of the United Kingdom of *Portugal*, *Brazil*, and *Algarves*, having bound Himself by the 2d Article of the said Treaty to adopt the Measures necessary to prevent His Subjects from all illicit Traffick in Slaves; and His Majesty The King of the United Kingdom of *Great Britain* and *Ireland* having on His part engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent *Portuguese* Vessels trading in Slaves, in conformity with the Laws of *Portugal* and the existing Treaties, from suffering any loss or hindrance from *British* Cruizers, Their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of these Objects, and have, therefore, named as Plenipotentiaries, *ad hoc; viz.*

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, The Right Honourable *Robert Stewart*, Viscount *Castlereagh*; &c.&c.&c. and His Majesty The King of the United Kingdom of *Portugal*, *Brazil* and *Algarves*, the Most Illustrious and Most Excellent Lord *Don Pedro de Souza Holstein*, Count of *Palmella*; &c. &c. &c. who, after having exchanged their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:—

1. The object of this Convention is, on the part of the two Governments, mutually to prevent their respective Subjects from carrying on an illicit Slave Trade.

The Two High Contracting Powers declare, that they consider as illicit any Traffick in Slaves carried on under the following circumstances:—*First.* Either by *British* Ships, and under the *British* Flag, or for the account of *British* Subjects, by any Vessel or under any Flag whatsoever.—*Second*,

By *Portuguese* Vessels, in any of the Harbours or Roads of the Coast of *Africa*, which are prohibited by the 1st Article of the Treaty of the 22d *January*, 1815. *Third.*—Under the *Portuguese* or *British* Flag for the account of the Subjects of any other Government. *Fourth.*—By *Portuguese* Vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

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

First.—The Territories possessed by the Crown of *Portugal* upon the Coast of *Africa* to the South of the Equator; that is to say, upon the Eastern Coast of *Africa*, the Territory laying between *Cape Delgado* and the Bay of *Lourenço Marques*; and upon the Western Coast, all that which is situated from the 8th to the 18th Degree of South Latitude. *Second.*—Those Territories on the Coast of *Africa* to the South of the Equator, over which His Most Faithful Majesty has declared that He has retained His Rights; namely,

The Territories of *Molembo* and *Cabinda*, upon the * Eastern Coast of *Africa*, from the 5th Degree 12th Minute, to the 8th Degree South Latitude.

3. His Most Faithful Majesty engages, within the space of 2 Months after the exchange of the Ratifications of this present Convention, to promulgate in His Capital, and in the other Parts of His Dominions, as soon as possible, a Law which shall prescribe the Punishment of any of His Subjects who may in future participate in an illicit Traffick of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the *Brazils* under any Flag other than that of *Portugal*; and His Most Faithful Majesty engages to assimilate as much as possible the Legislation of *Portugal* in this respect to that of *Great Britain*.

4. Every *Portuguese* Vessel which shall be destined for the Slave Trade, on any Point of the *African* Coast where this Traffick still continues to be lawful, must be provided with a Royal Passport, conformable to the Model annexed to this present Convention, and which Model forms an integral part of the same. The Passport must be written in the *Portuguese* Language, with an authentic Translation in *English* annexed thereto, and it must be signed, for those Vessels sailing from the Port of *Rio Janeiro* by the Minister of Marine; and for all other Vessels which may be intended for the said Traffick, and which may sail from any other Ports of the *Brazils*, or from any other of the Dominions of His Most Faithful Majesty not in *Europe*, the Passports must be signed by the Governor in Chief of the Captaincy to which the Port belongs; and as to those Vessels which may proceed from the Ports of *Portugal*, to carry on the Traffick in Slaves, their Passports must be signed by the Secretary of the Government for the Marine Department.

5. The Two High Contracting Powers, for the more complete attainment of their Object, namely, the Prevention of all illicit Traffick in Slaves on the part of their respective Subjects, mutually consent that the Ships of War of their Royal Navies, which shall be provided with Special Instructions for this purpose, as herein-after provided, may visit such Merchant Vessels of the Two Nations as may be suspected, upon reasonable grounds, of having

* See Declaration Page 701.

Slaves on board, acquired by an illicit Traffick, and, in the event only of their actually finding Slaves on board, may detain and bring away such Vessels, in order that they may be brought to Trial before the Tribunals established for this purpose, as shall herein-after be specified. Provided always, that the Commanders of the Ships of War of the Two Royal Navies, who shall be employed on this Service, shall adhere strictly to the exact tenor of the Instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects may incur unjustly, by the arbitrary and illegal detention of their Vessels. It being understood that this Indemnity shall invariably be borne by the Government whose Cruizer shall have been guilty of the arbitrary Detention: Provided always, that the Visit and Detention of Slave Ships, specified in this Article, shall only be effected by those *British* or *Portuguese* Vessels which may form part of the Two Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the present Convention.

6. No *British* or *Portuguese* 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 *Portuguese*, the Slaves found on board such Vessel must have been brought there for the express purpose of the Traffick, and those on board *Portuguese* Ships must have been taken from that part of the Coast of *Africa* where the Slave Trade was prohibited by the Treaty of the 22d of *January*, 1815.

7. All Ships of War of the Two Nations, which shall hereafter be destined to prevent the illicit Traffick in Slaves, shall be furnished by their own Government with a Copy of the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These Instructions shall be written in *Portuguese* and *English*, and signed for the Vessels of each of the Two Powers by the Ministers of their respective Marine.

The Two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being however well understood, that the said Alterations cannot take place but by common Agreement, and by the consent of the Two High Contracting Parties.

8. In order to bring to Adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in an illicit Traffick of Slaves, there shall be established, within the space of a Year at furthest from the Exchange of the Ratifications of the present Convention, Two Mixed Commissions, formed of an equal Number of Individuals of the Two Nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, One in a Possession belonging to His *Britannic* Majesty, the Other within the Territories of His Most Faithful Majesty; and the Two Governments, at the period of the Exchange of the Ratifications of the present Convention, shall declare, each for its own Dominions, in what Places the Commissions shall respectively reside. Each of the Two High Contracting Parties reserving to itself the Right of changing

at its pleasure the place of Residence of the Commission held within its own Dominions; provided, however, that One of the Two Commissions shall always be held upon the Coast of *Africa*, and the Other in the *Brazils*.

These Commissions shall judge the Causes submitted to them without Appeal, and according to the Regulations and Instructions annexed to the present Convention, of which they shall be considered as an integral part.

9. His *Britannic* Majesty, in conformity with the Stipulations of the Treaty of the 22d of *January*, 1815, engages to grant, in the manner hereafter explained, sufficient Indemnification to all the Proprietors of *Portuguese* Vessels and Cargoes captured by *British* Cruizers between the 1st of *June*, 1814, and the period at which the Two Commissions, pointed out in Article 8, of the present Convention, shall assemble at their respective Posts.

The Two High Contracting Parties agree, that all Claims of the nature herein-before mentioned shall be received and liquidated by a Mixed Commission, to be held at *London*, and which shall consist of an equal number of the Individuals of the Two Nations, named by their respective Sovereigns, and upon the same principles stipulated by the Eighth Article of this Additional Convention, and by the other Acts which form an integral Part of the same. The aforesaid Commissions shall commence their Functions 6 Months after the ratification of the present Convention, or sooner if possible.

The Two High Contracting Parties have agreed, that the Proprietors of Vessels captured by the *British* Cruizers cannot claim Compensation for a larger number of Slaves than that which, according to the existing Laws of *Portugal*, they were permitted to transport, according to the Rate of Tonnage of the captured Vessel.

The Two High Contracting Parties are equally agreed, that every *Portuguese* Vessel captured with Slaves on board for the Traffick, which shall be proved to have been embarked within the Territories of the Coast of *Africa* situated to the North of *Cape Palmas*, and not belonging to the Crown of *Portugal*, as well as all *Portuguese* Vessels captured with Slaves on board for the Traffick, 6 months after the Exchange of the Ratifications of the Treaty of the 22d of *January*, 1815, and on which it can be proved, that the aforesaid Slaves were embarked in the Roadsteds of the Coast of *Africa* situated to the North of the Equator, shall not be entitled to claim any Indemnification.

10. His *Britannic* Majesty engages to pay within the space of a Year at farthest from the Decision of each Case, to the Individual having a just Claim to the same, the Sums which shall be granted to them by the Commissions named in the preceding Articles.

11. His *Britannic* Majesty formally engages to pay the £300,000 of Indemnification, stipulated by the Convention of the 21st of *January*, 1815, in favour of the Proprietors of *Portuguese* Vessels captured by *British* Cruizers up to the period of the 1st of *June*, 1814, in the manner following; *viz.* the first Payment of £150,000, six months after the exchange of the Ratifications of the present Convention; and the remaining £150,000, as well as the Interest at five *per Cent.* due upon the total Sum, from the day of the exchange of the Ratifications of the Convention of the 21st of *January*,

1815, shall be paid 9 months after the exchange of the Ratifications of the present Convention. The Interest due shall be payable up to the day of the last Payment. All the aforesaid Payments shall be made in *London* to the Minister of His Most Faithful Majesty at the Court of His *Britannic* Majesty, or to the Persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

12. The Acts or Instruments annexed to this additional Convention, and which form an integral part thereof, are as follow: No. 1. Form of Passport for the *Portuguese* Merchant Ships destined for the lawful Traffick in Slaves. No. 2. Instructions for the Ships of War of both Nations destined to prevent the illicit Traffick in Slaves. No. 3. Regulation for the Mixed Commissions which are to hold their Sittings on the Coast of *Africa*, at the *Brazils*, and in *London*.

13. The present Convention shall be ratified, and the Ratifications thereof exchanged at *Rio Janeiro*, within the space of 4 months at furthest, dating from the day of its signature.

In Witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seals of their Arms.

Done at *London*, the 28th of *July*, 1817.

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

Form of Passport for Portuguese Vessels destined for the lawful Traffick in Slaves.

(Place for the Royal Arms.)

I, Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c. &c. &c.

[*or*, Governor of this Province,] [*or*, Secretary of the Government of *Portugal*,] make known to those that shall see the present Passport, that the Vessel called , of Tons, and carrying Men and Passengers, Master and Owner, *Portuguese*, and Subjects of the United Kingdom, is bound to the Ports of and and Coast of from whence she is to return to , the said Master and Owner having previously taken the required Oath before the Royal Board of Commerce of this Capital (or the Board of Inspection of this Province), and having legally proved that no Foreigner has any Share in the above Vessel and Cargo, as appears by the Certificate of that Royal Board (or Board of Inspection) which is annexed to this Passport. The said Master and Owner of the said Vessel being under an Obligation to enter solely such Ports on the Coast of *Africa* where the Slave Trade is permitted to the Subjects of the United Kingdom of *Portugal*, *Brazil*, and *Algarves*, and to return from thence to any of the Ports of this Kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to show that they have in every respect complied with the provisions of the *Alvará* of the 24th of *November*, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the Coast of *Africa* to His Dominions of *Brazil*. And should they fail to execute any of these conditions, they shall be liable to the Penalties denounced by the *Alvará* of * against those who shall carry on the

* This *Alvará* to be promulgated in pursuance of the Third Article of the Additional Convention of the 28th July, 1817.

Slave Trade in an illicit manner. And as in going or returning she may, either at Sea or in Port, meet Officers of Ships and Vessels of the same Kingdom, The King our Lord orders them not to give her any obstruction; and His Majesty recommends to the Officers of the Fleets, Squadrons, and Ships of The Kings, Princes, Republics, and Potentates, the Friends and Allies of the Crown, not to prevent her from prosecuting her voyage, but on the contrary to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their Princes will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this Passport, signed and sealed with the Great Seal of the Royal Arms, which shall have validity only for and for one voyage alone.

Given in the Palace of the of in the Year after the Birth of our Lord Jesus Christ.

By Order of His Excellency,

The Officer who made out the Passport.

This Passport, numbered ( ), authorises any number of Slaves not exceeding being per Ton, (as permitted by the *Alvará* of *) to be on board of this Ship at one time, excepting always such Slaves employed as Sailors or Domestics, and Children born on board during the voyage.

[Signed as above, by the proper *Portuguese* Authorities.]

CASTLEREAGH. CONDE DE PALMELLA.

Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves.

1. Every *British* or *Portuguese* Ship of War shall, in conformity with Article 5, of the Additional Convention of this date, have a right to visit the Merchant Ships of either of the two Powers actually engaged or suspected to be engaged in the Slave Trade;—and should any Slaves be found on board according to the tenor of the Sixth Article of the aforesaid Additional Convention,—and, as to what regards the *Portuguese* Vessels, should there be ground to suspect that the said Slaves have been embarked on a Part of the Coast of *Africa* where the Traffick in Slaves can no longer be legally carried on, in consequence of the Stipulations in force between the Two High Powers;—in these Cases alone the Commander of the said Ship-of-War may detain them; and having detained them, he is to bring them as soon as possible for Judgment before that of the Two Mixed Commissions, appointed by the 8th Article of the Additional Convention of this date, which shall be the nearest, or which the Commander of the capturing Ship shall, upon his own responsibility, think he can soonest reach from the Spot where the Slave Ship shall have been detained.

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.

Negro Servants or Sailors that may be found on board the said Vessels, cannot, in any Case, be deemed a sufficient cause for detention.

2. No Merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in the Port or Roadsted belonging to

* That is to say, the *Alvará* of the 24th of November, 1813, or any other *Portuguese* Law which may hereafter be promulgated in lieu thereof.

either of the Two High Contracting Powers, 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.

3. The High Contracting Powers 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 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 might be had, as has been stated in the preceding Article. In such Case, Vessels so visited may be brought before the Mixed Commissions, in the form prescribed in the first Article of the preceding Instructions.

4. No *Portuguese* Merchantman or Slave-ship shall, on any pretence whatever, be detained, which shall be found any where near the land, or on the High Seas, South of the Equator, unless after a Chace that shall have commenced North of the Equator.

5. *Portuguese* Vessels furnished with a regular Passport, having Slaves on board, shipped at those Parts of the Coast of *Africa* where the Trade is permitted to *Portuguese* Subjects, and which shall afterwards be found North of the Equator, shall not be detained by the Ships of War of the Two Nations, though furnished with the present Instructions, provided the same can account for their course, either in conformity with the practice of the *Portuguese* Navigation, by steering some Degrees to the Northward in search of fair winds, or for other legitimate causes, such as the dangers of the Sea duly proved; or lastly, in the case of their Passports proving that they were bound for a *Portuguese* Port not within the Continent of *Africa*: Provided always, that with regard to all Slave Ships detained to the North of the Equator, the proof of the legality of the voyage is to be furnished by the Vessel so detained. On the other hand, with respect to Slave Ships detained to the South of the Equator, in conformity with the Stipulations of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the Captor.

It is in like manner stipulated, that the number of Slaves found on board a Slave Ship by the Cruizers, even should the number not agree with that contained in their Passport, shall not be a sufficient reason to justify the detention of the Ship; but the Captain and the Proprietor shall be denounced in the *Portuguese* Tribunals in the *Brazils*, in order to their being punished according to the Laws of the Country.

6. Every *Portuguese* Vessel intended to be employed in the legal Traffick in Slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a Native *Portuguese*, and two-thirds at least of the Crew shall likewise be *Portuguese*: Provided

always, that its *Portuguese* or Foreign Construction shall in no wise affect its Nationality, and that the Negro Sailors shall always be reckoned as *Portuguese*, provided they belong, as Slaves, to Subjects of the Crown of *Portugal*, or that they have been enfranchised in the Dominions of His Most Faithful Majesty.

7. Whenever a Ship of War shall meet a Merchant Vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly Nations; and in no case shall the Search be made by an Officer holding a rank inferior to that of Lieutenant in the Navy.

8. The Ships of War which may detain the Slave Ships, in pursuance of the principles laid down in the present Instructions, shall leave on board all the Cargo of Negroes untouched, as well as the Captain and a part at least of the Crew of the above-mentioned Slave Ship; the Captain shall draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it: he shall deliver to the Captain of the Slave Ship a signed Certificate of the Papers seized on board the said Vessel, as well as of the Number of Slaves found on board at the moment of Detention.

The Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the Place where the legality of the Capture is to be tried by One of the Two Mixed Commissions, in order that, in the event of their not being adjudged legal Prize, the loss of the Proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the Vessels could arrive at the Place of residence of One of the said Commissions, the Commander of the capturing Ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a Certificate in proper form.

9. No conveyance of Slaves from one Port of the *Brazils* to another, or from the Continent or Islands of *Africa* to the Possessions of *Portugal* out of *America*, shall take place as objects of Commerce, except in Ships provided with Passports from the *Portuguese* Government, *ad hoc*.

Done at *London*, the 28th of *July*, 1817.

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

Regulation for the Mixed Commissions, which are to reside on the Coast of Africa, in the Brazils, and at London.

1. The Mixed Commissions to be established by the Additional Convention of this date, upon the Coast of *Africa* and in the *Brazils*, are appointed to decide upon the Legality of the Detention of such Slave Vessels as the Cruizers of both Nations shall detain, in pursuance of this same Convention, for carrying on an illicit Commerce in Slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22d of *January*, 1815, and of the Additional Convention to the said Treaty, signed at *London* on this 28th day of *July*, 1817.

The Commissions shall give Sentence as summarily as possible, and they

are required to decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that on which every detained Vessel shall have been brought into the Port where they shall reside; First, upon the Legality of the Capture; Second, in the Case in which the captured Vessel shall have been liberated, as to the Indemnification which she is to receive.

And it is hereby provided, that in all Cases the final Sentence shall not be delayed on account of the absence of Witnesses, or for want of other proofs, beyond the period of 2 months, except upon the application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Commissioners may, at their discretion, grant an additional delay not exceeding 4 months.

2. Each of the above-mentioned Mixed Commissions, which are to reside on the Coast of *Africa*, and in the *Brazils*, shall be composed in the following manner:

The Two High Contracting Parties shall each of them name a Commissary Judge, and a Commissioner of Arbitration, who shall be authorized to hear and to decide, without appeal, all Cases of Capture of Slave Vessels which, in pursuance of the Stipulation of the Additional Convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions shall be written down in the language of the Country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration shall make Oath in presence of the principal Magistrate of the Place in which the Commission may reside, to judge fairly and faithfully, to have no preference, either for the Claimants or the Captors, and to act in all their Decisions, in pursuance of the Stipulations of the Treaty of the 22d of *January*, 1815, and of the Additional Convention to the said Treaty.

There shall be attached to each Commission, a Secretary or Registrar appointed by the Sovereign of the Country in which the Commission may reside, who shall register all its Acts, and who, previous to his taking charge of his Post, shall make Oath, in presence of at least One of the Commissary Judges, to conduct himself with respect for their Authority, and to act with fidelity in all the affairs which may belong to his charge.

3. The Form of the Process shall be as follows:

The Commissary Judges of the Two Nations shall, in the first place proceed to the examination of the Papers of the Vessel, and to receive the depositions on Oath of the Captain, and of two or three, at least, of the principal Individuals on board of the detained Vessel, as well as the Declaration on Oath of the Captor, should it appear necessary, in order to be able to judge and to pronounce if the said Vessel has been justly detained or not, according to the Stipulations of the Additional Convention of this date, and in order that according to this judgment, it may be condemned or liberated: And in the event of the two Commissary Judges not agreeing on the Sentence they ought to pronounce, whether as to the legality of the Detention or the Indemnification to be allowed, or on any other question which might result from the Stipulations of the Convention of this date,—they shall draw by lot the name of One of the two Commissioners of Arbitration, who, after

having considered the Documents of the Process, shall consult with the above-mentioned Commissary Judges on the Case in question, and the final Sentence shall be pronounced conformably to the opinion of the Majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration.

4. As often as the Cargo of Slaves found on board of a *Portuguese* Slave Ship shall have been embarked on any Point whatever of the Coast of *Africa*, where the Slave Trade continues lawful to the Subjects of the Crown of *Portugal*, such Slave Ship shall not be detained on pretext that the above-mentioned Slaves have been brought originally *by land* from any other part whatever of the Continent.

5. In the authenticated Declaration which the Captor shall make before the Commission, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel at the time of the detention, the above-mentioned Captor shall be bound to declare his name, the name of his Vessel, as well as the Latitude and Longitude of the Place where the Detention shall have taken place, and the number of Slaves found living on board of the Slave Ship at the time of the Detention.

6. As soon as Sentence shall have been passed, the detained Vessel, if liberated, and what remains of the Cargo, shall be restored to the Proprietors, who may, before the same Commission, claim a valuation of the Damages which they may have a right to demand; the Captor himself, and in his default his Government, shall remain responsible for the above-mentioned Damages. The Two High Contracting Parties bind themselves to defray, within the term of a Year from the date of the Sentence, the Indemnifications which may be granted by the above-named Commission; it being understood that these Indemnifications shall be at the expence of the Power of which the Captor shall be a Subject.

7. In case of the Condemnation of a Vessel for an unlawful voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said Vessel, as well as her Cargo, shall be sold by public sale, for the profit of the Two Governments; and, as to the Slaves, they shall receive from the Mixed Commission a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or free Labourers Each of the Two Governments bind itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

8. Every Claim for Compensation of Losses occasioned to Ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful Prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the Form provided by the third Article of the present Regulation; and in all Cases wherein restitution shall be so decreed, the Commission shall award to the Claimant or Claimants, or his or their lawful Attorney or Attornies, for his or their use, a just and complete Indemnification: *First*, for all Costs of Suit, and for all losses and damages which the Claimant or Claimants may have actually sustained by such Capture and Detention; that is to say, in case of total loss, the Claimant or Claimants shall

be indemnified; *First*, for the Ship, her Tackle, Apparel, and Stores; *Secondly*, for all Freight due and payable; *Thirdly*, for the value of the Cargo of Merchandise, if any; *Fourthly*, for the Slaves on board at the time of Detention, according to the computed value of such Slaves at the Place of destination; deducting therefrom the usual fair average mortality for the unexpired period of the regular Voyage; deducting also for all charges and expences payable upon the Sale of such Cargoes, including Commission of Sale when payable at such Port; and, *Fifthly*, for all other regular charges in Cases of total Loss; and in all other Cases not of total Loss, the Claimant or Claimants shall be indemnified,—*First*, for all special damages and expences occasioned to the Ship by the Detention, and for loss of freight when due or payable; *Secondly*, a demurrage when due, according to the Schedule annexed to the present Article; *Thirdly*, a daily allowance for the subsistence of Slaves, of one-shilling, or 180 Reis for each Person, without distinction of sex or age, for so many days as it shall appear to the Commission that the Voyage has been or may be delayed by reason of such Detention; as, likewise, *Fourthly*, for any deterioration of Cargo or Slaves; *Fifthly*, for any diminution in the value of the Cargo of Slaves, proceeding from an increased mortality beyond the average amount of the Voyage, or from sickness occasioned by Detention;—this value to be ascertained by their computed price at the Place of destination, as in the above Case of total loss; *Sixthly*, an allowance of 5 *per Cent.* on the amount of Capital employed in the purchase and maintenance of Cargo for the period of delay occasioned by the Detention; and *Seventhly*, for all premium of insurance on additional risks.

The Claimant or Claimants shall likewise be entitled to Interest at the rate of 5 *per Cent. per Annum* on the Sum awarded, until paid by the Goverment to which the capturing Ship belongs; the whole amount of such Indemnifications being calculated in the money of the Country to which the captured Ship belongs, and to be liquidated at exchange current at the time of Award, excepting the Sum for the subsistence of Slaves, which shall be paid *at par*, as above stipulated.

The Two High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that, if it should be proved in a manner evident to the conviction of the Judges of the two Nations, and without having recourse to the decision of a Commissioner of Arbitration, that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship; in that Case only, the detained Ship shall not have the right of receiving, during the days of her detention, the Demurrage stipulated by the present Article.

Schedule of Demurrage or daily allowance for a Vessel of

100 Tons to 120 inclusive		£ 5	per diem	201 Tons to 220 inclusive		£ 11	per diem
121 ditto	150 ditto	6		221 ditto	250 ditto	12	
151 ditto	170 ditto	8		251 ditto	270 ditto	14	
171 ditto	200 ditto	10		271 ditto	300 ditto	15	

and so on in proportion.

9. When the Proprietors of a Ship suspected of carrying on an illicit Trade in Slaves, released in consequence of a Sentence of one of the Mixed Commissions (or in the Case as above-mentioned, of total loss), shall claim indemnification for the loss of Slaves which he may have suffered, he shall in

no case be entitled to claim for more than the number of Slaves which his Vessel was by the *Portuguese* Laws authorized to carry, which number shall always be declared in his Passport.

10. The Mixed Commission established in *London* by Article 9 of the Convention of this Date, shall hear and determine all Claims for *Portuguese* Ships and Cargoes captured by *British* Cruizers on account of the unlawful trading in Slaves, since the 1st of *June*, 1814, till the period when the Convention of this Date is to be in complete execution, awarding to them, conformably to Article 9 of the Additional Convention of this Date, a just and complete compensation, upon the Basis laid down in the preceding Article, either for total Loss, or for Losses and Damages sustained by the Owners and Proprietors of the said Ships and Cargoes. The said Commission established in *London* shall be composed and proceed exactly upon the same Basis determined in the Articles 1, 2, and 3, of the present Regulations for the Commissions established on the Coast of *Africa* and the *Brazils*.

11. It shall not be permitted to any of the Commissary Judges, nor to the Arbitrators, nor to the Secretary of any of the Mixed Commissions, to demand or receive, from any one of the Parties concerned in the Sentences which they shall pronounce, any Emolument under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

12. When the Parties interested shall imagine they have cause to complain of any evident Injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the Right of mutual Correspondence for removing, when they think fit, the Individuals who may compose these Commissions.

13. In the case of a Vessel detained unjustly, under pretence of the Stipulations of the Additional Convention of this date, and in which the Captor should neither be authorized by the tenor of the above-mentioned Convention, nor of the Instructions annexed to it, the Government to which the detained Vessel may belong shall be entitled to demand Reparation; and in such Case, the Government to which the Captor may belong binds itself to cause the subject of complaint to be fully examined, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the Transgression which may have been committed.

14. The Two High Contracting Parties have agreed, that in the event of the Death of One or more of the Commissioners, Judges, and Arbitrators, composing the above-mentioned Mixed Commissions, their Posts shall be supplied, *ad interim*, in the following manner; on the part of the *British* Government, the Vacancies shall be filled successively in the Commission which shall sit within the Possessions of His *Britannic* Majesty, by the Governor or Lieutenant Governor resident in that Colony, by the Principal Magistrate of the Place, and by the Secretary; and in the *Brazils* by the *British* Consul and Vice-Consul resident in the City in which the Mixed Commission may be established.

On the part of *Portugal*, the Vacancies shall be supplied, in the *Brazils*, by such Persons as the Captain-General of the Province shall name for that purpose; and, considering the difficulty which the *Portuguese* Government

would feel, in naming fit Persons to fill the Posts, which might become vacant in the Commission established in the *British* Possessions, it is agreed, that in case of the death of the *Portuguese* Commissioners, Judge, or Arbitrators in those Possessions, the remaining Individuals of the above-mentioned Commission shall be equally authorized to proceed to the Judgment of such Slave Ships as may be brought before them, and to the execution of their Sentence. In this case alone, however, the Parties interested shall have the Right of appealing from the Sentence, if they think fit, to the Commission resident in the *Brazils*; and the Government to which the Captor shall belong shall be bound fully to defray the Indemnification which shall be due to them, if the Appeal be judged in favour of the Claimants; it being well understood that the Ship and Cargo shall remain during this Appeal in the Place of residence of the first Commission before whom they may have been conducted.

The High Contracting Parties have agreed to supply, as soon as possible, every Vacancy that may arise in the above-mentioned Commissions, from death or any other contingency. And in case that the Vacancy of each of the *Portuguese* Commissioners residing in the *British* Possessions be not supplied at the end of 6 months, the Vessels which are taken there to be judged, after the expiration of that time, shall no longer have the Right of Appeal herein-before stipulated.

Done at *London* the 28th of *July*, 1817.

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

Separate Article.—As soon as the total Abolition of the Slave Trade for the Subjects of the Crown of *Portugal* shall have taken place, the Two High Contracting Parties hereby agree, by common consent, to adapt to that state of circumstances, the Stipulations of the Additional Convention concluded at *London* the 28th of *July* last; but in default of such alterations, the Additional Convention of that Date shall remain in force until the expiration of 15 Years from the day on which the general Abolition of the Slave Trade shall so take place on the part of the *Portuguese* Government.

The present Separate Article shall have the same force and validity as if it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the Ratifications shall be exchanged as soon as possible. In Witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seals of their Arms.

Done at *London*, this 11th of *September*, 1817.

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

Declaration, signed the 3d of April, 1819, touching Molembo and Cabinda, as described in the Convention of the 28th July, 1817, between His Majesty and His Most Faithful Majesty.

Whereas a Convention, having for its object the Prevention of the illicit Traffick in Slaves, was concluded between His *Britannic* Majesty and His *Most Faithful* Majesty, and signed at *London* on the 28th of *July*, 1817:—

And whereas by the 2d Article of that Convention, the Traffick in Slaves was declared still to be permitted to *Portuguese* Subjects, only within certain Territories therein described. And whereas the Territories of *Molembo* and *Cabinda* are described by that Article to be on the *Eastern* Coast

of *Africa;* and whereas this Description is evidently a verbal mistake, the said Territories of *Molembo* and *Cabinda* lying in fact upon the *Western* and not upon the Eastern Coast of *Africa* :—

It is hereby declared by the Undersigned, that the word "Eastern," in that part of the Second Article above alluded to, shall be held to be annulled, and the word "Western," to stand in its place; and the latter part of the Article in question shall accordingly be held to run thus:—

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

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

In Witness and in Faith of the above, the Undersigned, His *Britannic* Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of *St. James's*, have hereunto set their Hands and Seals, at *London*, this 3d of *April*, 1819.

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

MEM:—*Here follow the "Additional Articles to the Convention between His Britannic Majesty and His Most Faithful Majesty, of the 28th of July, 1817; Signed at Lisbon, 15th of March, 1823."**

TREATY between His Britannic Majesty and His Catholic Majesty for preventing Their Subjects from engaging in any illicit Traffick in Slaves. Signed at Madrid, the 23d of September, 1817.

In the name of the Most Holy Trinity:

It having been stated in the Second Additional Article of the Treaty signed at *Madrid*, on the 5th of *July*, 1814, between His Majesty The King of the United Kingdom of *Great Britain* and *Ireland*, and His Majesty The King of *Spain* and the *Indies*, that "His "Catholic Majesty concurs in the fullest manner, in the sentiments of "His *Britannic* Majesty, with respect to the injustice and inhumanity of the "Traffic in Slaves, and promises to take into consideration, with the delibe- "ration which the state of His Possessions in *America* demands, the means of "acting in conformity with those sentiments; and engages, moreover, to "prohibit His Subjects from carrying on the Slave Trade, for the purpose "of supplying any Islands or Possessions, excepting those appertaining to "*Spain;* and to prevent by effectual Measures and Regulations, the protec- "tion of the *Spanish* Flag being given to Foreigners who may engage in "this Traffic, whether Subjects of His *Britannic* Majesty, or of any other "State or Power."

And His Catholic Majesty, conformably to the spirit of this Article, and to the principles of humanity with which He is animated, having never lost sight of an object so interesting to Him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with His *Britannic* Majesty in the cause of humanity, by adopting, in concert with His said Majesty, efficacious means for bringing about the Abolition of the Slave Trade,

* See Page 23.

for effectually suppressing illicit Traffick in Slaves on the part of their respective Subjects, and for preventing *Spanish* Ships trading in Slaves conformably to Law and to Treaty from being molested or subjected to losses from *British* Cruizers: the Two High Contracting Parties have accordingly named as their Plenipotentiaries, *viz.*—

His Majesty The King of the United Kingdom of *Great Britain* and *Ireland*, the Right Honourable Sir *Henry Wellesley*, &c. &c. &c. and His Majesty The King of *Spain* and the *Indies*, *Don Josef Garcia de Leon y Pizarro*, &c. &c. &c. who having exchanged their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:

1. His Catholic Majesty engages, that the Slave Trade shall be abolished throughout the entire Dominions of *Spain* on the 30th of *May*, 1820, and that from and after that Period it shall not be lawful for any of the Subjects of the Crown of *Spain* to purchase Slaves or to carry on the Slave Trade on any part of the Coast of *Africa*, upon any pretext or in any manner whatever; provided, however, that a term of 5 months from the said date of the 30th of *May*, 1820, shall be allowed for completing the Voyages of Vessels which shall have cleared out lawfully, previously to the said 30th of May.

2. It is hereby agreed, that from and after the exchange of the Ratifications of the present Treaty, it shall not be lawful for any of the Subjects of the Crown of *Spain* to purchase Slaves or to carry on the Slave Trade on any part of the Coast of *Africa* to the North of the Equator, upon any pretext or in any manner whatever; provided, however, that a Term of 6 months, from the date of the exchange of the Ratifications of this Treaty, shall be allowed for completing the Voyages of Vessels which shall have cleared out from *Spanish* Ports for the said Coast previously to the Exchange of the said Ratifications.

3. His *Britannic* Majesty engages to pay, in *London*, on the 20th of *February*, 1818, the sum of £400,000 to such Person as His Catholic Majesty shall appoint to receive the same.

4. The said sum of £400,000 is to be considered as a full Compensation for all Losses sustained by the Subjects of His Catholic Majesty engaged in this Traffick, on account of Vessels captured previously to the Exchange of the Ratifications of the present Treaty, as also for the Losses which are a necessary consequence of the Abolition of the said Traffick.

5. One of the objects of this Treaty, on the part of the Two Governments, being mutually to prevent their respective Subjects from carrying on an illicit Slave Trade; The Two High Contracting Parties declare, that they consider as illicit any Traffick in Slaves carried on under the following circumstances: *First.* Either by *British* Ships, and under the *British* Flag, or for the account of *British* Subjects, by any Vessel or under any Flag whatsoever. *Second.* By *Spanish* Ships, upon any part of the Coast of *Africa* North of the Equator, after the exchange of the Ratifications of the present Treaty; provided, however, that 6 months shall be allowed for completing the Voyages of Vessels, conformably to the tenor of the 2d Article of this Treaty. *Third.* Either by *Spanish* Ships, and under the *Spanish* Flag, or for the account of *Spanish* Subjects by any Vessel or under any Flag whatsoever, after the 30th of *May*, 1820, when the Traffick in Slaves, on the part of *Spain*, is to cease entirely: Provided always, that 5 months shall

be allowed for the completion of Voyages commenced in due time, conformably to the 1st Article of this Treaty. *Fourth.* Under the *British* or *Spanish* Flag for the account of the Subjects of any other Government. *Fifth.* By *Spanish* Vessels bound for any Port not in the Dominions of His Catholic Majesty.

6. His Catholic Majesty will adopt, in conformity to the spirit of this Treaty, the Measures which are best calculated to give full and complete effect to the laudable Objects which the High Contracting Parties have in view.

7. Every *Spanish* Vessel which shall be destined for the Slave Trade, on any part of the Coast of *Africa* where this Traffick still continues to be lawful, must be provided with a Royal Passport, conformable to the Model annexed to the present Treaty, and which Model forms an integral Part of the same. This Passport must be written in the *Spanish* Language, with an authentic Translation in *English* annexed thereto; and it must be signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal Naval Authority of the District, Station, or Port from whence the Vessel clears out, whether in *Spain*, or in the Colonial Possessions of His Catholic Majesty.

8. It is to be understood that this Passport, for rendering lawful the Voyages of Slave Ships, is required only for the continuation of the Traffick to the South of the Line; those Passports which are now issued, signed by the First Secretary of State of His Catholic Majesty, and in the Form prescribed by the Order of the 16th of *December*, 1816, remaining in full force for all Vessels which may have cleared out for the Coast of *Africa*, as well to the North as to the South of the Line, previously to the Exchange of the Ratifications of the present Treaty.

9. The Two High Contracting Parties, for the more complete Attainment of the Object of preventing all illicit Traffick in Slaves on the part of their respective Subjects, mutually consent that the Ships-of-War of their Royal Navies which shall be provided with Special Instructions for this purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may be suspected, upon reasonable grounds, of having Slaves on board acquired by an illicit Traffick, and, in the event only of their finding Slaves on board, may detain and bring away such Vessels, in order that they may be brought to Trial before the Tribunals established for this purpose, as shall hereinafter be specified. Provided always, that the Commanders of the Ships-of-War of the Two Royal Navies who shall be employed on this Service shall adhere strictly to the exact tenor of the Instructions which they shall receive for this purpose.

As this Article is entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which Their respective Subjects may incur unjustly, by the arbitrary and illegal detention of their Vessels. It being understood that this Indemnity shall invariably be borne by the Government whose Cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of Slave Ships specified in this Article shall only be effected by those *British* or *Spanish* Vessels which may form part of the Two Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the present Treaty.

10. 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 Traffick, and those on board *Spanish* Ships must have been taken from that part of the Coast of *Africa* where the Slave Trade is prohibited, conformably to the tenor of the present Treaty.

11. All Ships of War of the Two Nations, which shall hereafter be destined to prevent the illicit Traffick in Slaves, shall be furnished by their own Government, with a Copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof. These Instructions shall be written in *Spanish* and *English*, and signed, for the Vessels of each of the Two Powers, by the Minister of their respective Marine.

The Two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being however well understood, that the said alterations cannot take place but by common agreement, and by the consent of the Two High Contracting Parties.

12. In order to bring to Adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in an illicit Traffick of Slaves, there shall be established, within the space of a Year at furthest from the exchange of the Ratifications of the present Treaty, Two Mixed Commissions, formed of an equal number of Individuals of the Two Nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, One in a Possession belonging to His *Britannic* Majesty, the Other within the Territories of His Catholic Majesty; and the Two Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what Places the Commissions shall respectively reside, each of the Two High Contracting Parties reserving to itself the right of changing at its pleasure the Place of Residence of the Commission held within its own Dominions; provided, however, that One of the Two Commissions shall always be held upon the Coast of *Africa*, and the Other in one of the Colonial Possessions of His Catholic Majesty.

These Commissions shall judge the Causes submitted to them without appeal, and according to the Regulation and Instructions, annexed to the present Treaty, of which they shall be considered as an integral part.

13. The Acts or Instruments annexed to this Treaty, and which form an integral part thereof, are as follow:—No. 1. Form of Passport for the *Spanish* Merchant-Ships, destined for the lawful Traffick in Slaves.—No. 2. Instructions for the Ships of War of both Nations destined to prevent the illicit Traffick in Slaves.—No. 3. Regulation for the Mixed Commissions which are to hold their Sittings on the Coast of *Africa*, and in One of the Colonial Possessions of His Catholic Majesty.

14. The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications exchanged at *Madrid*, within the space of two months from this date, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seals of their Arms.

Done at *Madrid* this 23d of *September*, 1817.

HENRY WELLESLEY. (L. S.) JOSE PIZARRO. (L. S.)

Form of Passport for Spanish Vessels destined for the Lawful Traffick in Slaves.

Ferdinand, by the Grace of God, &c. &c. &c.

WHEREAS I have granted permission for the Vessel called of tons, and carrying Men and Passengers, Master and Owner, both *Spaniards*, and Subjects of my Crown, to proceed bound to the Ports of and Coast of *Africa*, from whence she is to return to , the said Master and Owner having previously taken the required Oath before the Tribunal of Marine of the proper Naval Division from whence the said Vessel sails, and legally proved that no Foreigner has any Share in the above-mentioned Vessel and Cargo, as appears by the Certificate annexed to this Passport; which Certificate is given by the same Tribunal in consequence of the steps taken in pursuance of the Directions contained in the Ordinance of Matriculation of 1802.

The said Captain, and Owner of the said Vessel, being under an obligation to enter solely such Ports on the Coast of *Africa* as are to the South of the Line, and to return from thence to any of the Ports of My Dominions, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms to shew that they have in every respect complied with the Provisions of My Royal Decree of 22d Sept. 1817, by which the mode of conveying Slaves from the Coast of *Africa* to My Colonial Dominions is regulated; and should they fail in any of these Conditions, they shall be liable to the Penalties denounced by the said Decree against those who shall carry on the Slave Trade in an illicit manner.

I therefore command all General and other Officers commanding My Squadrons and Ships, the Captain-Generals of the Departments of Marine, the Military Commandants of the Provinces of the same, their Subalterns, Captains of the Ports, and all other Officers and Persons belonging to the Navy; the Viceroys, Captain-Generals or Commandants of Kingdoms and Provinces; the Governors, Mayors, and Justices of the Towns upon the Sea Coast of My Dominions of *Indies;* the Royal Officers or Judges of Entries therein established, and all Others of My Subjects to whom it belongs or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention, but rather to aid her and to furnish her with whatever she may want for her regular navigation; and of the Vassals and Subjects of Kings, Princes, and Republics, in friendship and alliance with Me, of the Commanders, Governors, or Chiefs of their Provinces, Fortresses, Squadrons, and Vessels, I require that they likewise shall not impede her in her free navigation, entry, departure, or detention in the Ports to which by any accident she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of; for which purpose I have Commanded this Passport to be made out; which, being signed for its validity by My Secretary of State for the Dispatch of Marine, shall serve for the time that a Voyage going and returning may last, after the conclusion of which it shall be returned to the Commandant of Marine, Governor, or other Person by whom it may have been issued, adding for its proper use the corresponding Note.

Given at *Madrid*, on I, THE KING.

[*Here the Signature of the Secretary of State and of the Dispatch of Marine.*]

Note—This Passport, No. authorizes any Number of Slaves, not exceeding being in the proportion of 5 Slaves for every 2 Tons (as permitted by the Royal Decree of 22nd Sept. 1817), excepting always such Slaves employed as Sailors or Domestics, and Children born on board during the Voyage; and the same is issued by me the Undersigned on the Day of this Date, made out in favour of who has previously conformed with all the formalities required by the Royal Decree of 22d Sept. 1817, and is bound to return it immediately upon his return from the Voyage.

Given at on the of of the Year

[*Here the Signature of the principal Marine Authority of the Naval Division, Station, Province, or Port from whence the Vessel clears out.*]

HENRY WELLESLEY. (L.S.) JOSE PIZARRO. (L.S.)

Instructions for the British and Spanish Ships of War employed to prevent the illicit Traffick in Slaves.

1. Every *British* or *Spanish* Ship of War shall, in conformity with Article 9 of the Treaty of this date, have a right to visit the Merchant Ships of either of the two Powers actually engaged or suspected to be engaged in the Slave Trade;—and should any Slaves be found on board, according to the tenor of the 10th Article of the aforesaid Treaty; and, as to what regards the *Spanish* Vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the Coast of *Africa* where the Traffick is no longer permitted, conformably to Articles 1 and 2 of the Treaty of this date;—in these Cases alone the Commander of the said Ship of War may detain them; and having detained them, he is to bring them as soon as possible, for Judgment, before that of the two Mixed Commissions appointed by the 12th Article of the Treaty of this Date which shall be the nearest, or which the Commander of the capturing Ship shall, upon his own responsibility, think he can soonest reach from the Spot where the Slave Ship shall have been detained.

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.

Negro Servants or Sailors that may be found on board the said Vessels cannot, in any Case, be deemed a sufficient cause of Detention.

2. No *Spanish* Merchantman or Slave-ship shall on any pretence whatever be detained, which shall be found any where near the land, or on the High Seas, south of the Equator, during the period for which the Traffick is to remain lawful, according to the Stipulations subsisting between the High Contracting Parties, unless after a chace that shall have commenced North of the Equator.

3. *Spanish* Vessels, furnished with a regular Passport, having Slaves on board, shipped at those parts of the Coast of *Africa* where the Trade is permitted to *Spanish* Subjects, and which shall afterwards be found North of the Equator, shall not be detained by the Ships of War of the two Nations, though furnished with the present Instructions, provided the same

can account for their Course, either in conformity with the practice of the *Spanish* navigation, by steering some Degrees to the Northward in search of fair winds, or for other legitimate causes, such as the dangers of the Sea, duly proved: Provided always, that with regard to all Slave Ships detained to the North of the Equator, after the expiration of the term allowed, the proof of the legality of the Voyage is to be furnished by the Vessel so detained. On the other hand, with respect to Slave Ships detained to the South of the Equator, in conformity with the Stipulations of the preceding Article, the proof of the illegality of the Voyage is to be exhibited by the Captor.

It is in like manner stipulated, that the number of Slaves found on board a Slave Ship by the Cruizers, even should the number not agree with that contained in their Passport, shall not be sufficient reason to justify the Detention of the Ship; but the Captain and the Proprietor shall be denounced in the *Spanish* Tribunals, in order to their being punished according to the Laws of the Country.

4. Every *Spanish* Vessel intended to be employed in the legal Traffick in Slaves in conformity with the principles laid down in the Treaty of this date, shall be commanded by a native *Spaniard;* and two thirds, at least, of the Crew shall likewise be *Spaniards:* Provided always, that its *Spanish* or Foreign Construction shall in no wise affect its Nationality, and that the Negro Sailors shall always be reckoned as *Spaniards*, provided they belong, as Slaves, to Subjects of the Crown of *Spain*, or that they have been enfranchised in the Dominions of His Catholic Majesty.

5. Whenever a Ship of War shall meet a Merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly Nations; and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navy of *Great Britain*, or of Ensign of a Ship of the Line in the *Spanish* Navy.

6. The Ships of War which may detain any Slave Ship, in pursuance of the principles laid down in the present Instructions, shall leave on board all the Cargo of Negroes untouched, as well as the Captain, and a part at least, of the Crew of the above-mentioned Slave Ship; the Captain shall draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it; he shall deliver to the Captain of the Slave Ship, a signed Certificate of the Papers seized on board the said Vessel, as well as of the number of Slaves found on board at the moment of Detention.

The Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the Place where the legality of the Capture is to be tried by one of the two Mixed Commissions, in order that, in the event of their not being adjudged legal Prize, the loss of the Proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the Vessel could arrive at the Place of Residence of one of the said Commissions the Commander of the capturing Ship may take on himself the responsi-

bility of such disembarkation, provided that the necessity be stated in a Certificate in proper form.

7. No conveyance of Slaves from one Port in the *Spanish* Possessions to another shall take place, except in Ships provided with Passports from the Government on the Spot, *ad hoc.*

Done at *Madrid*, the 23d of *September*, 1817.

(L.S.) HENRY WELLESLEY. (L.S.) JOSE PIZARRO.

Regulation for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of His Catholic Majesty.

1. The Mixed Commissions to be established by the Treaty of this date, upon the Coast of *Africa* and in a Colonial Possession of His Catholic Majesty, are appointed to decide upon the legality of the Detention of such Slave Vessels as the Cruizers of both Nations shall detain, in pursuance of this same Treaty, for carrying on an illicit Commerce in Slaves.

The above-mentioned Commissions shall judge without Appeal, according to the letter and spirit of the Treaty of this date.

The Commissions shall give Sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that on which every detained Vessel shall have been brought into the Port where they shall reside; *First*, upon the legality of the Capture; *Second*, in the Case in which the captured Vessel shall have been liberated, as to the Indemnification which she is to receive. And it is hereby provided, that in all Cases the final Sentence shall not be delayed on account of the absence of Witnesses, or for want of other proofs, beyond the period of 2 Months, except upon the application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding 4 Months.

2. Each of the above-mentioned Mixed Commissions, which are to reside on the Coast of *Africa* and in a Colonial Possession of His Catholic Majesty, shall be composed in the following manner:

The Two High Contracting Parties shall each of them name a Commissary Judge and a Commissioner of Arbitration, who shall be authorized to hear and decide, without appeal, all Cases of Capture of Slave Vessels which, in pursuance of the Stipulations of the Treaty of this date, may be laid before them. All the essential parts of the Proceedings carried on before these Mixed Commissions shall be written down in the legal Language of the Country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration shall make Oath, in presence of the principal Magistrate of the Place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the Claimants or the Captors, and to act in all their decisions in pursuance of the Stipulations of the Treaty of this date.

There shall be attached to each Commission a Secretary or Registrar, appointed by the Sovereign of the Country in which the Commission may reside, who shall register all its Acts, and who, previous to his taking

charge of his Post, shall make Oath in the presence of at least One of the Commissary Judges, to conduct himself with respect for their Authority, and to act with fidelity in all the affairs which may belong to his Charge.

3. The form of the Process shall be as follows:

The Commissary Judges of the Two Nations shall, in the first place, proceed to the examination of the Papers of the Vessel, and to receive the Depositions on Oath of the Captain, and of two or three at least of the principal Individuals on board of the detained Vessel, as well as the Declaration on Oath of the Captor should it appear necessary, in order to be able to judge and to pronounce if the said Vessel has been justly detained or not, according to the Stipulations of the Treaty of this date, and in order that, according to this Judgment, it may be condemned or liberated. And in the event of the Two Commissary Judges not agreeing on the Sentence they ought to pronounce, whether as to the legality of the Detention, or the Indemnification to be allowed, or on any other question which might result from the Stipulations of the Treaty of this date,—they shall draw by lot the name of One of the Two Commissioners of Arbitration, who, after having considered the Documents of the Process, shall consult with the above-mentioned Commissary Judges on the Case in question, and the final Sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration.

4. As often as the Cargo of Slaves found on board of a *Spanish* Slave Ship shall have been embarked on any Point whatever of the Coast of *Africa* where the Slave Trade continues to be lawful, such Slave Ship shall not be detained on pretext that the above-mentioned Slaves have been brought originally by Land from any other part whatever of the Continent.

5. In the authenticated Declaration which the Captor shall make before the Commission, as well as in the Certificate of the papers seized, which shall be delivered to the Captain of the captured Vessel at the time of the Detention, the above-mentioned Captor shall be bound to declare his name, the name of his Vessel, as well as the Latitude and Longitude of the Place where the Detention shall have taken place, and the number of Slaves found living on board of the Slave Ship at the time of the Detention.

6. As soon as Sentence shall have been passed, the detained Vessel, if liberated, and what remains of the Cargo, shall be restored to the Proprietors, who may before the same Commission claim a valuation of the Damages which they may have a right to demand; the Captor himself, and in his default his Goevrnment, shall remain responsible for the above-mentioned Damages.

The Two High Contracting Parties bind themselves to defray, within the term of a Year from the date of the Sentence, the Indemnifications which may be granted by the above-named Commission, it being understood that these Indemnifications shall be at the expence of the Power of which the Captor shall be a Subject.

7. In case of the condemnation of a Vessel for an unlawful Voyage she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of Commerce; and the said Vessel, as well as her Cargo, shall be

sold by Public Sale for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Commission a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or Free Labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

8. Every Claim for compensation of Losses occasioned to Ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful Prize by the Mixed Commissions, shall also be heard and judged by the above-mentioned Commissions, in the form provided by the Third Article of the present Regulation; and in all Cases wherein restitution shall be so decreed, the Commission shall award to the Claimant or Claimants, or his or their lawful Attorney or Attornies, for his or their use, a just and complete Indemnification, for all Costs of Suit, and for all Losses and Damages which the Claimant or Claimants may have actually sustained by such Capture and Detention; that is to say, In case of total Loss, the Claimant or Claimants shall be indemnified,—*First*, for the Ship, her Tackle, Apparel, and Stores; *Secondly*, for all Freight due and payable; *Thirdly*, for the Value of the Cargo of Merchandize, if any; *Fourthly*, for the Slaves on board at the time of Detention, according to the computed value of such Slaves at the Place of Destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular Voyage; deducting also for all Charges and Expences payable upon the Sale of such Cargoes, including Commission of Sale; and, *Fifthly*, for all other regular Charges in such Cases of total Loss: And in all other Cases, not of total Loss, the Claimant or Claimants shall be indemnified,—*First*, for all special Damages and Expences occasioned to the Ship by the Detention, and for loss of Freight when due or payable; *Secondly*, a Demurrage, when due, according to the Schedule annexed to the present Article; *Thirdly*, a daily Allowance for the Subsistence of Slaves, of one Shilling, or 4½ Reals de V^{n} for each Person, without distinction of Sex or Age, for so many days as it shall appear to the Commission that the Voyage has been or may be delayed by reason of such Detention: as likewise, *Fourthly*, for any Deterioration of Cargo or Slaves; *Fifthly*, for any Diminution in the Value of the Cargo of Slaves, proceeding from an increased mortality beyond the average amount of the Voyage, or from Sickness occasioned by Detention; this Value to be ascertained by their computed Price at the Place of Destination, as in the above case of total Loss; *Sixthly*, an Allowance of 5 *per Cent.* on the Amount of the Capital employed in the Purchase and Maintenance of Cargo, for the period of delay occasioned by the Detention; and, *Seventhly*, for all Premium of Insurance on additional Risks.

The Claimant or Claimants shall likewise be entitled to Interest, at the rate of 5 *per Cent. per Annum* on the Sum awarded, until paid by the Government to which the capturing Ship belongs; the whole Amount of such Indemnifications being calculated in the money of the Country to which the captured Ship belongs, and to be liquidated at the exchange current at the time of Award, excepting the Sum for the Subsistence of Slaves, which shall be paid *at par*, as above stipulated.

The Two High Contracting Parties wishing to avoid, as much as possible, every species of Fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Commissary Judges of the Two Nations, and without having recourse to the decision of a Commissioner of Arbitration, that the Captor had been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship; in that case only, the detained Ship shall not have the right of receiving, during the days of her Detention, the Demurrage stipulated by the present Article.

Schedule of Demurrage or Daily Allowance for a Vessel of

100 Tons to 120 inclusive	£5	*per Diem.*		201 Tons to 220 inclusive	£11	*per Diem*	
121 ditto 150 ditto ..	6			221 ditto 250 ditto ..	12		
151 ditto 170 ditto ..	8			251 ditto 270 ditto ..	14		
171 ditto 200 ditto ..	10			271 ditto 300 ditto ..	15		

and so on in proportion.

9. When the Proprietor of a Ship, suspected of carrying on an illicit Trade in Slaves, released in consequence of a Sentence of one of the Mixed Commissions (or in the case, as above-mentioned, of total Loss), shall claim Indemnification for the Loss of Slaves, which he may have suffered, he shall in no case be entitled to claim for more than the Number of Slaves which his Vessel, by the *Spanish* Laws, was authorized to carry, which Number shall always be stated in his Passport.

10. Neither the Judges, nor the Arbitrators, nor the Secretary of the Mixed Commissions, shall be permitted to demand or receive, from any of the Parties concerned in the Sentences which they shall pronounce, any Emolument, under any pretext whatsoever, for the performance of the Duties which are imposed upon them by the present Regulation.

11. When the Parties interested shall imagine they have cause to complain of any evident Injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for the purpose of removing, when they think fit, the Individuals who may compose these Commissions.

12. In case of a Vessel being improperly detained, under pretence of the Stipulations of the Treaty of this date, and the Captor not being enabled to justify himself, either by the tenor of the said Treaty or of the Instructions annexed to it, the Government to which the detained Vessel may belong, shall be entitled to demand reparation; and in such case the Government to which the Captor may belong binds Itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

13. The Two High Contracting Parties have agreed, that in the event of the Death of one or more of the Commissary Judges or the Commissioners of Arbitration, composing the above-mentioned Mixed Commissions, their Posts shall be supplied, *ad interim*, in the following manner:

On the part of the *British* Government, the Vacancies shall be filled successively in the Commission which shall sit within the Possessions of His *Britannic* Majesty, by the Governor or Lieutenant Governor resident in that Colony, by the Principal Magistrate of the same, and by the Secretary; and in that which shall sit within the Possessions of His Catholic Majesty, it is

agreed, that, in case of the Death of the *British* Judge or Arbitrator there, the remaining Individuals of the said Commission shall proceed equally to the Judgment of such Slave Ships as may be brought before them, and to the execution of their Sentence. In this case alone, however, the Parties interested shall have the right of appealing from the Sentence, if they think fit, to the Commission resident upon the Coast of *Africa*; and the Government to which the Captor shall belong shall be bound fully to make good the Compensation which shall be due to them in case the Appeal be decided in favour of the Claimants; but the Vessel and Cargo shall remain, during such Appeal, in the Place of Residence of the First Commission, before which they shall have been carried.

On the part of *Spain*, the Vacancies shall be supplied, in the Possession of His Catholic Majesty, by such Persons of trust as the Principal Authority of the Country shall appoint; and upon the Coast of *Africa*, in case of the Death of any *Spanish* Judge or Arbitrator, the Commission shall proceed to Judgment in the same manner as above specified, for the Commission resident in the Possession of His Catholic Majesty, in the event of the Death of the *British* Judge or Arbitrator; an Appeal being, in this case likewise, allowed to the Commission resident in the Possession of His Catholic Majesty: and in general, all the Provisions of the former Case being to be applied to the present.

The High Contracting Parties have agreed to supply, as soon as possible, the Vacancies that may arise in the above-mentioned Commissions, from Death or any other Cause; and in case that the Vacancy of any of the *Spanish* Commissioners in the *British* Possessions, or of the *British* Commissioners in the *Spanish* Possession, be not supplied at the end of the term of 7 Months for *America*, and of 12 for *Africa*, the Vessels which shall be brought to the said Possessions respectively, shall cease to have the right of Appeal above stipulated.

Done at *Madrid*, the 23d *September*, 1817.

(L.S.) HENRY WELLESLEY. (L.S.) JOSE PIZARRO.

Explanatory 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, concluded and signed at Madrid, the 23d September, 1817. (Signed at Madrid the 10th of December, 1822.)

WHEREAS it is stated in Article 1, of the "Instructions intended for the *British* and *Spanish* 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 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 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*, the 10th Day of *December*, 1822.

(L.S.) WILLIAM à COURT. (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 the 23d, 1817. (Signed at Madrid the 10th of December, 1822.)

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 Article 14* of the "Regulation 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 Seals of their Arms.

Done at *Madrid*, the 10th Day of *December*, 1822.

(L.S.) WILLIAM à COURT. (L.S.) EVARISTO SAN MIGUEL.

MEM:—*Here follows the "Declaration explanatory of the Additional Article between Great Britain and Spain, of the 10th of December, 1822." Signed at Madrid, the 2d of February, 1824.*†

TREATY between His Britannic Majesty and His Majesty The King of The Netherlands, for preventing Their Subjects from engaging in any Traffick in Slaves. Signed at the Hague, May 4, 1818.

In the Name of The Most Holy Trinity:

His Majesty The King of The United Kingdom of *Great Britain* and *Ireland*, and His Majesty The King of The *Netherlands*, animated with a mutual desire to adopt the most effectual Measures for putting a stop to the carrying on of the Slave Trade by Their respective Sub-

* See Declaration, Page 355. † See Page 355.

jects, and for preventing Their respective Flags from being made use of as a Protection to this nefarious Traffick by the People of other Countries who may engage therein; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and 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;* &c. &c. &c. 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;* &c. &c. &c. and *Cornelius Felix Van Maanen;* &c. &c. &c. who, having exchanged their Full Powers, found in good and due Form, have agreed on the following Articles:

1. The Laws of the United Kingdom of *Great Britain*, and *Ireland*, rendering it already highly penal for the Subjects of His *Britannic* Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty The King of The *Netherlands*, referring to the 8th Article of the Convention entered into with His *Britannic* Majesty on the 13th *August*, 1814, engages, in pursuance thereof, and within 8 months from the Ratification of these Presents, or sooner if possible, to prohibit all His Subjects, in the most effectual manner, and especially by Penal Law the most formal, to take any part whatever in the Trade of Slaves; and in the event of the Measures already taken by the *British* Government, and to be taken by that of The *Netherlands*, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further Measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective Subjects from taking any share whatever in this nefarious Traffick.

2. The Two High Contracting Parties, for the more complete attainment of the object of preventing all Traffick in Slaves on the part of Their respective Subjects, mutually consent that the Ships of Their Royal Navies, which shall be provided with Special Instructions for this purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit Traffick; and, in the event only of their finding such Slaves on board, may detain and bring away such Vessels, in order that they may be brought to Trial before the Tribunals established for this purpose, as shall herein-after be specified.

3. In the intention of explaining the mode of execution of the preceding Article, it is agreed, *First*. That such reciprocal right of visit and detention shall not be exercised within the *Mediterranean* Sea, nor within the Seas in *Europe* lying without the Straits of *Gibraltar*, and which lie to the Northward of the 37th parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude, 20 Degrees West of *Greenwich*. *Second*. That the Names of the several Vessels furnished with such Instructions, the Force of each, and the Names of their several Commanders, shall be from time to time, immediately upon their issue, communicated by the Power

issuing the same, to the other High Contracting Party. *Third.* That the number of Ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of Twelve belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained. *Fourth.* That if at any time it should be deemed expedient that any Ship of the Royal Navy of either of the Two High Contracting Parties, authorized to make such visit as aforesaid, should proceed to visit any Merchant Ship or Ships under the Flag, and proceeding under the Convoy of any Vessel or Vessels of the Royal Navy of the other High Contracting Party, that the Commanding Officer of the Ship, duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the Commanding Officer of the Convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the Merchant Ship or Ships so visited, and in all things assist, to the utmost of his power, in the due execution of the present Convention, according to the true intent and meaning thereof. *Fifth.* It is further mutually agreed, that the Commanders of the Ships of the Two Royal Navies, who shall be employed on this Service, shall adhere strictly to the exact tenor of the Instructions which they shall receive for this purpose.

4. As the two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects may incur unjustly, by the arbitrary and illegal detention of their Vessels; it being understood that this Indemnity shall invariably be borne by the Government whose Cruizer shall have been guilty of the arbitrary detention; and that the visit and detention of Ships specified in this Article, shall only be effected by those *British* or *Netherlands* Vessels which may form part of the Two Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the present Treaty, in pursuance of the Provisions thereof.

5. No *British* or *Netherlands* Cruizer shall detain any Ship whatever, not having Slaves actually on board; and in order to render lawful the detention of any Ship, whether *British* or *Netherlands*, the Slaves found on board such Vessel must have been brought there for the express purpose of the Traffick.

6. All Ships of the Royal Navies of the Two Nations, which shall hereafter be destined to prevent the Track in Slaves, shall be furnished by their respective Governments with a Copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof. These Instructions shall be written in the *Dutch* and *English* Languages, and signed for the Vessels of each of the Two Powers by the Minister of their respective Marine.

The Two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances: it being however well understood, that the said alterations cannot take place but by the common agreement, and by the consent, of the Two High Contracting Parties.

7. In order to bring to Adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in a-

Traffick of Slaves, according to the tenor of the 5th Article of this Treaty, there shall be established, within the space of a Year at furthest from the exchange of the Ratifications of the present Treaty, Two Mixed Courts of Justice, formed of an equal number of Individuals of the two Nations, named for this purpose by their respective Sovereigns. These Courts shall reside One in a Possession belonging to His *Britannic* Majesty, the Other within the Territories of His Majesty The King of The *Netherlands*; and the two Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what Places the Courts shall respectively reside. Each of the Two High Contracting Parties reserving to itself the right of changing, at its pleasure, the Place of Residence of the Court held within its own Dominions; provided, however, that One of the Two Courts shall always be held upon the Coast of *Africa*, and the Other in One of the Colonial Possessions of His Majesty The King of The *Netherlands*.

These Courts shall judge the Causes submitted to them according to the Terms of the present Treaty, without Appeal, and according to the Regulation and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

8. In case the Commanding Officer of any of the Ships of the Royal Navies of *Great Britain* and of The *Netherlands*, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government which shall conceive itself to be wronged by such conduct shall be entitled to demand reparation; and in such case the Government to which the Captor may belong binds itself to cause enquiry to be made into the subject of the Complaint, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

9. The Acts or Instruments annexed to this Treaty, and which form an integral part thereof, are as follow: *A*. Instructions for the Ships of the Royal Navies of both Nations destined to prevent the Traffick in Slaves. *B*. Regulation for the Mixed Courts of Justice, which are to hold their Sittings on the Coast of *Africa*, and in One of the Colonial Possessions of His Majesty The King of The *Netherlands*.

10. The present Treaty, consisting of Ten Articles, shall be ratified, and the Ratifications exchanged within the space of One Month from this date, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the Seals of their Arms.

Done at The *Hague* the 4th of *May*, 1818.

(L.S.) CLANCARTY. (L.S.) A. W. C. DE NAGELL.
(L.S.) VAN MAANEN.

Instructions for the Ships of the British and Netherlands Royal Navies, employed to prevent the Traffick in Slaves.

1. Every Ship of the Royal *British* or *Netherlands* Navy, which, furnished with these Instructions, shall, in conformity with the 2d Article of the Treaty of this date, have a right to visit the Merchant Ships of either of

the two Powers, actually engaged or suspected to be engaged in the Slave Trade, may, except in the Seas exempted by the 3d Article of the said Treaty, proceed to such visit, and should any Slaves be found on board, brought there for the express purpose of the Traffick, the Commander of the said Ship of the Royal Navy may detain them; and having detained them he is to birng them as soon as possible, for Judgment, before that of the Two Mixed Courts of Justice appointed by the Seventh Article of the Treaty of this date, which shall be the nearest, or which the Commander of the capturing Ship shall, upon his own responsibility, think he can soonest reach from the Spot where the Ship shall have been detained.

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.

Negro Servants and Sailors that may be found on board the said Vessels cannot in any Case be deemed a sufficient cause for Detention.

2. Whenever a Ship of the Royal Navy, so commissioned, shall meet a Merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly Nations; and in no case shall the Search be made by an Officer holding a rank inferior to that of Lieutenant in the Navies of *Great Britain* and of The *Netherlands*.

3. The Ships of the Royal Navies so commissioned, which may detain any Merchant Ship, in pursuance of the tenor of the present Instructions, shall leave on board all the Cargo, as well as the Master, and a part at least of the Crew of the above-mentioned Ship; the Captor shall draw up in Writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it. He shall deliver to the Master of the detained Ship a signed Certificate of the Papers seized on board the said Vessel, as well as of the number of Slaves found on board at the moment of Detention.

The Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the Place where the Legality of the Capture is to be tried by One of the Two Mixed Courts, in order that, in the event of their not being adjudged legal Prize, the Loss of the Proprietors may be more easily repaired. If, however, urgent motives deduced from the length of the Voyage, the state of health of the Negroes, or other causes, required that they should be disembarked, entirely or in part, before the Vessel could arrive at the Place of Residence of One of the said Courts, the Commander of the capturing Ship may take on himself the responsibility of such Disembarkation, provided that the necessity be stated in a Certificate in proper Form.

Regulation for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty The King of The Netherlands.

1. The Mixed Courts of Justice to be established by the Treaty of this date, upon the Coast of *Africa* and in a Colonial Possession of His Majesty The King of The *Netherlands*, are appointed to decide upon the Legality

of the Detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without Appeal, according to the present Treaty.

The Proceedings shall take place as summarily as possible: the Courts are required to decide, as far as they shall find it practicable, within the space of 20 Days, to be dated from that on which every detained Vessel shall have been brought into the Port where they shall reside;—*First*, upon the Legality of the Capture;—*Secondly*, in the Cases in which the Captured Vessel shall have been liberated, as to the Indemnification which the said Vessel is to receive. And it is hereby provided, that in all Cases the final Sentence shall not be delayed, on account of the Absence of Witnesses or for want of other Proofs, beyond the period of 2 months, except upon the Application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Courts may at their discretion grant an additional delay, not exceeding 4 months.

2. Each of the above-mentioned Mixed Courts, which are to reside on the Coast of *Africa*, and in a Colonial Possession of His Majesty The King of The *Netherlands*, shall be composed in the following manner:

The Two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of capture of Vessels which, in pursuance of the Stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these Mixed Courts shall be written down in the legal Language of the Country in which the Court may reside.

The Judges and the Arbitrators shall make Oath before the principal Magistrate of the Place in which the Courts may reside, to judge fairly and faithfully to have no Preference either for the Claimants or the Captors, and to act in all their Decisions in pursuance of the Stipulations of the Treaty of this date.

There shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the Country in which the Court may reside, who shall Register all its Acts, and who, previous to his taking charge of his Post, shall make Oath before the Court to conduct himself with respect for their Authority, and to act with fidelity in all the affairs which may belong to his Charge.

3. The Form of the Process shall be as follows:

The Judges of the Two Nations shall, in the first place, proceed to the Examination of the Papers of the Vessels, and to receive the Depositions of the Captain, and of Two or Three at least of the principal Individuals on board of the detained Vessel, as well as the Declaration on Oath of the Captor should it appear necessary, in order to be able to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the present Treaty, and in order that, according to this judgment, it may be condemned or liberated; and in the event of the Two Judges not agreeing in the Sentence they ought to pronounce, whether as to the Legality of the Detention, or the Indemnification to be allowed, or any other Question which might result from the Stipulations of the present

Treaty, they shall draw by Lot the Name of One of the Two Arbitrators, who, after having considered the Documents of the Process, shall consult with the above-mentioned Judges on the Case in question, and the final Sentence shall be pronounced conformably to the opinion of the Majority of the above-mentioned Judges, and of the above-mentioned Arbitrator.

4. In the authenticated Declaration, which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel, at the time of the Detention, the above-mentioned Captor shall be bound to declare his Name, the Name of his Vessel, as well as the Latitude and Longitude of the Place where the Detention shall have taken place, and the number of Slaves found on board of the Ship at the time of the Detention.

5. As soon as Sentence shall have been pronounced, the detained Vessel, if liberated, and the Cargo, in the state in which it shall then be found, shall be restored to the Master or the Person who represents him, who may, before the same Court, claim a Valuation of the Damages which they may have a right to demand; the Captor himself, and in his default, his Government, shall remain responsible for the above-mentioned Damages.

The Two High Contracting Parties bind themselves to pay, within the term of a Year from the date of the Sentence, the Costs and Damages which may be granted by the above-named Court, it being understood that these Costs and Damages shall be at the Expence of the Power of which the Captor shall be a Subject.

6. In case of the condemnation of a Vessel, she shall be declared lawful Prize as well as her Cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of Commerce; and the said Vessel, as well as her Cargo, shall be sold by Public Sale, for the profit of the Two Governments; and as to the Slaves, they shall receive from the Mixed Court a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Court which shall have so judged them shall be established, to be employed as Servants or free Labourers.

Each of the Two Governments binds itself to guarantee the liberty of such portion of these Individuals as shall be respectively consigned to it.

7. The Mixed Courts shall also take cognizance, and decide according to the Third Article of this Regulation, on all claims for compensation, on account of losses occasioned to Vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein restitution shall be decreed, the Court shall award to the Claimant or Claimants, his or their lawful Attorney or Attornies, for his or their use, a just and complete Indemnification for all costs of suit, and for all losses and damages which the Claimant or Claimants may have actually sustained by such capture and detention; that is to say,

First, in case of total loss, the Claimant or Claimants shall be indemnified, *A*. For the Ship, her tackle, apparel, and stores. *B*. For all freights due and payable. *C*. For the value of the cargo of Merchandize, if any, deducting for all charges and expences payable upon the sale of such cargoes, including commission of sale. *D*. For all other regular charges, in such Cases of total loss; and,

Secondly, in all other Cases not of total loss, the Claimant or Claimants shall be indemnified; *A.* For all special damages and expences occasioned to the Ship by the detention, and for loss of freight, when due or payable. *B.* A demurrage when due, according to the Schedule annexed to the present Article. *C.* For any deterioration of the cargo. *D.* An allowance of 5 *per Cent.* on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and, *E.* For all Premium of Insurance on additional risks.

The Claimant or Claimants shall in all Cases be entitled to Interest at the rate of 5 *per Cent. per Annum* on the Sum awarded, until paid by the Government to which the capturing Ship belongs; the whole amount of such indemnifications being calculated in the Money of the Country to which the captured Ship belongs, and to be liquidated at the exchange current at the time of the Award.

The Two High Contracting Parties wishing, however, to avoid, as much as possible, every species of Fraud in the execution of the Treaty of this date, have agreed, that if it should be proved in a manner evident to the conviction of the Judges of the Two Nations, and without having recourse to the decision of an Arbitrator, that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship, in that Case only the detained Ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance for a Vessel of

100 Tons to 120 inclusive			£ 5	*per diem*	201 Tons to 220 inclusive			£11	*per diem*		
121	ditto	150	ditto	.. 6		221	ditto	250	ditto	..12	
151	ditto	170	ditto	.. 8		251	ditto	270	ditto	..14	
171	ditto	200	ditto	..10		271	ditto	300	ditto	..15	

And so on in proportion.

8. Neither the Judges, nor the Arbitrators, nor the Secretary of the Mixed Court, shall be permitted to demand or receive, from any of the Parties concerned in the Sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

9. 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:

On the part of the *British* Government, the Vacancies shall be filled successively, in the Court which shall sit within the Possessions of His *Britannic* Majesty, by the Governor or Lieutenant-Governor resident in that Colony; by the principal Magistrate of the same, and by the Secretary; and in that which shall sit within the Possessions of His Majesty The King of The *Netherlands*, it is agreed, that in case of the Death of the *British* Judge or Arbitrator there, the surviving Individuals of the said Court shall proceed equally to the Judgment of such Ships as may be brought before them, and to the execution of their Sentence.

On the Part of The *Netherlands*, the Vacancies shall be supplied, in the Possessions of His Majesty The King of The *Netherlands*, successively, by the Governor or Lieutenant-Governor, the principal Magistrate and Secretary of Government; and upon the Coast of *Africa*, in case of the Death of any

Netherlands Judge or Arbitrator, the surviving Members of the Court shall proceed to Judgment in the same manner as above specified for the Court resident in the Possession of His Majesty The King of the *Netherlands*, in the event of the Death of the *British* Judge or Arbitrator.

The High Contracting Parties have further agreed, that the Governor or Lieutenant-Governor of the Settlement wherein either of the Mixed Courts shall sit, in the event of a Vacancy arising, either of the Judge or Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the Governor or Lieutenant-Governor of the nearest Settlement of such High Contracting Party, in order that the Loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies that may arise in the above-mentioned Courts, from Death or any other Cause whatever.

Articles Explanatory of, and Additional to, the Treaty concluded at The Hague, May 4, 1818, *between His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of The Netherlands, for the Prevention of the Traffick in Slaves. Signed at Bruxelles, December* 31, 1822.

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 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*, &c. &c. &c. ; and His Majesty The King of The *Netherlands*, *Anne William Charles*, Baron *de Nagell d' Ampsen*, Member of the Body of the Nobles of the Province of *Guelderland*, &c. &c. &c. Who, having exchanged their full Powers, found in good and due form, have agreed on the following Explanatory and Additional Articles:

1. Whereas it is stated in Article 1, 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.

2. 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 Commissioners sitting under the said Treaty, their Posts shall be supplied in the same manner in which, by Article 9 of the Regulation 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.

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 Seals of their Arms.

Done at *Bruxelles*, this 31st Day of *December*, 1822.

(L.S.) CLANCARTY. (L.S.) A. W. C. de NAGELL.

Further Additional Article to the before-mentioned Treaty.—Signed at Bruxelles, 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* and *Ireland*, 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*, &c. &c. &c.; 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 hovering or sailing upon the Coast of *Africa*, within one Geographic Degree of 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;—*First*, Having her Hatches fitted with open Gratings, instead of being close Hatches, as usual in Merchant Vessels.—*Second*, Having more Divisions or Bulk Heads in the Hold or on Deck than necessary for trading Vessels.—*Third*, Having on board spare Plank, either actually fitted in that shape, or fit for readily laying a Second or Moveable Deck, or Slave Deck.—*Fourth*, Having on board Shackles, Bolts, or Handcuffs.—*Fifth*, 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.—*Sixth*, 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.—*Seventh*, Having on board a greater Quantity of Mess Tubs or Kids than requisite for the use of her Crew as a Merchant Vessel.—*Eighth*, 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.—*Ninth*, Having on board an unreasonable Quantity of Rice or Farina, (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 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, abovementioned, 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 Seals of their Arms.

Done at *Bruxelles*, the 25th Day of *January*, 1823.

(L.S.) CLANCARTY. (L.S.) A. W. C. DE NAGELL.

And whereas in and by an Act passed in the 58th Year of His late Majesty *George* the Third, (Cap. 36.) intituled, *An Act to carry into Execution a Treaty made between His Majesty and The King of* Spain, *for preventing Traffick in Slaves*; and by a certain other Act, passed in the said Year, (Cap. 85.) intituled *An Act to carry into Execution a Convention made between His Majesty and The King of* Portugal, *for the preventing Traffick in Slaves*; and also by a certain

other Act, passed in the 59th Year of His late Majesty King *George* the Third, (Cap. 16.) intituled, *An Act to carry into Effect the Treaty with The* Netherlands, *relating to the Slave Trade*; and also by an Act passed in the said 59th Year of His said late Majesty King *George* the Third (Cap. 17.) intituled, *An Act to amend an Act of the last Session of Parliament, for carrying into execution a Convention made between His Majesty and The King of* Portugal, *for the preventing the Traffick in Slaves*; it is enacted, that it shall be lawful for His Majesty, by any *Warrant* under His Royal Sign Manual, countersigned by One of His Majesty's Principal *Secretaries of State*, to *appoint* such *Commissary Judges*, and *Commissioners of Arbitration, Judges, and Arbitrators*, as are in and by the said Treaties and Conventions, and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any *Vacancies* which may arise in such Offices by appointing other Persons thereto, and to grant *Salaries* to such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators as aforesaid, not exceeding such Annual Sums as the Commissioners of *His Majesty's Treasury* of the United Kingdom of *Great Britain* and *Ireland* shall from time to time direct; and such Commissary Judges, and Commissioners of Arbitration, Judges, and Arbitrators are hereby authorized and empowered to *examine and decide* all such Cases of Detention, Captures, and Seizures of Vessels, and their cargoes as aforesaid, detained, seized, taken or captured under the said Treaties, Conventions, Instructions, and Regulations, or included therein, as are by the said Treaties, Conventions, Instructions, and Regulations, and by these Acts, made subject to their Jurisdiction; and to proceed therein, and give such *Judgments*, and make such *Orders* therein, and to do all other Acts, Matters, and things appertaining thereto, agreeably to the Provisions of the said Treaties, Conventions, and the Instructions and Regulations annexed thereto as aforesaid, as fully and effectually, to all intents and purposes, as if Special Powers and Authorities for that purpose were specifically and particularly inserted and given in relation thereto in these Acts: Now be it declared and enacted, that the said Provisions as herein recited, shall continue, remain, and be in full force and effect.

LIII. And whereas in and by the said Acts of the 58th and 59th of *George* the Third, it is enacted, that it shall be lawful

for His Majesty, by any *Warrant* under His Royal Sign Manual, countersigned by one of His Majesty's Principal *Secretaries of State* for the time being, to *nominate and appoint* a *Secretary or Registrar* to the respective Commissions and Courts which shall be established in His Majesty's Dominions, and from time to time supply, by other Appointments, any *Vacancy* which may thereafter occur in such Office, and to grant a *Salary* to such Secretary or Registrar, not exceeding such Annual Sum as the said Commissioners of *His Majesty's Treasury* shall from time to time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the *duties of such Office*, as set forth and described in the said Treaties, Conventions, Instructions, and Regulations respectively, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary for the due discharge of the duties of his Office, according to the Provisions of the said Treaties, Conventions, Instructions, and Regulations as aforesaid: Now be it declared and enacted, That the said Provision as herein recited, shall continue, remain, and be in full force and effect.

LIV. And be it further enacted, That it shall be lawful for the *Governor or Lieutenant Governor*, or *Principal Magistrate* of the Colony or Settlement in which such Commission or Court shall sit, within the Possessions of His *Britannic* Majesty, to fill up every *Vacancy* which shall arise in such Commission or Court, either of Commissary Judge, Commissioner of Arbitration, or any Officer thereof appointed by His Majesty as aforesaid, according to the Provisions contained in the aforesaid Regulations, annexed to the said Treaties and Conventions as aforesaid, *ad interim*, until such Vacancy or Vacancies shall be thereafter filled by some Person or Persons appointed by His Majesty for that purpose.

LV. And be it further enacted, That every *Commissary Judge* and *Commissioner of Arbitration* appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the execution of any of the duties of such his Office, take an *Oath* in the presence of the Principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission or Court shall be appointed to reside; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Commission or Court shall be appointed, is hereby authorized to

administer, in the Form following; (that is to say),

'I *A. B.* do solemnly swear, that I will, according to the best 'of my skill and knowledge, act in the execution of my Office 'as faithfully, impartially, 'fairly, and without preference or favour, either for Claim- 'ants or Captors, or any other Persons; and that I will, to the 'best of my judgment and power, act in pursuance of and ac- 'cording to the Stipulations, Regulations, and Instructions 'contained in the Treaty or Convention between His Majesty 'and His Catholic Majesty, signed at *Madrid* on the 23rd 'Day of *September*, 1817, [*or*, in the Treaty between His 'Majesty and His Most Faithful Majesty, of the 22nd Day of '*January* 1815, and the Additional Convention thereto, sign- 'ed at *London* on the 28th Day of *July*, 1817; *or*, between 'His Majesty and His Majesty The King of The *Netherlands*, 'signed at The *Hague* on the 4th Day of May, 1818; *as the* '*Case may require.*]

'So help me GOD.'

LVI. And be it further enacted, That every *Secretary or Registrar* appointed by His Majesty, or *ad interim* as aforesaid, under the Provisions of the said Treaties, Conventions, Instructions, and Regulations, and of this Act, shall, before he enters on the Duties of his said Office, take an *Oath* before the *British* Commissary Judge as aforesaid, who is hereby empowered to administer the same, in the Form following; that is to say,

'I *A. B.* do solemnly swear, That I will, according to 'the best of my skill and knowledge, act in the execution 'of my Office, and that I will conduct myself with due re- 'spect to the Authority of the Commissary Judges and 'Commissioners of Arbitration of the Commission to which 'I am attached, and will act with fidelity in all the Affairs 'which may belong to my Charge, and without preference 'or favour either for Claimants or Captors, or any other 'Persons. So help me GOD.'

LVII. And be it further enacted, That it shall be lawful for the said *Commissary Judges*, or for any such *Secretary or Registrar*, and they are hereby respectively empowered, to *administer Oaths* to, and *take the Depositions* of, all Parties, Witnesses, and other Persons, who may come or be brought before them to be examined, or for the purpose of deposing in the course of any Proceeding before the said Commissary

Judges and Commissioners of Arbitration, in the Cases in which such Commissioners of Arbitration shall act with the said Commissary Judges, under the said Treaties, Conventions, Instructions or Regulations, or this Act; and it shall also be lawful for the said Commissary Judges and Commissioners of Arbitration, in the Cases aforesaid, to *summon* before them *all Persons* whom they may deem it necessary or proper to examine, in relation to any Suit, Proceeding, or Matter or Thing under their cognizance, and to send for and *issue Precepts* for the producing of all such *Papers* as may relate to the matters [in question before them, and to enforce all such Summonses, Orders, and Precepts, by such and the like means, powers, and Authorities, as any Court of Vice Admiralty may do.

LVIII. And be it further enacted, That every Person who shall wilfully and corruptly give *false Evidence* in any Examination or Deposition or Affidavit, had or taken upon or in any Proceeding before the said Commissary Judges or Commissioners aforesaid, or in any Examination or Deposition or Affidavit, had or taken before the said Secretary or Registrar, under the said Treaties, Conventions, Instructions, or Regulations or this Act, shall be deemed guilty of *Perjury*, and being thereof convicted, shall be subject and liable to all the *Punishments, Pains, and Penalties*, to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any Prosecution for such Offence in His Majesty's said Court of King's Bench, the *Venue* may be laid in the County of *Middlesex*.

LIX. And be it further enacted, That the pendency of any *Suit or Proceeding* instituted before the said *Commissioners* for the Condemnation or Restitution of any Ship or Cargo or Slaves, taken, seized, or detained by virtue of the said Treaties or Conventions with *Spain* and *Portugal*, or Instructions or Regulations thereto annexed, or the final Adjudication or Condemnation, or Judgment or Determination thereupon, may be *pleaded in Bar* or given in evidence under the General Issue, and shall be and be deemed and adjudged in

any Court whatever, to be a good and complete Bar in any Action, Suit or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any Ship, Vessel, or Cargo, or of any Damage for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention or Act, Matter, or Thing done under the Authority, or in pursuance of the Provisions of the said Treaties or Conventions, or of the Instructions or Regulations thereto annexed.

LX. And be it further enacted, That it shall *not be lawful* for any Person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever, in the High Court of Admiralty, or *in any other Court*, or before any Judges or Persons whomsoever, *other than the several Mixed Courts of Justice* appointed under and by virtue of the Treaty with The *Netherlands* aforesaid and this Act, for the Condemnation or Restitution of any Ship or Cargo of Slaves, or for any Compensation or Indemnification for any Loss or Damage, or for any Injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any Capture, Seizure, or Detention, under the Authority or in pursuance of the Provisions of the said Treaty with The *Netherlands*, or of the Instructions and Regulations thereto annexed, or of this Act; and that the *pendency of any Claim*, Suit, or Proceeding instituted, or which may be instituted before any of the *said Mixed Courts*, so to be appointed under the Authority of the said Treaty with The *Netherlands*, and this Act, for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty with The *Netherlands*, or of the Instructions and Regulations thereto annexed, or for any Compensation or Indemnification for any Loss or Damage, in consequence of the taking, seizing, or detaining of any such Ship, or the final Adjudication, Condemnation, Judgment, or Determination of any such Mixed Court, as the case shall require, may be *pleaded in Bar* or given in Evidence under the General Issue; or in case no such Claim, Suit, or Proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions, and Regulations, and this Act, may in like manner be pleaded in Bar, or given in Evidence under the General Issue; and every such Plea in Bar or Evidence so given under the General Issue, shall be deemed and adjudged

to be a good and complete Bar to any such Claim, Action, Suit, or Proceeding in the said High Court of Admiralty, or in any Court or Place other than such Mixed Courts.

LXI. Provided always, and be it further enacted, That it shall be lawful for the Lords *Commissioners of Appeal in Prize Causes*, and for the High Court of Admiralty, in all Cases and Questions arising out of the said Captures that may be depending before them, or that may be brought before them on Appeal from any Vice Admiralty Court, according to their respective Jurisdictions (except in such Cases as are in and by this Act expressly excepted), to proceed therein, and to *hear and determine* all Questions respecting any Right or Interest in or to the same, to which His Majesty, or the Captors or Seizors of such Ships, Vessels, or Cargoes may claim to be entitled by reason of the Capture or Seizure thereof, and the Laws relating thereto, and to enforce their *Judgments and Orders* therein by the usual Process of the said Courts.

LXII. Provided always, and be it further enacted, That in all Cases of *Spanish* and *Portuguese* Ships captured and proceeded against, and for which Indemnification has or may be made, in pursuance of the said Treaties or Conventions aforesaid, and in which the *Captors or Seizors* shall *not* establish any *Right or Interest* on their Behalf, by reason of the Capture thereof and the Laws relating thereto, it shall be lawful for the said Court respectively, to *order and adjudge* the Ships, Vessels, and Cargoes, or the Proceeds thereof, and all and every part thereof, unto or to which the Captors shall not establish any right or interest as aforesaid, to be delivered or paid to the *use of His Majesty*, to such Person or Persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the Delivery or the Payment thereof by the usual Process, as is used and established by Law in *Cases of Prize*.

LXIII. And whereas several Vessels belonging to the Subjects of *Spain*, *Portugal*, and The *Netherlands*, respectively, have been *captured* between the 17th of *February* 1815, and the Period at which the Commissioners appointed in virtue of the before-mentioned Treaties or Conventions have assembled: And whereas the Vessels belonging to the Subjects of *Portugal* so captured as aforesaid, are by the Additional Convention with that State, bearing date the 28th Day of *July*, 1817,

made the subject of *special Adjudication* under the Mixed Commission established in *London*: And whereas during the Period aforesaid, certain *Proceedings* have been had and *Decrees* have been made *without due Authority or Jurisdiction*, in the Vice Admiralty Court at *Sierra Leone*, in respect of Seizures of the Vessels and Cargoes belonging to the Subjects of *Spain*, *Portugal*, and The *Netherlands*, some or all of them, for alleged Contravention of the said Treaties or Conventions: And whereas it is expedient and necessary to make further Provisions and Regulations respecting all the aforesaid Ships and Cargoes, and also for the Payment of *Bounties* in certain Cases for Slaves seized and taken on board the said Ships; Be it further enacted, That it shall be lawful for the Commissioners of *His Majesty's Treasury* to direct the original *Papers and Proceedings* respecting all Ships, Vessels, and Cargoes belonging to any of the Subjects of *Spain*, *Portugal*, or The *Netherlands* condemned in the Vice Admiralty Court at *Sierra Leone* since the 17th Day of *February* 1815, to be transmitted to the Registry of the *High Court of Admiralty* of *England*; and further to direct the *Proceeds* of such Ships and Cargoes, in whosesoever possession the same may be, to be remitted and paid for the *use of His Majesty*, in such manner as the said Commissioners of the Treasury may direct and appoint; and further, that it shall be lawful for the said Commissioners of the *Treasury*, to institute Proceedings in the said High Court of Admiralty, against any Person or Persons in possession of the said Proceeds, for the purpose of obtaining payment of the same, and to *enforce the Payment* thereof by Process of the said Court, and to reward the *Captors* in all Cases where Contravention of Treaty has taken place, by granting to them *One Moiety* of the Proceeds of every Ship and Cargo captured as aforesaid; and the remaining *Moiety* of the said Proceeds shall be paid to such Person or Persons as the said Commissioners shall direct or appoint to receive the same for the use of His Majesty.

LXIV. Provided always, and be it further enacted, That the *Captors* shall *not* be entitled to any such *Reward*, where the Mixed Commission, established in *London* for the Adjudication of the Claims of *Portuguese* Subjects, have awarded or may hereafter award *Indemnification* to be made to the *Portuguese Owners*.

LXV. And be it further enacted, That in every Seizure

of any Ship or Vessel for being engaged or employed in the illicit Traffick in Slaves, by any of His Majesty's Ships or Vessels-of-War, or any Ship or Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, in which it shall appear to the satisfaction of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being, that such *Seizure has not been wantonly or improperly made*, it shall be lawful for the said Lord High Treasurer or Commissioners of *His Majesty's Treasury*, or any Three or more of them, to order and direct that all the *Costs, Charges, and Expences* which may have been or may be incurred by the Person or Persons making such Seizures, in any Proceedings, or for any Matter or Thing relating thereto, or arising out of any such Seizure, shall be *payed and defrayed out of the Proceeds* of such Capture or Seizure, or out of any of the Proceeds of the said Vessels or Cargoes, paid or to be paid to the Order of the Commissioners of His Majesty's Treasury under the Provisions of this Act,

LXVI. And be it further enacted, That wherever *Ships and Cargoes* captured by any of His Majesty's Ships-of-War, or by any Ship or Vessel commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, have been in fact *condemned* for illicit trading in Slaves, contrary to the Treaties or Conventions made between the Governments of *Spain*, *Portugal*, or The *Netherlands*, and where *Distribution* of the Proceeds thereof *has been made* prior to the 10th Day of *July* 1821, the said Captors shall be *confirmed and are hereby confirmed in the possession* of the said Proceeds; any Law, Statute, or Usage to the contrary notwithstanding.

LXVII. And be it further enacted, That where any *Ship or Vessel* employed or engaged in illicit Traffick in Slaves, in Violation of any of the said Conventions herein-before mentioned, shall be seized by any Ship or Vessel belonging to His Majesty, duly authorized under the Provisions of the said Conventions to make such Seizure, and shall be afterwards *condemned* by any of the Commissioners appointed in virtue of the Treaties or Conventions aforesaid, there shall be *paid to the Captors the Moiety to which His Majesty is entitled*, under the said Treaties or Conventions, of the net Proceeds of the said Ship and Cargo; the said Moiety of the said net Proceeds to be *distributed* in the manner hereafter directed

for the distribution of Bounties on Slaves taken on board the said Vessels.

LXVIII. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, a *Bounty* of £10 of lawful Money of *Great Britain* for every *Man*, *Woman*, *and Child* Slave seized and found on board any Ship or Vessel taken, and by the Commissioners appointed in virtue of any of the said Treaties or Conventions, *condemned* for illicit Traffick in Slaves, in violation of any of the Provisions of the said Conventions, such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be *distributed* to and amongst the Captors aforesaid, in such manner and proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that purpose.

LXIX. And whereas, besides the Treaties herein-before mentioned, a certain other Treaty was concluded with His Royal Highness The Prince Regent of *Portugal*, on the 19th day of *February*, 1810: And whereas prior to the passing of this Act, and since the conclusion of the said Treaties respectively, divers Seizures have been made of Ships, Cargoes, and Slaves on board the said Ships, the said Ships being engaged in Traffick for Slaves, contrary to the Provisions of the said Treaties, some or one of them; Be it further enacted, That in all Captures of *Portuguese* Vessels, made by any of His Majesty's Ships of War, or any Ship or Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, between the 1st day of *June*, 1814, and the 28th day of *July*, 1817, which said Vessels shall have violated any Treaty or Convention with *Portugal*, there shall be paid a like *Bounty* of £10 for every Man, Woman, and Child Slave so seized and taken; and in all Captures of Vessels belonging to *Spain*, *Portugal*, or The *Netherlands*, captured by any of His Majesty's Ships or Vessels duly authorized under the Provisions of the said Treaties, of the said 28th day of *July*, 1817, with *Portugal*, the said 23d day of *September*, 1817, with *Spain*, and the said 4th day of *May*, 1818, with The *Netherlands*, prior to the passing of this Act, and condemned for Contravention of the Provisions thereof, there shall be paid a like Bounty of £10 for

every Man, Woman, and Child Slave found on board any such Vessel, to be distributed to the Captors thereof, in the same manner as is by the Provisions of this Act herein-before directed: Provided always, that in all Cases in which the *Proceeds* of any such Capture shall have been *distributed* among the Captors, and allowed to be retained by such Captors, under the Provisions of this Act, the amount of the *Moiety* of the Proceeds shall be *deducted* from such *Bounties*.

LXX. Provided always, and be it further enacted, That in all Cases where any *Bounty* or Bounties, or any *Proceeds* are by virtue of this Act given to any capturing Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, the said Proceeds and Bounty or Bounties shall be *distributed* in such manner as the Commissioners of *His Majesty's Treasury* shall be pleased to direct or appoint.

LXXI. Provided also, and be it further enacted, That any *Party* or *Parties claiming any benefit*, by way of Bounty or Share of the Proceeds, for the seizure of any *Spanish*, *Portuguese*, or *Netherlands* Vessels, for violation of Treaty or Convention, shall and *may resort to the High Court of Admiralty* for the purpose of obtaining the Judgment of the said Court in that behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of Joint Capture which may arise upon any seizure of Slaves, and enforce any Decree or Sentence of any of the Mixed Commission Courts established or to be established in pursuance of Treaties or Conventions with Foreign Powers, and the Decrees or Sentences of the Vice-Admiralty Court relating to any seizure under this Act.

LXXII. And be it further enacted, That *where any Slaves*, or Persons treated, dealt with, carried, kept, or detained, as Slaves, have been, prior to the passing of this Act, or shall be hereafter taken as Prize of War, or trading contrary to the Provisions of the Treaties with Foreign Powers, or as liable to Forfeiture for any Offence committed against this Act, but who *shall not have been condemned*, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of *His Majesty's Treasury*, if to their discretion it shall seem meet, by Warrant, signed by any

Three or more of them, to direct the *payment* out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of *One Moiety of the Bounty* which would have been due in each Case respectively if the said Slaves had been delivered over.

LXXIII. And be it further enacted, That when any Seizure shall be made, or Prosecution instituted, as or for the violation of any of the Provisions of this Act, and *Judgment* shall be given *against the Seizor or Prosecutor*, or such Seizure shall be relinquished by him, it shall be lawful for the said Lords Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct *Payment* to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of such *Costs, Damages, and Expences* as the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate part thereof.

LXXIV. And be it further enacted, That it shall and may be lawful for the Lords Commissioners of *His Majesty's Treasury*, if to their discretion it shall seem meet, by Warrant, signed by Three or more of them, *to direct Payment* to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of any Sums *of Money awarded* by the Mixed Commission Courts to be due on account of any *unlawful Seizure* or Detention by any of His Majesty's authorized Cruizers: Provided always, that nothing herein contained shall exempt the *Seizor* from his *liability* to make good the Payments so made, when lawfully called upon by Order of the said Commissioners.

LXXV. And be it further enacted, That the *Registrars* of the several Vice-Admiralty Courts, and also the Commissary Judges and Commissioners of Arbitration of the several Mixed Commission Courts respectively, shall, on the 1st day of *January* and 1st day of *July* in every Year, *transmit* to the said Lords Commissioners of *His Majesty's Treasury*, a List or *Return of all Cases* which shall have been adjudged in the said Courts respectively under this Act, during the six Months preceding, together with the Names of the *Seizors*, and the dates of the *Seizures* and *Sentences* respectively, together with an account of the *state of the Property* according to the Schedule marked (A.) to this Act annexed.

LXXVI. And be it further enacted, That all Sums of

Money accruing to His Majesty from or on account of any *Forfeiture, Penalty, or Condemnation* under this Act, shall be paid over to such Person or Persons as His Majesty, His Heirs and Successors, may please to appoint, *for the use of His Majesty*, His Heirs and Successors.

LXXVII. And be it further enacted, That all the Provisions, Rules, *Regulations*, Forfeitures, and Penalties, respecting the delivery by *Prize Agents* of Accounts for examination, and the distribution of Prize Money, and the accounting for, and paying over the Proceeds of, Prize and the Percentage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all *Bounties and Proceeds* to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels-of-War, whether the said Bounty and Proceeds shall be paid to Prize Agents, or to any other Persons authorized to receive the same for the use and benefit of the Officers and Crews of any of His Majesty's Ships or Vessels-of-War.

LXXVIII. And be it further enacted, That if any *Action or Suit* shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaties, Conventions, or the Instructions or Regulations thereto annexed, or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the *General Issue*, and give this Act and the special matter in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Treaties, Conventions, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall be *nonsuited*, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover *Treble Costs*, and have the like remedy for the same as Defendants have in other Cases by law.

LXXIX. And also that *nothing in this Act* contained in relation to the said Treaties, Conventions, Regulations, or Instructions aforesaid, shall extend or be deemed or construed in anywise *to alter*, suspend, affect, relax, or repeal, any of the Clauses, Penalties, Forfeitures, or Punishments contained and enacted in *any other part* of this Act, but that all such Clauses,

Regulations, Penalties, Forfeitures, and Punishments therein contained, shall remain in full force and virtue.

LXXX. And be it further enacted, That *nothing* in the other parts of this Act contained shall extend or be deemed or construed in anywise *to alter*, suspend, affect, relax, or repeal, any of the Clauses, Penalties, Forfeitures, or Punishments contained, enacted, or confirmed in *that part* of this Act which relates to the said *Treaties, Conventions, Regulations, or Instructions* aforesaid.

LXXXI. And be it further enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

LXXXII. And be it further enacted, That this Act shall commence and have effect from and after the 1st day of *January*, in the Year of our Lord 1825.

SCHEDULE (A.) referred to by this Act, § 75.

Date of Seizure.	Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property Condemned has been sold or converted, and whether any Part remains unsold, and in whose Hands the Proceeds remain.

UNITED STATES.

*MESSAGE from The President of The United States, transmitting the information required by a Resolution of the House of Representatives, 27th February last, in relation to the Suppression of the African Slave Trade.**

To the House of Representatives.

I transmit, herewith, to The House of Representatives, a Report from the Secretary of State, with the Papers therein referred to, in compliance with a Resolution of that House, of 27th January last.

JAMES MONROE.

Washington, 19th March, 1824.

Department of State, Washington, March 18, 1824.

The Secretary of State, to whom has been referred a Resolution of The House of Representatives, of the 27th of Jan. last, requesting The President to communicate to that House such part as he may not deem inexpedient to divulge, of any Correspondence, or Negotiation, which he may have instituted with any Foreign Government, since the 23th of February, 1823, in compliance with a request contained in a Resolution of the same House of that date, relative to the denunciation of the African Slave Trade as Piracy, has the honour to submit to The President, Copies of the Correspondence requested.

JOHN QUINCY ADAMS.

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15. Mr. Everett to Mr. Adams, with two Enclosures; Correspondence with Baron Nagell..(Extracts)..	20th November	757

* Presented to Congress 20th March, 1824.

Note.—Nos. 1. and 2. laid before Parliament, Session 1823.

No. 3. and 4. ditto.....Session 1824.—(See Pages 411. 416.)

No. 5.—Mr. Adams to Mr. Nelson.

(Extract.) *Department of State, Washington, April* 28, 1823.

A Resolution of The House of Representatives, at the last Session of Congress, requests The President to enter upon, and to prosecute, from time to time, such Negotiations with the several Maritime Powers of Europe and America, as he may deem expedient, for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the consent of the Civilized World. You will take an early opportunity to make known this disposition to the *Spanish* Government; communicating to them Copies of the Fourth and Fifth Sections of the Act of 3d March, 1819, which declares this Traffick piratical, when pursued by Citizens of The United States; and you will express the willingness of the American Government to enter into Negotiations for the purpose of declaring it so, by the common consent of Nations.

No. 6.—*Mr. Adams to Mr. Rodney.*

(Extract.) *Department of State, Washington, May* 17, 1823.

A Resolution of The House of Representatives, at the late Session of Congress, requests The President of The United States to enter upon, and prosecute, from time to time, such Negotiations, with the several Maritime Powers of Europe and America, as he may deem expedient for the effectual Abolition of the African Slave Trade, and its ultimate denunciation, as *Piracy*, under the Law of Nations, by the consent of the Civilized World.

In pursuance of the object proposed by this Resolution, you will communicate to the Government of *Buenos Ayres*, Copies of the several Acts of Congress for the suppression of the Slave Trade, of the 20th of April, 1818; (U. S. Laws, vol 6. page 325;) 3d March, 1819, (page 435;) and of the 15th May 1820, (page 529;) pointing their attention, particularly, to the Fourth and Fifth Sections of the last, which subject to the penalties of Piracy, every Citizen of The United States, guilty of active participation in the African Slave Trade. The adoption of this principle, in the Legislative Code of all the Maritime Nations, would of itself, probably, suffice for the suppression of the Trade. But, as it would yet not authorize the armed Vessels of any one Nation to capture those of another, engaged in the Trade, a Stipulation to that effect might be agreed to, by Treaty, conditioned that the Captor shall deliver over the Captured Party to the Tribunals of his own Country for trial; to which should be added some guard of responsibility upon the capturing Officer, to prevent the abusive exercise of his power.

No. 7.—General Instructions to Richard C. Anderson, appointed Minister Plenipotentiary to the Republic of Colombia.

(Extract.) *Department of State, Washington, May* 27, 1833.

A Resolution of The House of Representatives, at the late Session of Congress, requests The President of The United States, to enter upon and to prosecute, from time to time, such Negotiations with the several Maritime Powers of Europe and America as he may deem expedient for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as *Piracy*, nnder the Law of Nations, by the consent of the Civilized World.

In pursuance of this object, you will communicate to the *Colombian* Government, Copies of the several Acts of our Congress for the suppression of the Slave Trade, of the 20th of April, 1818, (U. S. Laws, vol. vi. p. 325,) of 3d March, 1819, (page 435,) and of 15th May, 1820, (page 529,) pointing their attention particularly to the 4th and 5th Sections of the last, which subject to the penalties of Piracy, every Citizen of The United States, guilty of active participation in the African Slave Trade. The adoption of this principle in the Legislative Code of all the Maritime Nations, would, of itself, probably, suffice for the suppression of the Trade; but, as it would yet not authorize the armed Vessels of any one Nation to capture those of another, engaged in the Trade, a Stipulation to that effect may be agreed to by the Treaty, conditioned that the Captor shall deliver over the Captured Party to the Tribunals of his own Country for trial; to which should be added some guard of responsibility upon the capturing Officer, to prevent the abusive exercise of his powers.

No. 8.—*Mr. Adams to Mr. Rush.*

(Extract.) *Department of State, Washington, June* 24, 1823.

A Resolution of The House of Representatives, almost unanimously adopted at the close of the last Session of Congress, requested The President of The United States to enter upon, and to prosecute, from time to time, such Negotiations with the several Maritime Powers of Europe and America, as he may deem expedient, for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the consent of the Civilized World.

At the two preceding Sessions of Congress, Committees of the House had proposed a Resolution, expressed in more general terms, that ' The President of The United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the Maritime Powers of Europe, for the effectual Abolition of the African Slave Trade;' and this Resolution had, in each, case been the conclusion of a Report, recommending that The United States should accede to the proposal of a mutual and qualified concession of the Right of Search. The sentiments of the Committee were, in this respect, different from those which had been expressed by the Executive Department of the Government, in its previous Correspondence with that of Great Britain. No decision, by The House of Representatives, was made upon these Resolutions, proposed at the preceding Sessions; but, upon the adoption of that which did pass, at the last Session, it was well ascertained that the sentiments of the House, in regard to the Right of Search, coincided with those of the Executive; for they explicitly rejected an Amendment which was moved to the Resolution, and which would have expressed an opinion of the House favourable to the mutual concession of that Right.

You have been fully informed of the Correspondence between the Governments of The United States and of Great Britain, concerning the suppression of the Slave Trade, heretofore; and have been, from time to time, effectually instrumental to it yourself. You are aware of the grounds upon which the Proposals, on the part of Great Britain, that The United States should accede to the Stipulations similar to those which She had succeeded

in obtaining from Spain, Portugal, and The Netherlands, were on our part declined.

The subject was resumed by the British Minister residing here, Mr. S. Canning, a short time before the decease of the Marquis of Londonderry. It was suggested, that, since the total disappearance of the British and American Flags, as well as of those of the Nations which had consented to put the execution of their Laws against the Trade under the superintendence of British Naval Officers, it continued to flourish under that of Franee; that Her Laws, though in word and appearance equally severe in pro scribing the Traffick were so remiss in the essential point of execution, that their effect was rather to encourage, than to suppress it; and the American Government was urged to join in friendly representations to that of France, by instructing the Minister of The United States at Paris, to concur in those which the British Ambassador at that Court had been charged with making, to ensure a more vigilant fulfilment of the Prohibitory Laws. This invitation, at that time given only in oral Conference, was also declined, from an impression that such a concurrence might give umbrage to the French Government, and tend rather to irritation, than to the accomplishment of the object for which it was desired. Mr. Gallatin was, nevertheless, instructed separately to bring the subject to the notice of the French Government; and he did so, by a Note communicating to them Copies of the recent Laws of The United States for the suppression of the Trade, and particularly of that by which it has subjected every Citizen of The United States, who, after the passage of the Law, should be polluted with it, to the penalties of Piracy.

On the 29th of January, last, Mr. S. Canning, in a Letter to this Department, repeated the invitation of a joint and concurrent remonstrance, to be made by the British Ambassador, and our Minister in France; and at the same time called, with great earnestness, upon the Government of The United States, either to accede to the principle of the mutual and qualified Right of Search, emphatically pronounced, in his belief, to be the *only* effectual Measure devised, or likely to be devised, ' for the accomplishment of the end, or to bring forward some *other* scheme of concert,' which it again declared the readiness of His Majesty's Minister to examine with respect and candor, as a substitute for that of the British Cabinet.

However discouraging this call for an alternative might be, thus coupled as it was with so decisive a declaration of belief, that no effectual alternative had been, or was likely to be, devised; an opportunity was offered in pursuance of the Resolution of the House of Representatives, adopted at the close of the late Session of Congress, for proposing a substitute, in our belief more effectual than the Right of Search could be, for the total and final suppression of this nefarious Trade, and less liable, either to objections of principle, or to abuses of practice.

This Proposition was accordingly made, in my Letter to Mr. S. Canning of 30th of March last, to which his Letter of the 8th of April was the answer. In this answer Mr. Canning barely notices our Proposition, to express an opinion that his Government will see in it nothing but an acknowledgment of the necessity of further and more effectual Measures, and then proceeds, with an elaborate review of all the objections, which, in the previous Corres-

pondence between the two Governments, had been taken on our part to the British connected proposal of a mutual Right of Search,and a Trial by Mixed Commissions. Our objection had been of two kinds; first, to the Mixed Commissions, as inconsistent with our Constitution, and secondly, to the Right of Search, as a dangerous precedent, liable to abuse, and odious to the feelings and recollections of our Country.

In this Letter of Mr. S. Canning, the proposal of Trial by Mixed Commissions is formally withdrawn, and an alternative presented as practicable, one side of which only, and that the inadmissible side is distinctly offered, namely, of Trial by the Courts of the *Captor*. The other side of the alternative would, indeed, remove our Constitutional objection, and with it might furnish the means of removing the principal *inherent* objection to the concession of the Right of Search, that by which the Searching Officer is under no responsible controul for that act.

But, in our previous Correspondence, our strong repugnance to the Right of Search had been adverted to merely as matter of fact, without tracing it to its source, or referring to its causes. The object of this forbearance had been to avoid all unnecessary collision, with feelings and opinions which were not the same on the part f Great Britain, as upon ours. They had been willingly left undiscussed. This Letter of Mr. S. Canning, however, professedly reviewing all the previous Correspondence, for the removal or avoidance of our objections, and contesting the analogy between the Right of Search, as it had been found obnoxious to us, and as now proposed for our adoption by formal compact, I have been under the absolute necessity of pointing out the analogies really existing between them, and of shewing that, as Right of Search, independent of the right of *Capture*, and irresponsible, or responsible only to the Tribunals of the Captor, it is as proposed, essentially liable to the same objections as it had been, when exercised as a Belligerent Right. Its *encroaching* character, founded in its nature as an irresponsible exercise of force, and exemplified in its extension from Search for Contraband of War, to Search for Enemies' property, and thence to search for *men* of the Searcher's own Nation, was thus necessarily brought into view, and connected the exhibition of the evils inherent in the practice, with that of the abuses which have been found inseparable from it.

We have declared the Slave Trade, so far as it may be pursued by Citizens of The United States, Piracy; and, as such, made it punishable with death. The Resolution of the House of Representatives recommends Negotiation, to obtain the consent of the Civilized World to recognize it as Piracy, under the Law of Nations. One of the Properties of that description of Piracies, is, that those who are guilty of it may be taken upon the High Seas, and tried by the Courts of every Nation. But by the prevailing *customary* law, they are tried only by the Tribunals of the Nation to which the Vessel belongs in which the Piracy was committed. The Crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the Laws of the European Nations with regard to this Point, of which we have had remarkable and decisive proof within these five Years, in the case of Piracy and Murder, committed on board the Schooner, Plattsburgh, a Merchant Vessel of The United States. Nearly the whole of her Crew, were implicated in the Crime, which was committed on the High

Seas. They carried the Vessel into Christiansand, Norway, there abandoned her, and dispersed; three of them were taken up in Denmark, one in Sweden, one at Dantzig in Prussia, and one in France. Those taken up at Denmark and in Sweden were delivered up to Officers of The United States; brought to this Country; tried, convicted, and executed. The man taken at Dantzig, was, by consent of the Prussian Government, sent to Elsineur, and there confronted with those taken in Denmark. The Evidence against him on the examination was decisive; but, as he persisted in the refusal to *confess* his guilt, the Prussian Government, bound by an established maxim of their Municipal Law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzig, there to remain imprisoned for life. The French Government, upon advisement of the highest Judicial Authority of the Kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the Place where he was confined; with which condition, it not having been in our power to comply, the man remained there, also in prison, presumably for life. From these incidents it is apparent that there is no uniformity in the modes of trial, to which Piracy, by the Law of Nations, is subjected in different European Countries; but that the trial itself is considered as the right and the duty, only of the Nation to which the Vessel belongs, on board of which the Piracy was committed. This was, however, a Piracy committed on board of a Vessel by its own Crew. External Piracies, or Piracies committed by, and from, one Vessel against another, may be tried by the Courts of any Country, but are more usually tried by those of the Country whose Vessels have been the sufferers of the Piracy, as many of the Cuba Pirates have been tried in the British West India Islands, and some of them in our Courts.

This principle we should wish to introduce into the system, by which the Slave Trade should be recognized as Piracy under the Law of Nations; namely, that, although seizable by the Officers and Authorities of every Nation, they should be triable only by the Tribunals of the Country of the Slave Trading Vessel. This provision is indispensable to guard the innocent Navigator against vexatious detentions, and all the evils of arbitrary search. In committing to Foreign Officers the power, even in a case of conventional Piracy, of arresting, confining, and delivering over for trial, a Citizen of The United States, we feel the necessity of guarding his rights from all abuses, and from the application of any Laws of a Country other than his own.

The *Draft* of a Convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a Legislative Prohibition of the Slave Trade by both Parties, under the penalties of Piracy, you are authorized to propose and to conclude. These Articles, however, are not offered, to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted on as indispensable, if others, equally adapted to answer their purposes, should be proposed. It is only from the consideration of the Crime in the character of Piracy, that we can admit the visitation of our merchant Vessels by Foreign Officers for any purpose whatever, and in that case only under the most effective responsibility of the Officer, for the act of visitation itself, and for every thing done under it.

If the sentiments of the British Government should be averse to the prin-

ciple of declaring the Trade itself, by a Legislative Act, piratical, you will not propose, or communicate to them, the inclosed Project of Convention. Its objects, you will distinctly understand, are two-fold: to carry into effect the Resolution of the House of Representatives,—and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the Proposals pressed by them upon us, of conceding a mutual and qualified Right of Search, we should offer a substitute, for their consideration. The Substitute, by declaring the crime Piracy, carries with it the Right of Search for the Pirates, existing in the very nature of the crime. But to the concession of the Right of Search, distinct from the denomination of the crime, our objections remain in all their original force.

It has been intimated by Mr. S. Canning, that the suggestion itself, to the British Government, of the propriety of their passing a Legislative Act, might excite in them some repugnancy to it. We should regret the excitement of this feeling, which the very nature of the Negotiation seems to foreclose. Besides the Legislative Enactments, which have virtually been pressed upon us, by all the invitations to concede the Right of Search, and to subject our Citizens to trial for violations of our own Laws, by Foreign Tribunals, Great Britain, in almost all her Slave-trade Treaties, has required, and obtained, express Stipulations for the enactment of Prohibitory Laws, by France, Spain, Portugal, and The Netherlands. It was not expected that She would receive with reluctance, herself, a mere invitation similar to that which She had freely and expressly required from Others. Still, if the sentiment should exist, we would forbear pressing it to the point of irritation, by importunity. You will, in the first instance, simply state, that, if the British Government is prepared to proclaim the Slave Trade, Piracy by Statute, you are authorized to propose, and to conclude, a Convention, by which the mutual co-operation of the Naval Force of Great Britain and of The United States may be secured, for carrying into effect the Law, which, on that contingency, will be common to Both. Should the obstacle to the preliminary prove insuperable, you will refer the objections, on the part of the British Cabinet, to this Government, for consideration.

By the loose information hitherto communicated in the Public Journals, it would seem that the proposition for recognizing the Slave Trade as Piracy, by the Law of Nations, was discussed at the Congress of Verona. We are expecting the communication of the Papers relating to this subject, promised by Lord Liverpool to be laid before Parliament. Heretofore, although The United States have been much solicited and urged to concur in the Measures of Great Britain and her Allies, for the suppression of the Trade, they have been always communicated to us as purposes consummated, to which the *accession* of The United States was desired. From the general policy of avoiding to intermeddle in European Affairs, we have acquiesced in this course of proceeding; but to carry fully into effect the late Resolution of the House of Representatives, and to pursue the Discussions hereafter, with Great Britain herself, whether upon Her proposals or upon Ours, it is obviously proper, that Communications should be made to us of the progress of European Negotiation, for accomplishing the common purpose, while it is in deliberation. If we are to co-operate in the result, it is just that we should be consulted, at least, with regard to the means which we are invited to adopt.

(Inclosure in No. 8.)

DRAFT of a CONVENTION for the Suppression of Piracy, committed by the African Slave Trade.

1. The Two High Contracting Powers, having each separately, by its own Laws, subjected their Subjects and Citizens, who may be convicted of carrying on the illicit Traffick in Slaves on the Coast of Africa, to the penalties of Piracy, do hereby agree to use their influence, respectively, with the other Maritime and Civilized Nations of the World, to the end that the said African Slave Trade may be recognised and declared to be Piracy, under the Law of Nations.

2. It is agreed by the Two High Contracting Parties, that the Commanders and Commissioned Officers of either Nation, duly authorized under the Regulations and Instructions of their respective Governments, to cruize on the Coasts of Africa, of America, or of the West Indies, for the suppression of the Slave Trade, shall be authorized, under the conditions, limitations, and restrictions, hereinafter mentioned, to capture, and deliver over to the duly authorized and Commissioned Officers of the Other, *any Ship or Vessel carrying on such illicit Traffick in Slaves, under the Flag of the said other Nation, or for the account of their Subjects or Citizens, to be sent in for trial and adjudication by the Tribunals of the Country to which such Slave Ship or Vessel shall belong.* And the said Commanders and Commissioned Officers shall be further authorized to carry, or send in, any such Slave-trading Ship, so by them captured, into the Ports of the Country to which such Slave-trading Ship shall belong, for trial by the Tribunals, and conformably to the Laws, of the said Country. But the Slave Ship, so captured, shall not be sent into the Ports, or tried by the Tribunals of the Captor.

3. If any Naval Commander, or Commissioned Officer of The United States of America, shall, on the High Seas, or any where without the territorial jurisdiction of the said States, board, or cause to be boarded, any Merchant Vessel of Great Britain, and visit the same as a Slave Trader, or on suspicion of her being engaged in carrying on the illicit Traffick in Slaves; in every Case, whether the said visited Vessel shall be captured and delivered over, or sent into the Ports of her own Country for trial and adjudication, or not, the Boarding Officer shall deliver to the Master or Commander of the visited

Vessel, a Certificate in Writing, signed by the said Boarding Officer with his Name, and the addition of his Rank in the Service of The United States, and the Name of the Public Vessel of The United States, and of her Commander, by whose Order the said visit shall have been ordered; and the said Certificate shall declare, that the only object of the said visit is to ascertain whether the said British Merchant Vessel is engaged in the Slave Trade, or not; and if found to be so engaged, to take, and deliver her over to the Officers, or the Tribunals of her own Nation, for Trial and Adjudication. And the Commander of the said Public Vessel of The United States shall, when he delivers her over to the Officers or Tribunals of Great Britain, deliver all the Papers found on board of the captured Vessel, indicating her National Character, and the Objects of her Voyage, and with them a like Certificate of Visitation, in Writing, signed by his Name, with the addition of his Rank in the Navy of The United States, and the Name of the Public Vessel commanded by him; together with the Name and Rank of the Boarding Officer, by whom the said Visit was made. This Certificate shall, also, specify all the Papers, received from the Master of the Vessel detained, or visited, or found on board the Vessel, and shall contain an authentic Declaration, exhibiting the state in which he found the Vessel detained, and the changes, if any, which have taken place in it, and the Number of Slaves, if any, found on board at the moment of detention. And the same duties herein described shall devolve upon every Commander, or Commissioned Officer, of the Royal Navy of Great Britain, by whom, or by whose Order, any Merchant Vessel of The United States, or navigating under their Flag, shall be visited for the said purposes, and upon the Boarding Officer by whom the visit shall be effected, on the High Seas, or any where without the territorial Jurisdiction of Great Britain.

4. No Merchant Vessel of either of the Contracting Parties under the Convoy of a public Vessel of her own Nation, shall, under any circumstances whatever, be captured, or visited by, or from, any public Vessel of the other Nation, as being engaged, or on suspicion of being engaged in the Slave Trade.

5. No Search shall be made by, or under the Orders of, the Commander or Boarding Officer of any Public Vessel of either Party visiting any Merchant Vessel of the Other, as being en-

gaged or under suspicion of being engaged, in the Slave Trade, excepting such as may be necessary to ascertain if there be Slaves on board for the purposes of the said Traffick, or other proof that the said Vessel is so engaged. No Person shall be taken out of the said visited or captured Merchant Vessel of either Nation, by the Commanding Officer of the visiting Vessel, or under his Order. Nor shall any part of the Cargo of the said visited Vessel be removed out of her, until delivered over to the Officers or Tribunals of her own Nation.

6. When a Merchant Vessel of either Nation shall be captured as being engaged in the Slave Trade, by any Commander or Commissioned Officer of the Navy of the other Nation, it shall be the duty of the Commander of any Public Ship of the Navy, of the Nation to which the captured Vessel shall belong, upon the offer thereof being made to him by the Commander of the capturing Vessel, to receive into his custody the Vessel so captured, and to carry or send the same into the Ports of his own Country, for trial and adjudication. And at the time of the delivery of the said Vessel, an authentic Declaration shall be drawn up, in Triplicates, signed by both the Commanders of the delivering and of the receiving Vessels, one Copy of which shall be kept by each of them, stating the circumstances of the delivery; the condition of the Vessel captured, at the time of the delivery; the number of Slaves, if any, on board of her; a list of all the Papers received, or found on board of her at the time of capture, and delivered over with her; and the names of the Master, or Commander, of the captured Vessel, and of every Person on board of her, other than the Slaves, at the said time of delivery; and the third Copy of the said Declaration shall be transmitted with the said captured Vessel, and the Papers found on board of her, to one of the Ports of the Country to which the said captured Vessel shall belong, to be produced before the Tribunal appointed, or authorized, to decide upon the said capture; and the Commander of the said capturing Vessel shall be authorized to send the Boarding Officer, and one or two of his Crew, with the said captured Vessel, to appear as Witnesses of the facts in relation to her capture and detention, before the said Tribunal. The reasonable expences of which Witnesses, in proceeding to the Place of Trial, during their necessary detention there, and for their return to their own Country, or to rejoin their Station in its Service shall be allowed by the Tribunal

of trial; and in case of the condemnation of the captured Vessel, be defrayed from the Proceeds of the Sale thereof, and in case of the acquittal of the said Vessel they shall be paid by the Government of the Capturing Officer.

7. The Commander, or Commissioned Officer, of the Navy of either of the Contracting Parties, having captured a Merchant Vessel of the Other, as being engaged in the Slave Trade, if there be no Public Vessel of the Nation to which the said captured Vessel belongs, cruizing upon the same Station, to the Commander of whom the said captured Vessel may be delivered over, as stipulated in the preceding Article, shall carry or send the said captured Vessel to some convenient Port of her own Country, there to be delivered up to the competent Tribunal, for trial and adjudication. And the said captured Vessel shall there be libelled in the name and behalf of the Captors; and in case of the condemnation of the said Vessel, the Proceeds of the Sale thereof and of her cargo, if also condemned, shall be paid to the Commander of the said capturing Vessel, for the benefit of the Captors; to be distributed according to the established Rules of the Service of the Nation to which such capturing Vessel shall belong, for the distribution of Prize Money.

8. The Captain, or Commander, and Crew, of the said Vessel so captured and sent in for trial and adjudication, shall be proceeded against conformably to the Laws of the Country, whereinto they shall be so brought upon the charge of Piracy, by being engaged in the African Slave Trade; and the Captain, or Commander, the Boarding Officer, and other Persons belonging to the capturing Vessel, shall be competent Witnesses to the facts relating to the said Charge, and to the capture of the said Vessel, to which they shall be personally knowing: But every such Witness, upon the criminal trial for Piracy, shall be liable to be challenged by the Person accused, and set aside as incompetent, unless he shall release and renounce all his individual claim to any part of the Prize Money, upon the condemnation of the Vessel and cargo.

9. It is agreed between the High Contracting Parties, that the Right of visiting, capturing, and delivering over for Trial, the Vessels engaged in the African Slave Trade, and assuming their respective Flags, is mutually conceded to the Officers of their respective Navies, on the consideration that they have, by their respective Laws, declared their Citizens and Sub-

jects actually participating in the said Traffick, guilty of the crime of Piracy.

That no part of this Convention shall be so construed as to authorize the detention, search, or visitation, of the Merchant Vessels of either Nation, by the Public Officers of the Navy of the Other, except Vessels engaged in the African Slave Trade, or for any other purpose whatever than that of seizing and delivering up the Persons and Vessels concerned in that Traffick, for trial and adjudication, by the Tribunals and Laws of their own Country.

10. It is further agreed, that this right of visiting, detaining, and delivering over for trial, Vessels engaged in the Slave Trade, shall be exercised only by the Commissioned Officers of the Navy of the Parties, respectively, furnished with Instructions from their respective Governments, for the execution of their respective Laws for the Suppression of the Slave Trade. That the Boarding Officer, and the Captain, or Commander of the Vessel exercising these rights, or either of them, shall be personally responsible in Damages and Costs to the Master and Owners of every Merchant Vessel so by them delivered over, detained, or visited, for every vexatious or abusive exercise of the Right. In the case of every Vessel delivered over, as herein stipulated, for trial, the Tribunal shall be competent to receive the complaint of the Master, Owner, or Owners, or of any Person on board of such captured Vessel, or interested in the property of her cargo at the time of her detention, and on suitable proof of such vexatious or abusive detention or visitation to award reasonable Damages and Costs to the Sufferers, to be paid by the said Commanding or Boarding Officer, or either of them, so charged with vexatious or abusive detention, or visit. And the High Contracting Parties agree, that their respective Governments shall, in every such case, cause payment to be made of all such damages and costs so awarded, to the Persons so entitled to receive them, within twelve months from the date of such Award. And if any case of such vexatious or abusive detention, or visit, should occur in which the Vessel detained or visited shall not be delivered over for trial and adjudication, as herein provided, the Commander and Boarding Officer, by whom such vexatious and abusive detention, or visit, shall have been made, shall also be responsible in costs and damages to the Sufferers, upon complaint before the competent Admiralty Court of the Country of the said

Commander and Boarding Officer. And the respective Governments shall, in like manner, cause payment to be made of any damages and costs awarded by said Court, within twelve months from the date of the Award.

11. A Copy of this Convention, and of the Laws of the two Countries actually in force, for the prohibition and suppression of the African Slave Trade, shall be furnished to every Commander of the Public Vessels, instructed to carry into effect such prohibition. And in case any such Commanding Officer of the Navy of The United States, or of Great Britain, shall deviate in any respect from the dispositions of this Treaty, and from the Instructions of his Government, conformable to it, the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation; and in such case the Government of the Nation, to the Service of which he may belong, binds itself to cause inquiry to be made into the subject of the Complaint, and to inflict upon him, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

12. The present Treaty, consisting of Articles, shall be ratified, and the Ratifications exchanged within one Year from this date, or sooner if possible.

In Witness whereof, the respective Plenipotentiaries have signed the same, and thereunto affixed their Seals.

Done at , the day of , in the Year of our Lord,

No. 9.—Mr. Adams to Mr. Middleton.

SIR, *Department of State, Washington, July* 28, 1823.

At the close of the last Session of Congress, a Resolution was adopted by the House of Representatives, almost unanimously, requesting "The President of The United States to enter upon, and to prosecute, from time to time, such Negotiations with the several Maritime Powers of Europe and America, as he may deem expedient, for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the consent of the Civilized World."

In pursuance of this Resolution, Instructions for carrying it into effect have been given to the Ministers of The United States, destined to the Republics of Colombia and of Buenos Ayres, and to the Minister who has recently departed for Spain. But, as a negotiation for co-operation to effect the suppression of the African Slave Trade, had already been commenced with Great Britain, a special Instruction upon the subject was forwarded to Mr. Rush, together with a Full Power, and a Draft of a Convention, to be proposed, in substance, to that Government, and which he has been authorized to conclude.

A Copy of that Instruction and Draft are herewith enclosed; the general terms of which you will communicate, at such time, and in such manner, to the Imperial Russian Government, as you shall think proper.

You will, also, communicate to them the purport of the Resolution of the House of Representatives, above cited, and Copies of the Laws of The United States prohibiting the Slave Trade. You will particularly invite their attention to the two Sections of the Act of the 15th May, 1820, by which this Offence, when committed by Citizens of The United States, is subjected to the penalties of Piracy.

The proposal that this principle should be recognized by the general consent of Civilized Nations, recommended by the Resolution of the House of Representatives, appears to be substantially the same with that made by Great Britain at the Congress of Verona. It was not acceded to by any one of the other Powers there assembled, and the Conferences on this subject terminated there, by a mere renewal of the joint Declaration against the Traffick, of the Congress at Vienna. So long as the Trade shall not be recognized as Piracy by the Law of Nations, we cannot, according to our Constitution, subject our Citizens to trial for being engaged in it, by any Tribunal other than those of The United States.

The admission of the Crime as Piracy by the Law of Nations, would seem necessarily to subject the perpetrators of it to *capture*, by the armed force of every Nation. And this might endanger the lawful Commerce of the Maritime Nations, by subjecting them to the abuses of vexatious searches, without some special provision to guard against them.

This is the object of the Stipulations proposed in the Draft herewith transmitted; requiring that all Vessels of one Nation, which may be captured, as Slave Traders, by the Cruizers of another, should be delivered over for trial, to the Tribunals of their *own* Country.

You will see that Mr. Rush is instructed to correspond with you upon this subject. If the Draft of the Articles enclosed, should lead to the conclusion of a Convention between The United States and Great Britain, a communication of it to the Russian Government will be made as soon as possible, and we shall propose that His Imperial Majesty's accession to it, if agreeable to Him, shall be invited.

In the mean time, you will informally suggest to His Ministry, that it will be the desire of the Government of The United States to proceed in this matter, in perfect good understanding and harmony with them; and you will farther intimate that, as this has now become a general concern of the whole Civilized World, and as Great Britain is negotiating, *jointly* and *severally*, with each and every of Her Allies in Europe, apart, and again with them All together, while She is also separately treating with Us, we wish it to be considered, whether it would not be expedient on all sides, that communication should be made to Us of all the jointly concerted Measures, while they are mere proposals, and not that the knowledge of them should be withheld from Us, until they are matured into positive Treaties.

I am, &c. JOHN QUINCY ADAMS.

Henry Middleton, Envoy Ext. and Minister Plenipotentiary, U. S. at St. Petersburg.

No. 10.—Mr. Adams to Mr. Everett.

SIR, *Department of State, Washington, August* 8, 1823.

At the close of the last Session of Congress, a Resolution was adopted, almost unanimously, by The House of Representatives, "That The President of The United States be requested to enter upon, and to prosecute, from time to time, such Negotiations, with the several Maritime Powers of Europe and America, as he may deem expedient, for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the consent of the Civilized World."

In pursuance of this Resolution, Instructions for carrying it into effect have been given to the Ministers of The United States, destined to the Republics of Colombia, and of Buenos Ayres, and to the several Ministers of The United States in Europe.

As a Negotiation for co-operation, to effect the Suppression of the African Slave Trade, had already been commenced with Great Britain, a special Instruction upon the subject has been forwarded to Mr. Rush, togegether with a Full Power, and a Draft of a Convention to be proposed, in substance, to the British Government, and which he is authorized to conclude.

A necessary preliminary to the conclusion of this proposed Convention, should it meet the assent of the British Government, will be the enactment of a Statute declaring the Crime of African Slave Trading, Piracy by the British Law. In that event, it is proposed, by proper co-operation, that the influence of the two Powers should be exerted, to obtain the consent of other Nations to the general outlawry of this Traffick, as Piracy. In the mean time to give, at once, effect to the concert of both Nations, it is proposed that the armed Vessels of both, duly authorized and *instructed*, shall have power to *capture* the Slave Trading Vessels which may assume the flag of *Either*, and if not of their own Nation, to deliver over the captured Slave Trader to the Officers, or Tribunals of his own Country, for Trial and adjudication.

This principle is essential, as connected with that of constituting the Traffick, Piracy, by the Law of Nations. So long as the Offence was considered as of inferior magnitude, the Constitution of The United States forbade the submission of it, when charged upon their Citizens, to any Foreign Tribunal: and when the Crime and the Punishment are aggravated, to involve the life of the Accused, it affords but a more imperative inducement for securing to him the benefit of a Trial by his Countrymen and his Peers.

It appears, that, at the Conferences of Verona, the proposition was made by the British Government, that the Slave Trade should be recognized and proclaimed as Piracy by the Law of Nations. We have, therefore, reason to hope, that the Proposal now made to them, on the part of The United States, will be favorably considered by them. In that case, further Communications on the subject, with other Governments, will ensue.

In the mean time, to fulfil the intentions of the House of Representatives, in relation to The Netherlands, you will communicate to their Government a Copy of the Resolution, together with Copies of the Laws of The United States, prohibiting the Slave Trade, with particular notice of

the two Sections of the Act of 15th May, 1820, by which the Crime of being concerned in the African Slave Trade, when committed by Citizens of The United States, is declared to be, and is made, punishable as for Piracy. And you will announce the readiness of the American Government, should it suit the views of His Majesty The King of The Netherlands, to enter upon a Negotiation, for the purpose of carrying into effect the object of the Resolution of The House of Representatives; namely, the denunciation of the African Slave Trade as Piracy, by the Law of Nations.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

Alexander H. Everett, Esq.
Chargé d'Affaires, U. S. to The Netherlands.

No. 11.—*Mr. Adams to General Dearborn, Envoy Extraordinary and Minister Plenipotentiary of The United States at Lisbon.*

(Extracts.) *Department of State, Washington, August,* 14, 1823.

At the close of the last Session of Congress, a Resolution was adopted, almost unanimously, by the House of Representatives—

"That The President of The United States be requested to enter upon, and to prosecute, from time to time, such Negotiations with the several Maritime Powers of Europe and America, as he may deem expedient, for the effectual Abolition of the African Slave Trade, and its ultimate denunciation as Piracy, under the Law of Nations, by the consent of the Civilized World."

A Negotiation for concerting Measures of Co-operation to effect the Suppression of the African Slave Trade, had already for several Years been pending with Great Britain; for which reason, a special Instruction has been transmitted to Mr. Rush, together with a Full Power, and a Draft of a Convention to be proposed, in substance, to the British Government, and which he is authorized to conclude.

Should this Proposal meet the Assent of the British Government, a necessary preliminary to the conclusion of the Convention will be the passage of an Act of Parliament, declaring the Crime of African Slave Trading, when committed by British Subjects, Piracy. An Act of Congress to that effect, as relates to Citizens of The United States, has been in force, as you are aware, these three Years. When the Crime shall have been constituted Piracy by the Statute Law of both Countries, each with reference to its own Citizens, or Subjects, the principle offered by the projected Convention is, that the armed Vessels of Each, specially empowered and instructed to that end, shall be authorized to *capture* Slave Trading Vessels, assuming the Flag of the Other, and to deliver over the captured Vessels to the public Cruizers, or to the Tribunals, of their own Country, for Trial. This plan is offered as a substitute for that which was offered to us by Great Britain, which was predicated on the Treaties already concluded between that Power and Spain, Portugal, and The Netherlands. The leading principle of these Treaties was the mutual concession of the Right of Maritime Search, in time of Peace, to the armed Vessels of Both, cruizing for Slave Traders, and a Mixed Court of Commissioners and Arbitrators, sitting in Colonial Possessions of the Parties for the Trial of the Delinquents. To this System The

United States have steadily declined to accede, for two reasons:—One, because they had an invincible repugnance to subject their Merchant Vessels to the Maritime Search of Foreign Officers, in time of Peace; and the other, because they could not subject their Citizens to the Jurisdiction of Foreign Tribunals, upon Trials for Offences against their Laws.

At the Conferences of Verona, the British Government appears to have proposed, that the African Slave Trade should be declared Piracy by the Law of Nations. This is the same proposition recommended by the Resolution of The House of Representatives of The United States. The ultimate object of The United States, and of Great Britain, therefore, is the same.

The Negotiations suggested by the Resolution of the House, must depend materially for their character and progress, with reference to other Powers, upon the event of that which is thus pending with Great Britain. The Instructions to the Ministers of The United States in other Countries have, therefore, been only of a general character.

Portugal is the only Maritime Power of Europe, which has not yet declared the African Slave Trade, without exception, unlawful. Her own internal situation has, perhaps, recently tended to diminish the influence of those interests, which have heretofore prevailed to delay and postpone Her acquiescence in the principle of total proscription upon that Trade. It is hoped that She will not much longer resist the predominating spirit of the Age, calling so loudly upon the Rulers of Mankind, effectually to put down the crying sin of that abominable Traffick.

In communicating to the Portuguese Government, Copies of the Resolution of the House of Representatives, and of the Laws of The United States prohibiting the Slave Trade, you will state, that the Government of The United States will be ready to enter, at any time, when it may suit the views of that of Portugal, upon the Negotiation contemplated by the Resolution.

No. 12.—*Mr. Rush to Mr. Adams, giving him the Substance of a Conversation with Mr. Secretary Canning.*

(Extract.) *London, October* 9, 1823.

This latter subject, (the Slave Trade) he said it was his wish to take in hand with me himself, and thus keep it detached from the general Negotiation.

Whilst we were speaking of the mode of taking up the Question of the Slave Trade, I did not scruple to intimate, even at this early stage, that unless this Government was prepared to say, that it would cause a Statute to be passed, declaring the Trade by its own Subjects to be Piracy, and rendering it punishable as such, in manner as had been done by The United States, that I was not authorized to make any proposals upon the subject; that this, in fact, was the only Basis upon which it fell within the intentions of my Government to attempt any arrangement of the subject whatever. I was happy to hear Mr. Canning say, in reply, that he did not, speaking from his first impressions, see any insurmountable obstacle, upon this score, to our proceeding with the subject.

No. 13.—Mr. Sheldon, (Chargé d'Affaires of The United States, at Paris,) to the Secretary of State.

(Extract.) *Paris, October* 16, 1823.

In the same Conference, I also informed M. de Chateaubriand of the Resolution of The House of Representatives respecting the Slave Trade, which made the subject of your Despatch, of the 14th of August. He repeated, in substance, what he had before stated to Mr. Gallatin in conversation, viz. that the French Government were sincerely desirous of putting an end to that Trade, and were taking all the Measures in their power to effect it, by pursuing Offenders, and executing rigidly the Laws now in existence; but that the public opinion, generally, in France, and more especially in the Chambers, was against it, owing, not only to the prevalence of the Colonial Interests in the question, but particularly to the circumstances under which their Stipulations with England upon this subject had been made: so tender were they upon this point, that the proposition of adding new rigors to their Laws, would be taken as a new concession to that Power, and instead of being adopted in the Chambers, would be more likely to provoke an attempt to repeal the prohibitory Measures already established, in order to rid themselves, in that way, of one of the charges imposed upon them by the Foreign occupation; that time was necessary to wear away these impressions; and until that should have arrived, no Minister in France could be strong enough, upon this point, to do more than to watch over the execution of the Laws already in force, which they were now disposed to do fully and faithfully, and which, if not entirely efficient, at least made the prosecution of the Trade under the French Flag, hazardous and difficult.

At present, therefore, it is not probable that France will consent to the proposal of The President, to enter upon the Negotiation contemplated by the Resolution of the House of Representatives. I have, however, made the proposal, in obedience to your directions; and have the honour to enclose a Copy of the Letter to Vicomte de Chateaubriand, in which I have communicated to him that Resolution.

No. 14.—Mr. Sheldon, (Chargé d' Affaires,) to the Secretary of State.

(Extract.) *Paris, November* 5, 1823.

I have received answers from Vicomte de Chateaubriand, on the subject of the new and more effective measures proposed against the Slave Trade.

On the subject of the Slave Trade, the answer manifests a disposition to adopt such new provisions as may be found necessary for its more effectual suppression; and this disposition really exists; but, after what M. de Chateaubriand had stated in conversation, and which I have already communicated, these new and more rigorous Legislative Provisions can only be introduced gradually, and some time will be required for effecting that purpose.

Mr. Sheldon to the Vicomte de Chateaubriand.

Sir, *Paris, October* 15, 1823.

The Minister of The United States to this Court had, some time before he left Paris, transmitted to Your Excellency Copies of the Laws succes-

sively adopted by The United States for the suppression of the Slave Trade. This Communication was intended for the special purpose of making the French Government acquainted with the fact, that so far as The United States were concerned, their Legislation upon this subject had been ineffectual; that their Laws had been violated, and the Trade had continued, until they had denounced against it the highest punishment that a human Tribunal can inflict. Since it has been declared to be Piracy, and punishable with death, the American Flag has no longer been soiled with it.

At the last Session of Congress, that Body, desirous that the co-operation of the other Maritime Powers might be obtained in Measures which We had found to be so effectual, formally requested The President to enter upon, and prosecute, Negotiations with those Powers, to that end. I have the honor to enclose a Copy of the Resolution adopted, with great unanimity, by the House of Representatives, upon that subject; and I am directed to declare, that The President is ready to enter upon the Negotiation contemplated by it with France, whenever it may be agreeable to Her. Instructions to the same effect have been given to all the Ministers of The United States accredited to Foreign Powers, and the favourable results which are hoped from them will be made known, at the earliest opportunities, to the French Government. It may be expected that a co-operation in Measures equally effectual with those heretofore brought forward for the suppression of this Trade, and not open to similar objections, will be generally and readily afforded. I beg to offer to your Excellency, &c.

D. SHELDON.

Vicomte de Chateaubriand to Mr. Sheldon.—(Translation.)

SIR, *Paris, October* 29, 1823.

You did me the honour of writing to me, on the 15th of this month, that the Government of The United States had only attained the effectual suppression of the Slave Trade by making it Piracy, and by rendering those guilty of it liable to the same punishment. You have, at the same time, informed me, that that Government was disposed to co-operate with the other Powers, by Negotiations, to attain, by the same means, the complete and general Abolition of this Traffick.

The Communication which you did me the honour to address to me, cannot but deserve great consideration. I have requested the Keeper of the Seals to review, with great care, the Laws and Ordinances which have been made in France, for obtaining the Abolition of the Trade: to certify, after this examination, in what points they may be insufficient; and to propose, for completing them, in case of need, all the new dispositions which might accord with the independence and rights of the Flag, and which might appear most proper to assure, in France, in an efficacious manner, the absolute cessation of a Traffick so contrary to the Rights of Humanity. Accept Sir, the assurances, &c.

CHATEAUBRIAND.

No. 15.—Mr. Everett, (Chargé d'Affaires,) to the Secretary of State.
(Extract.) *Brussells, November* 20, 1823.

I have received from the Baron de Nagell a preliminary answer to my Note of the 7th, upon the Slave Trade, of both of which I have the honour to enclose a Copy.

Mr. Everett to Baron de Nagell.—(Translation.)

SIR, *Brussells, November* 7, 1823.

I have the honour to subjoin to your Excellency, by order of my Government, a printed Copy of the Laws of The United States, which forbid their Citizens to pursue the Slave Trade; also a Copy of the Resolution of the House of Representatives of the 8th of February, 1823, by which The President is requested to concert, with the Maritime Powers of Europe and America, the Measures which may be most proper to effect the Abolition of that Trade, and to make it, by the universal consent of the Civilized World, equivalent to the crime of Piracy.

Your Excellency will remark, that it is already viewed in this light by the Laws of The United States. The Act of 15th March, 1820, declares, (Sect. 4 and 5) that the Persons subject to the jurisdiction of the Republic, who shall be engaged in the Slave Trade, either by seizing these Unfortunates by force, or fraud, and carrying them on board their Vessels, or by keeping them there, and making them an object of Traffick, shall be deemed Pirates, and punished with death.

In fact, this pretended Commerce bears all the characteristics of Piracy: that is, of Felony committed on the Sea. And, as it has been denounced as a Crime by the greater Part of Civilized Nations, it ought to fall into the particular class of Crimes to which it naturally belongs, and undergo the Penalties which the Usage and the Law of Nations impose upon them. An unanimous Declaration of the Christian Powers, to this effect, would inevitably produce the entire cessation of the Trade. The public Ships of each Power would then be authorized, by the Law of Nations, to cruize against the Persons who might be engaged in it, without regard to the colour of the Flag with which they might pretend to be sheltered. Whilst, if the Trade is only regarded, in each Country, as an Offence against the Municipal Laws, it would be lawful for any one Nation alone, by permitting it, to afford an Asylum under its Flag, to the Pirates of all the Others.

The known character of The King, and the zeal which His Majesty has already displayed in His efforts to bring about the Abolition of this infamous Commerce, furnishes a presumption to the Government of The United States, that that of the Low Countries, will voluntarily co-operate with it to that effect. In communicating to your Excellency the subjoined Papers, and in praying that you will be pleased to lay them before The King, I am charged to announce to Him the desire of The President of The United States to obtain the co-operation of His Majesty in this work of justice, and to establish a concert between the Two Powers, in the Measures which they may pursue, in common, to render the Slave Trade equivalent to the Crime of Piracy, by the universal consent of the Christian World.

I eagerly embrace this occasion, &c.

A. H. EVERETT.

Baron de Nagell to Mr. Everett.—(Translation.)

SIR, *Brussells, November* 13, 1823.

I have the honour to acknowledge the receipt of your Note of the 7th of this month, containing some Propositions in regard to the Slave Trade, and to inform you, that, without delay, I laid this Paper, and its Inclosures, before The King.

I shall hasten to impart to you the determination of His Majesty, as soon as I shall have been informed of it; and, in the mean time, I seize this opportunity, &c. A. W. C. de NAGELL.

Mr. Everett.

*ORDER in COUNCIL, prohibiting the Exportation of Gunpowder or Salt-petre, or Arms or Ammunition, to the Coast of Africa.**

At the Court at Carlton-House, the 14th of August, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas the time limited by His Majesty's Order in Council, of the 10th of March last, for prohibiting the exportation of *Gunpowder* 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), will expire on the 19th day of September next; 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 19th of September next) 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), to 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 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

* London Gazette, 14th September, 1824.

prohibit the exportation of Gun-powder, or any sort of Arms or Ammunition," and also to empower His Majesty to restrain the carrying coastwise of Salt-petre, Gun-powder, or any sort of Arms or Ammunition; and also by an Act, passed in the 33d Year of His late Majesty's Reign, Cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Salt-petre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council:"

And The Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

ORDER in COUNCIL regulating the Duties on Bremen *Vessels, and their Cargoes, in British Ports.**

At the Court at Carlton-House, the 14th of August, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act, passed in the 4th Year of His present Majesty's Reign, 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 His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any Goods, Wares, or Merchandise, 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 Merchandise, 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

* London Gazette, 14th September, 1824.

before His Majesty and His Privy Council, that Goods, Wares, and Merchandise, 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 Merchandise, when imported or exported in Vessels of such Country: And whereas by an Act, passed in the last Session of Parliament, intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council, for regulating the Tonnage Duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels: And whereas satisfactory proof has heen laid before His Majesty and His Privy Council, that Goods, Wares, and Merchandise imported into or exported from the territories of the Free Hansiatic Republic of *Bremen*, are charged with the same Duties, and are allowed the same Drawbacks, Bounties, or Allowances, when imported or exported in British Vessels, as are levied or allowed on similar Goods, Wares, and Merchandise when imported or exported from Bremen in Bremen Vessels, and that British Vessels are charged with no other or higher Tonnage Duties on their entrance into the Territories of Bremen, than are levied on Bremen Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to Order, and it is hereby Ordered, that, from and after the 10th day of July last, Bremen Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the

cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher Duties or Charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into or exported from such Ports in British Vessels; and also that such articles, when exported from the said Ports in Bremen Vessels, shall be entitled to the same Bounties, Drawbacks, and Allowances that are granted on similar articles when exported in British Vessels:

And The Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

C. C. GREVILLE.

ORDER in COUNCIL regulating the Duties on Oldenburgh *Vessels, and their Cargoes, in British Ports,**

At the Court at Windsor, the 19*th of October*, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act, passed in the 4th Year of His present Majesty's Reign, 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, to authorise the importation into or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any Goods, Wares or Merchandise, 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 Merchandise, 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 Merchandise, 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 Merchandise, when imported or exported in Vessels of such Country: And whereas by an Act, passed in the last Session of Parliament, intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council, for regulating the Tonnage Duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels," His Majesty is authorised (in certain cases), 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 authorise the entry into 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 British Vessels: And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that Goods, Wares, and Merchandise imported into or exported from the Ports of His Serene Highness the Duke of *Oldenburgh*, are charged with the same Duties, and are allowed the same Drawbacks, Bounties, or Allowances when imported or exported in British Vessels, as are levied or allowed on similar Goods, Wares, and Merchandise when imported into or exported from the said Ports in Oldenburgh Vessels; and that British Vessels are charged with no other or higher Tonnage Duties on their entrance into the Ports of Oldenburgh, than are levied on Oldenburgh Vessels; His Majesty, by virtue of the powers vested in Him by the Acts above recited, 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, Oldenburgh Vessels entering the Ports of the United Kingdom of Great Britain and Ireland, in ballast or laden, direct from any of the Ports of Oldenburgh, or departing from the Ports of the said United Kingdom, together with the cargoes on board the same, such car-

goes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into or exported from such Ports in British Vessels; and also that such articles when exported from the said Ports in Oldenburgh Vessels, shall be entitled to the same Bounties, Drawbacks, and Allowances, that are granted on similar articles when exported in British Vessels:

And The Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ORDER in COUNCIL exempting certain Bremen *Vessels from taking Pilots in British Ports.**

At the Court at Windsor, the 19th of October, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act, passed in the 4th Year of His present Majesty's Reign, 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 any Order or Orders in Council, in all cases in which British Vessels, of less burthen than sixty tons, are not required by Law to take Pilots, to exempt Foreign Vessels, being of less burthen than sixty 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 Inhabitants of *Bremen*, and being of less burthen than sixty tons, which shall enter in 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, be-

* London Gazette, 23d October, 1824.

ing of less burthen than sixty 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. JAS. BULLER.

ORDER in COUNCIL exempting certain Danish *Vessels from taking Pilots in British Ports.**

At the Court at Carlton-House, the 10*th of March*, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act, passed in the 4th Year of His present Majesty's Reign, 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 any Order or Orders in Council, in all cases in which British Vessels, of less burthen than sixty tons, are not required by Law to take Pilots, to exempt Foreign Vessels, being of less burthen than sixty 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 *Denmark*, and being of less burthen than sixty tons, which shall enter in 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 sixty 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. JAS. BULLER.

* London Gazette, 20th March, 1824.

*NOTIFICATION of the termination of Hostilities between Great Britain and Algiers.**

Admiralty-Office, August 16, 1824.

Dispatches have this morning been received at this Office, addressed by Vice-Admiral Sir Harry Neale to John Wilson Croker, Esq. and dated in the Bay of Algiers, the 26th of July, reporting that the Differences between this Country and the Regency of Algiers were on that day satisfactorily arranged, and that the hostilities between the two Countries had accordingly ceased.

ORDINANCE for enforcing the Laws respecting the Liberty of the Press in France.†

LOUIS, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE,

A tous ceux qui ces présentes verront, salut.

Vu l'Art. 4 de la Loi du 17 Mars, 1822, ainsi conçu:

" Si dans l'intervalle des Sessions des Chambres, des circonstances graves rendaient momentanément insuffisantes les Mesures de garantie et de répression établies, les Lois des 31 Mars, 1820, et 26 Jullet, 1821, pourront être remises immédiatement en vigueur en vertu d'une Ordonnance du Roi, délibérée en Conseil et contresignée par trois Ministres.

" Cette disposition cessera de plein droit, un mois après l'ouverture de la Session des Chambres, si pendant ce délai elle n'a pas été convertie en Loi.

" Elle cessera pareillement de plein droit, le jour où serait publiée une Ordonnance qui prononcerait la Dissolution de la Chambre des Députés."

Considérant que la Jurisprudence de nos Cours a récemment admis pour les Journaux une existence de droit indépendante de leur existence de fait;

Que cette interprétation fournit un moyen sûr et facile d'éluder la Suspension et la Suppression des Journaux;

Qu'il suit de là que les moyens de répression établis par l'Art. 3 de la Loi du 17 Mars, 1822, sont devenus insuffisans;

Voulant dans ces circonstances, et jusqu'à la prochaine réunion des Chambres, pourvoir avec efficacité au maintien de l'Ordre public;

* London Gazette, 17th August, 1824. † Moniteur, 16th August, 1824.

Notre Conseil-d'État entendu,

Nous avons Ordonné et Nous Ordonnons ce qui suit :

Art. 1er. Les Lois des 31 Mars, 1820, et 26 Juillet, 1821, sont remises en vigueur, à dater de ce jour.

2. Notre Ministre Secrétaire-d'État au Département de l'Intérieur est chargé de l'exécution de la présente Ordonnance.

Donné au Château des Tuileries, le quinzième jour du mois d'Août de l'An de Grâce, 1824, et de notre Régne le 30me.

LOUIS.

Par le Roi, *Le Ministre de l'Intérieur*,
CORBIERE.

Le Garde-des-Sceaux de France,
DE PEYRONNET.

Le Ministre Secrétaire-d'Etat des Finances, Président du Conseil des Ministres,
JH. DE VILLELE.

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*ORDINANCE revoking the Ordinance of the 15th of August, respecting the Liberty of the Press in France.**

CHARLES, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE,

A tous ceux qui ces présentes verront, salut.

Ne jugeant pas nécessaire de maintenir plus longtems la Mesure qui a ét prise dans des circonstances différentes, contre les abus de la liberté des Journaux ;

Notre Conseil entendu,

Nous avons Ordonné et Ordonnons ce qui suit :

Art. 1er. L'Ordonnance du quinze Août dernier, qui remet en vigueur les Lois des 31 Mars, 1820, et 26 Juillet, 1821, cessera d'avoir son effet.

2. Notre Garde-des-Sceaux, Ministre Secrétaire-d'État de la Justice, et notre Ministre Secrétaire-d'État de l'Intérieur, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

Donné en notre Château des Tuileries, le 29 jour du mois de Septembre de l'An de Grace, 1824, et de notre Règne le premier.

CHARLES.

Par le Roi : *Le Garde-des-Sceaux, Ministre Secrétaire-d'Etat au Département de la Justice*,
Cte DE PEYRONNET.

* Moniteur, 30th Sept. 1824.

SPEECH of The King of France on the Opening of the Chambers, 22nd December, 1824.

MESSIEURS,

LE premier besoin de mon cœur est de vous parler de ma douleur et de la vôtre. Nous avons perdu un Roi sage et bon, tendrement chéri de Sa Famille, vénéré de ses Peuples, honoré et respecté de tous les Gouvernemens Etrangers.

La Gloire de Son Règne ne s'effacera jamais; non-seulement il a relevé le Trone de mes Ancêtres, mais il l'a consolidé par des institutions qui, rapprochant et réunissant le passé et le présent, ont rendu à la France le repos et le bonheur.

L'affliction touchante que la Nation entière a ressentie aux derniers momens du Roi mon Frère, a été pour moi la plus douce de toutes les consolations; et, je le dis avec vérité, c'est à elle seule que je dois d'avoir pu jouir pleinement de la confiance avec laquelle mon avénement au Trône a été accueilli.

Cette confiance ne sera pas trompée, Messieurs: je connais tous les devoirs que m'impose la Royauté; mais, fort de mon amour pour Mes Peuples, j'espère, avec l'aide de Dieu, avoir le courage et la fermeté nécessaires pour les bien remplir.

Je vous annonce avec plaisir que les dispositions des Gouvernemens Étrangers n'ont point éprouvé de changemens, et ne me laissent aucun doute sur le maintien des relations amicales qui existent entre Eux et Moi. L'esprit de conciliation et de prudence qui les anime, donne aux Peuples les plus fortes garanties qu'ils aient jamais eues contre le retour des fléaux qui les ont si long-temps désolés.

Je ne négligerai rien pour maintenir cet heureux accord et la paix qui en est le fruit. C'est dans ce dessein que j'ai consenti à prolonger encore le séjour en Espagne d'une partie des Troupes que Mon Fils y avait laissées après une campagne que, comme Français et comme Père, je puis nommer glorieuse. Une Convention récente a réglé les conditions de cette mesure temporaire, de manière à concilier les intérêts des deux Monarchies.

La juste sécurité que nous donnent nos rapports extérieurs, favorisera le dévelloppement de notre Prospérité Intérieure. Je seconderai, Messieurs, ce mouvement salutaire, en vous faisant proposer successivement les améliorations que réclament les intérêts sacrés de la religion et les parties les plus importantes de notre Législation.

Le Roi mon Frère trouvait une grande consolation à préparer les moyens de fermer les dernières plaies de la Révolution. Le moment est venu d'exécuter les sages desseins qu'il avait conçus. La situation de nos finances permettra d'accomplir ce grande acte de justice et de politique, sans augmenter les impôts, sans nuire au crédit, sans retrancher aucune partie des fonds destinés aux divers Services Publics. Ces résultats, peut-être inespérés, Messieurs, nous les devons à l'ordre établi, avec votre concours, dans la fortune de l'État, et à la paix dont nous jouissons. J'ai la ferme confiance que vous entrerez dans mes vues, et que cet œuvre de réparation s'achevera par un accord parfait de volontés entre vous et moi.

Je veux que la Cérémonie de mon Sacre termine la première Session de mon Règne. Vous assisterez, Messieurs, à cette auguste Cérémonie. Là, prosterné aux pieds du même Autel où Clovis reçut l'Onction Saint, et en présence de Celui qui juge les Peuples et les Rois, je renouvellerai le serment de maintenir et de faire observer les Lois de l'État et les Institutions octroyées par le Roi mon Frère; je remercierai la Divine Providence d'avoir daigné se servir de moi pour réparer les derniers malheurs de mon Peuple, et je la conjurerai de continuer à protéger cette belle France que je suis fier de gouverner.

ACT of the Government of The United States, respecting Naturalization.

An Act in further addition to "An Act to establish an uniform rule of Naturalization, and to Repeal the Acts heretofore passed on that Subject.

Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, That any Alien being a free white Person and a minor, under the age of 21 Years, who shall have resided in The United States 3 Years next preceding his arriving at the age of 21 Years, and who shall have continued to reside therein to the time he may make application to be admitted a Citizen thereof, may, after he arrives at the age of 21 Years, and after he shall have resided 5 Years within The United States, including the 3 Years of his minority, be admitted a Citizen of The United States, without having made the Declaration required in the First Condition of the First Section of the Act to which this is [in] addition, 3 Years previous to his admission: *Provided,*

such Alien shall make the Declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove, to the satisfaction of the Court, that, for 8 Years next preceding, it has been the bona fide intention of such Alien to become a Citizen of The United States: and shall, in all other respects, comply with the Laws in regard to Naturalization.

Sec. 2. *And be it further enacted*, That no Certificates of Citizenship, or Naturalization, heretofore obtained from any Court of Record within The United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the First Section of the Act, entitled "An Act relative to evidence in Cases of Naturalization," passed the 22nd day of March, 1816.

Sec. 3. *And be it further enacted*, That the Declaration required by the First Condition specified in the First Section of the Act, to which this is an addition, shall, if the same has been bona fide made before the Clerks of either of the Courts in the said Condition named, be as valid as if it had been made before the said Courts, respectively.

Sec. 4. *And be it further enacted*, That a Declaration by any Alien, being a free white Person, of his intended application to be admitted a Citizen of The United States, made in the manner and form prescribed in the First Condition specified in the First Section of the Act to which this is in addition, 2 Years before his admission, shall be a sufficient compliance with said Condition; any thing in the said Act, or in any subsequent Act, to the contrary notwithstanding.

Washington, Approved, May 26, 1824.

TREATY between The United States and the Cherokee Indians. Signed at Tellico, 24th October, 1804.*—*(Ratified 17th May*, 1824.)

Whereas a Treaty between The United States of America and the Cherokee Indians was made and concluded, on the 24th day of October, 1804, in the Garrison of Tellico, on Cherokee ground, within The United States, by Commissioners on the part of The United States, and certain Chiefs and Warriors of said Nation, on the part and in behalf of said Nation, which Treaty is in the words following, to wit:

* National Intelligencer, 22d May, 1824.

Articles of a Treaty between The United States of America and the Cherokee Indians.

Daniel Smith and Return J. Meigs, being commissioned by Thomas Jefferson, President of The United States, with powers of acting in behalf of the said United States, in arranging certain matters with the Cherokee Nation of Indians; and the Underwritten Principal Chiefs, representing the said Nation, having met the said Commissioners in a Conference at Tellico, and having taken into their consideration certain propositions made to them by the said Commissioners of The United States; the Parties aforesaid, have unanimously agreed and stipulated, as is definitively expressed in the following Articles:

1st. For the considerations hereinafter expressed, the Cherokee Nation relinquish and cede to The United States, a tract of land bounding, southerly, on the Boundary line between the State of Georgia and the said Cherokee Nation, beginning on a point on the said Boundary line north-easterly of the most north-east Plantation, in the Settlement known by the name of Wafford's Settlement, and running at right angles with the said Boundary line four miles in the Cherokee lands; thence at right angles south-westerly and parallel to the first-mentioned Boundary line, so far as that a line, to be run at right angles southerly to the said first-mentioned Boundary line, shall include, in this Cession, all the Plantations in Wafford's Settlement, so called, as aforesaid.

2d. For, and in consideration of, the relinquishment and cession, as expressed in the First Article, The United States, upon signing the present Treaty, shall cause to be delivered to the Cherokees, useful Goods, Wares, and Merchandise, to the amount of 5,000 dollars, or that sum in money, at the option (timely signified) of the Cherokees; and shall, also, cause to be delivered, annually, to them, other useful Goods to the amount of 1,000 dollars, or money to that amount, at the option of the Cherokees, timely notice thereof being given, in addition to the Annuity, heretofore stipulated, and to be delivered at the usual time of their receiving their Annuity.

In witness of all and every thing, herein determined, between The United States and the Cherokee Nation, the Parties have hereunto set their hands and seals, in the Garrison of Tellico, on Cherokee ground, within The United States, this 24th

day of October, in the Year 1804, and in the 29th Year of the Independence and Sovereignty of The United States.

Daniel Smith.
Return J. Meigs.
Molluntuskie, his x mark.
Broom, his x mark.
John Mc. Lamore, his x mark.
Quotequeskee, his x mark.
Path Killer, his x mark.
Tagustiskee, his x mark.
Tulio, his x mark.
Sour Mush, his x mark.
Keatchee, his x mark.
James Vann.

WITNESSES,

Rob. Purdy, Secretary.
John Mc. Kee.
Jno. Campbell, Capt. 2d U. States' Regt. Commanding.
John Brahan, Lieut. 2d Regt. Infantry.
Thos. J. Van Dyke, Surgeons' Mate.
Wm. Charp.
Hinchey Pettway.
Wm. L. Lovely, Ass't. Ag't.
Ch. Hicks, Interpreter.

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 13th of the present 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 17th Day of May, in the Year of our Lord 1824, and of the Independence of The United States the 48th. JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

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*MESSAGE from The President of The United States, transmitting Copies of a Convention, concluded at St. Petersburg, the 12th Day of July, 1822, under the Mediation of The Emperor of all The Russias, between The United States of America and His Britannic Majesty.**

To The Speaker of the House of Representatives of The United States.

THE Convention concluded and Signed at St. Petersburg, on the 12th Day of July last, under the Mediation of His

* Presented to Congress 25th Jan. 1823.

Imperial Majesty The Emperor of all The Russias, having been ratified by The Three Powers, Parties thereto, and the Ratifications of the same having been duly exchanged, Copies of it are now communicated to Congress, to the end that the Measures for carrying it, on the Part of The United States, into execution, may obtain the co-operation of the Legislature, necessary to the accomplishment of some of its Provisions. A Translation is subjoined of the *Three explanatory Documents*, in the French Language, referred to in the 4th Article of the Convention, and annexed to it. The Agreement, executed at the exchange of the Ratifications is likewise communicated.

JAMES MONROE.

Washington, 16*th Jan.* 1823.

By The President of The United States.—A Proclamation.

WHEREAS a Convention between The United States of America and His Britannic Majesty was concluded and Signed at St. Petersburg, under the Mediation of The Emperor of all The Russias, on the 12th Day of July last, by the respective Plenipotentiaries of The Three Powers. And whereas the said Convention has been by them duly ratified, and the respective Ratifications of the same were exchanged at Washington, on the 10th Day of the present Month, by John Quincy Adams, Secretary of State of The United States, The Right Honourable Stratford Canning, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, and Mr. George Ellisen, Chargé d' Affaires of His Imperial Majesty The Emperor of all The Russias, on the Part of their several Governments; which Convention is in the Words following, to wit:—

IN the Name of the Most Holy and Indivisible Trinity:

The President of The United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the 5th Article of the Convention, concluded at London on the 20th day of October, 1818, to refer the Differences which had arisen between the two Governments, upon the true construction and mean-

Au Nom de la Très-Sainte et Indivisible Trinité:

Le Président des Etats-Unis d'Amérique, et Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, ayant décidé d'un commun accord, en conséquence de l'Article V. de la Convention conclue à Londres le 20 Octobre, 1818, que les différends qui se sont élevés entre les deux Gouvernemens sur la construction et le vrai sens du 1r. Ar-

ing of the 1st Article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814, to the friendly Arbitration of His Majesty The Emperor of all The Russias, mutually engaging to consider his decision as final and conclusive: and His said Imperial Majesty having, after due consideration, given his Decision upon these differences in the following terms, to wit:

"That The United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British Forces may have carried away; and, as the question relates to Slaves more especially, for all the Slaves that the British Forces may have carried away from the Places and Territories of which the Treaty stipulates the Restitution, in quitting these same Places and Territories.

"That The United States are entitled to consider as having been so carried away, all such Slaves as may have been transferred from the abovementioned Territories to British Vessels within the Waters of the said Territories, and who, for this reason, may not have been restored.

"But that, if there should be any American Slaves who were carried away from Territories of which the 1st Article of the Treaty of Ghent has not stipulated the Restitution to The United States, The United States are *not* entitled to claim an indemnification for the said Slaves."

Now, for the purpose of carrying into effect this Award of His Imperial Majesty, as Arbitrator, his good offices have been further invoked to assist in framing such Convention or Articles of Agreement between The United States of America and His Britannick Majesty, as shall provide the mode of ascertaining and determining the Value of Slaves and of

ticle du Traité de Paix et d'Amitié, conclu à Gand le 24 Décembre, 1814, seraient déferés à l'Arbitrage amical de Sa Majesté l'Empereur de toutes les Russies; s'étant en outre engagés réciproquement à regarder Sa Décision comme finale et définitive: et Sa Majesté Impériale après mûre considération, ayant émis cette décision dans les termes suivans:

"Que Les Etats-Unis d'Amérique sont en droit de réclamer de La Grande Bretagne une juste Indemnité pour toutes les Propriétés particulières que les Forces Britanniques auroient emportées; et, comme il s'agit plus spécialement d'Esclaves, pour tous les Esclaves que les Forces Britanniques auroient emmenés des Lieux et Territoires dont le Traité stipule la Restitution, en quittant ces mêmes Lieux et Territoires.

"Que Les Etats-Unis sont en droit de regarder comme emmenés tous ceux de ces Esclaves qui, des Territoires indiqués cidessus auroient été transportés à bord de Vaisseaux Britanniques mouillés dans les eaux des dits Territoires, et que par ce motif n'auroient pas été restitués.

"Mais que, s'il y a des Esclaves Américains emmenés de Territoires dont l'Article 1r. du Traité de Gand n'a pas stipulé la Restitution aux Etats-Unis, Les Etats-Unis ne sont pas en droit de réclamer une Indemnité pour les dits Esclaves."

Comme il s'agit à présent de mettre cette Sentence Arbitrale à exécution, les bons Offices de Sa Majesté Impériale ont été encore invoqués, afin qu'une Convention arrêtée entre Les Etats-Unis et Sa Majesté Britannique stipulât les Articles d'un accord propre à établir d'une part, le mode à suivre pour fixer et déterminer la valeur des Esclaves ou autres

other private Property, which may have been carried away in contravention of the Treaty of Ghent, and for which indemnification is to be made to the Citizens of The United States, in virtue of His Imperial Majesty's said Award; and shall secure Compensation to the Sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his Mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Counsellor, Member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, &c. &c. &c.; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, &c. &c. &c. as His Plenipotentiaries to treat, adjust, and conclude such Articles of Agreement as may tend to the attainment of the above-mentioned end, with the Plenipotentiaries of The United States and of His Britannic Majesty; that is to say, on the Part of The President of The United States, with the advice and consent of the Senate thereof, Henry Middleton, a Citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty The Emperor of all The Russias; and on the Part of His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Sir Charles Bagot, His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty The Emperor of all The Russias, &c. &c. &c. And the said Plenipotentiaries, after a reciprocal communication of their respective Full Powers, found in good and due form, have agreed upon the following Articles:

1. For the purpose of ascertain-

Propriétés privées qui auroient été emmenés en contravention au Traité de Gand, et pour lesquels les Citoyens des Etats-Unis auraient droit de réclamer une Indemnité en vertu de la Décision cidessus mentionnée de Sa Majesté Impériale; de l'autre à assurer un dédommagement aux Individus qui ont supporté les pertes qu'il s'agit de vérifier et d'évaluer. Sa Majesté Impériale a consenti à prêter sa mediation pour le dit objet, et a fondé et nommé Le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé, Membre du Conseil d'Etat, Secrétaire d'Etat dirigeant le Ministère Imperial des Affaires Etrangères, &c. &c. &c.; et le Sieur Jean Comte de Capodistrias, Son Conseiller Privé, et Secrétaire d'Etat, &c. &c. &c. pour Ses Plénipotentiaires à l'effet de negocier, régler et conclure tels Articles d'un accord qui pourraient faire atteindre la fin indiquée plus haut, conjointement avec les Plénipotentiaires des Etats-Unis et de Sa Majesté Britannique, savoir; de la part du Président des Etats-Unis, de l'avis et du consentement de leur Sénat, le Sieur Henry Middleton, Citoyen des dits Etats-Unis et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale, et de la part de Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, Le Très Honorable Sir Charles Bagot, Son Ambassadeur Extraordinaire at Plénipotentiaire près Sa Majesté Impériale, &c. &c. &c.: lesquels Plénipotentiaires après s'être réciproquement communiqué leurs Pleinpouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:

1. Pour vérifier et déterminer le

ing and determining the amount of Indemnification which may be due to Citizens of The United States under the Decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say: One Commissioner and one Arbitrator shall be nominated and appointed by The President of The United States of America, by, and with the advice and consent of the Senate thereof; and one Commissioner and one Arbitrator shall be appointed by His Britannic Majesty. And the two Commissioners and two Arbitrators, thus appointed, shall meet and hold their Sittings as a Board in the City of Washington. They shall have power to appoint a Secretary, and, before proceeding to the other business of the Commission, they shall, respectively, take the following Oath (or affirmation) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the Record of their Proceedings; that is to say: "I, A B, one of the Commissioners (or Arbitrators, as the case may be,) appointed in pursuance of the Convention concluded at St. Petersburgh on the $\frac{30\text{th}}{12\text{th}}$ day of $\frac{\text{June,}}{\text{July,}}$ 1822, between His Majesty The Emperor of all The Russias, The United States of America, and His Britannick Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as Commissioner (or Arbitrator, as the case may be,) under the said Convention."

All Vacancies occurring by death or otherwise shall be filled up in the manner of the original Appointments, and the new Commissioners or Arbitrators shall take the same Oath or

montant de l'Indemnité qui pourra être dûe aux Citoyens des Etats-Unis par suite de la Décision de Sa Majesté Impériale, deux Commissaires et deux Arbitres seront nommés de la manière suivante, savoir: Un Commissaire et un Arbitre seront nommés et accrédités, par Le President des Etats-Unis, de l'avis et du consentement de leur Sénat: l'autre Commissaire et l'autre Arbitre seront nommés par Sa Majesté Britannique. Les deux Commissaires et les deux Arbitres, ainsi nommés, se réuniront en Conseil, et tiendront leur Séances dans la Ville de Washington. Ils auront le pouvoir de choisir un Secrétaire, et, avant de procéder au travail de la Commission, ils devront prêter respectivement et en présence les uns des autres, le serment ou l'affirmation qui suit, et ce Serment ou affirmation prêté et formellement attesté fera partie du Protocole de leurs Actes et sera conçu ainsi qu'il suit: " Moi, A B, l'un des Commissaires (ou Arbitres, suivant le cas,) nommés en exécution de la Convention conclue à St. Petersbourg, le $\frac{\text{30 Juin,}}{\text{12 Juillet,}}$ 1822, entre Sa Majesté L'Empereur de toutes les Russies, Les Etats-Unis d'Amérique, et Sa Majesté Britannique, jure ou affirme solennellement que j'examinerai avec diligence, impartialité et sollicitude, et que je déciderai d'après mon meilleur entendement et en toute justice et équité, toutes les réclamations qui me seront déférées en ma qualité de Commissaire (ou d'Arbitre, suivant le cas,) à la suite de la dite Convention."

Les Vacances causées par la mort ou autrement, seront remplies de la même manière qu'au moment de la nomination primitive, et les nouveaux Commissaires ou Arbitres de-

affirmation, and perform the same duties.

2. If, at the first meeting of this Board, the Governments of The United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each Slave for whom Indemnification may be due; then, and in that case, the Commissioners and Arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of The President of The United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of Slaves at the period of the exchange of the Ratifications of the Treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that the majority of the Board of Commissioners and Arbitrators should not be able to agree respecting such average value, then and in that case, recourse shall be had to the arbitration of the Minister or other Agent of the Mediating Power, accredited to the Government of The United States. A statement of the Evidence produced, and of the Proceedings of the Board thereupon, shall be communicated to the said Minister or Agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before-mentioned methods, shall in all cases serve as a rule for the Compensation to be awarded for each and every Slave, for whom it may afterwards be found that indemnification is due.

3. When the average value of

vront prêter le même Serment ou affirmation, et s'acquitter des mêmes devoirs.

2. Si, lors de la première réunion de ce Conseil, le Gouvernement des Etats-Unis et celui de la Grande Bretagne ne sont point parvenus à déterminer d'un commun accord la valeur moyenne qui devra être assignée comme Compensation pour chaque Esclave, pour lequel il sera dû une Indemnité, dans ce cas les Commissaires et les Arbitres procèderont conjointement à l'examen de tous les témoignages qui leur seront présentés par ordre du Président des Etats-Unis, ainsi que de tous les autres témoignages valables qu'ils croiront devoir requérir ou admettre dans la vue d'arrêter la véritable valeur des Esclaves à l'époque de l'échange des Ratifications du Traité de Gand; et d'après les preuves qu'ils auront ainsi obtenues, ils établiront et fixeront la susdite valeur moyenne. Dans le cas où la majorité du Conseil des Commissaires et Arbitres ne pourroit pas s'accorder sur cette valeur proportionnelle, alors on aura recours à l'Arbitrage du Ministre ou autre Agent de la Puissance Médiatrice accrédité auprès du Gouvernement des Etats-Unis. Toutes les preuves produites et tous les Actes des opérations du Conseil à ce sujet, lui seront communiqués, et la décision de ce Ministre ou Agent, basée, comme il vient d'être dit, sur ces preuves et sur les actes de ces opérations, sera regardée comme finale et définitive. C'est sur la valeur moyenne fixée par un des trois modes mentionnés ci-dessus, que devra être réglée en tout état de cause, la Compensation qui sera accordée pour chaque Esclave pour lequel on reconnoitra par la suite, qu'une Indemnité est dûe.

3. Lorsque le prorata aura été

Slaves shall have been ascertained and fixed, the two Commissioners shall constitute a Board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of The United States, that they are ready to receive a definitive List of the Slaves and other private property, for which the Citizens of The United States claim indemnification; it being understood and hereby agreed that the Commission shall not take cognizance of, nor receive, and that His Britannick Majesty shall not be required to make compensation for any claims for private property under the 1st Article of the Treaty of Ghent, not contained in the said list. And His Britannick Majesty hereby engages to cause to be produced before the Commission, as material towards ascertaining facts, all the evidence of which His Majesty's Government may be in possession, by returns from His Majesty's Officers or otherwise, of the number of Slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

4. The two Commissioners are hereby empowered and required to go into an examination of all the Claims submitted, through the above-mentioned list, by the Owners of Slaves or other property, or by their lawful Attornies or Representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the Imperial Decision herein above recited, and having reference, if need there be, to the Explanatory Documents hereunto annexed, marked A and B. And in considering such Claims, the Commissioners are empowered, and required, to examine, on oath, or affirmation

ainsi arrêté, les deux Commissaires se constitueront en Conseil pour l'examen des réclamations qui leur seront soumises, et ils notifieront au Secrétaire d'Etat des Etats-Unis, qu'ils sont prêts à recevoir la Liste définitive des Esclaves et autres propriétés privées pour lesquels les Citoyens des Etats-Unis réclament une Indemnité. Il est entendu que les Commissaires ne sauroient examiner ni recevoir, et que Sa Majesté Britannique ne sauroit, en vertu des clauses de l'Article 1er du Traité de Gand, bonifier aucune prétention, qui ne seroit pas portée sur la dite liste. Sa Majesté Britannique s'engage d'autre part à ordonner, que tous les témoignages que Son Gouvernement peut avoir acquis par les rapports des Officiers de sa dite Majesté ou par tout autre canal, sur le nombre des Esclaves emmenés, soyent mis sous les yeux des Commissaires, afin de contribuer à la vérification des faits. Mais soit que ces témoignages viennent à être produits, soit qu'ils manquent, cette circonstance ne pourra porter préjudice à une réclamation ou aux réclamations qui par une autre voie seront légitimées d'une manière satisfaisante.

4. Les deux Commissaires sont autorisés et chargés d'entrer dans l'examen de toutes les réclamations qui leur seront soumises au moyen de la liste ci-dessus mentionnée, par les Propriétaires d'Esclaves, ou les Possesseurs d'autres Propriétés, ou par les Procureurs ou Mandataires de ceux-ci, et à prononcer sur ces réclamations suivant le dégré de leur mérite, la lettre de la Décision Impériale citée plus haut, et en cas de besoin la teneur des Documens ci-annexées et cotées A et B. En considérant les dites réclamations, les Commissaires sont autorisés à interpeller, sous serment ou affirmation

firmation, all such Persons as shall come before them, touching the real number of the Slaves, or value of other Property, for which Indemnification is claimed: and, also, to receive in evidence, according as they may think consistent with equity and justice, written Depositions or Papers, such Depositions or Papers being duly authenticated, either according to existing legal forms, or in such other manner as the said Commissioners shall see cause to require or allow.

5. In the event of the two Commissioners not agreeing in any particular Case under examination, or of their disagreement upon any question which may result from the Stipulations of this Convention, then and in that case they shall draw by lot the name of one of the two Arbitrators, who, after having given due consideration to the matter contested, shall consult with the Commissioners, and a final decision shall be given, conformably to the opinion of the majority of the two Commissioners, and of the Arbitrator so drawn by lot. And the Arbitrator, when so acting with the two Commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth Article of this Convention upon the Commissioners, and shall be vested with the same powers, and be deemed, for that Case, a Commissioner.

6. The decision of the two Commissioners, or of the majority of the Board, as constituted by the preceding Article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the Slaves, or other Property, for which Indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every Owner in lieu of his Slave

telle Personne qui se presenterait à eux, concernant le véritable nombre des Esclaves ou la valeur de toute autre Propriété pour laquelle il serait réclamé une Indemnité; ils sont autorisés de même à recevoir, autant qu'ils le jugeront conforme à l'equité et à la justice, toutes les dépositions écrites, qui seraient duement legitimées, soit d'après les formes existantes, voulues par la Loi, soit dans tout autre mode que les dits Commissaires auraient lieu d'exiger ou d'admettre.

5. Si les deux Commissaires ne parviennent pas à s'accorder sur une des réclamations qui seront soumises àleur examen, ou s'ils diffèrent d'opinion sur une question resultant de la présente Convention, alors ils tireront au sort le nom d'un des deux Arbitres, lequel, après avoir pris en mûre délibération l'objet en litige, le discutera avec les Commissaires. La décision finale sera prise conformément à l'opinion de la majorité des deux Commissaires et de l'Arbitre tiré au sort. Dans des Cas semblables l'Arbitre sera tenu de procéder à tous égards d'après les règles préscrites aux Commissaires par le 4me Article de la présente Convention. Il sera investi des mêmes pouvoirs, et censé pour le moment faire les mêmes Fonctions.

6. La décision des deux Commissaires, ou celle de la majorité du Conseil, formé ainsi qu'il a été dit en l'Article précédent, sera dans tous les cas finale et définitive, soit relativement au nombre et à la valeur, soit pour la vérification de la Propriété, des Esclaves, ou de tout autre bien-meuble privé, pour lequel, il sera réclamé une indemnité. Et Sa Majesté Britannique prend l'en-

or Slaves, or other Property, to be paid in specie, without deduction, at such time or times, and at such Place or Places, as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given, as they shall direct: provided that no such payments shall be fixed to take place sooner tban twelve months from the day of the exchange of the Ratifications of this Convention.

gagement que la somme adjugée à chaque Propriétaire en place de son Esclave ou de ses Esclaves, ou de toute autre Propriété, sera payée en espèces sans déduction, à tel tems ou à tels termes, et dans tel lieu ou tels endroits, que l'auront prononcé les dits Commissaires et sous clause de telles exemptions ou assignations, qu'ils l'auront arrêté: pourvu seulement qu'il ne soit pas fixé pour ces payemens de terme plus rapproché que celui de douze mois à partir du jour de l'échange des Ratifications de la présente Convention.

7. It is farther agreed, that the Commissioners and Arbitrators shall be respectively paid in such manner as shall be settled between the Governments of The United States and Great Britain, at the time of the exchange of the Ratifications of this Convention. And all other expenses attending the execution of the Commission, shall be defrayed jointly by The United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the Board.

7. Il est convenu en outre, que les Commissaires et Arbitres recevront de part et d'autre un traitement, dont les Gouvernemens des Etats-Unis et de Sa Majesté Britannique se réservent de déterminer le montant et le mode, à l'époque de l'échange des Ratifications de la présente Convention. Toutes les autres dépenses qui accompagneront les travaux de la Commission seront supportées conjointement par Les Etats-Unis et par Sa Majesté Britannique. Ces dépenses devront d'ailleurs être au préalable vérifiées et admises par la majorité du Conseil.

8. A certified Copy of this Convention, when duly ratified by His Majesty The Emperor of all The Russias, by The President of The United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the Contracting Parties, respectively, to the Minister or other Agent of the Mediating Power, accredited to the Government of The United States, as soon as may be after the Ratifications shall have been exchanged, which last shall be effected at Washington, in six months from the date hereof, or sooner if possible.

8. Lorsque la présente Convention aura été dûement ratifiée par Sa Majesté Impériale, par Le Président des Etats-Unis, de l'avis et du consentement de leur Sénat, et par Sa Majesté Britannique, une Copie vidimée en sera délivrée par chacune des Parties Contractantes au Ministre ou autre Agent de la Puissance Médiatrice, accrédité près le Gouvernement des Etats-Unis, et cela le plutôt que faire se pourra, après que les Ratifications auront été échangées: cette dernière formalité sera remplie à Washington, dans l'espace de six mois, de la date ci-dessous, ou plutôt s'il est possible.

In faith whereof, the respective

En foi de quoi, les Plénipotenti-

Plenipotentiaries have signed this Convention, drawn up in two Languages, and have hereunto affixed their Seals.

Done in triplicate at St. Petersburg, this $\frac{\text{thirtieth}}{\text{twelfth}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two.

(L.S.) CHARLES BAGOT.
(L.S.) HENRY MIDDLETON.

aires respectifs, ont signé la présente Convention, et y ont apposé respectivement le Cachet de leurs Armes.

Fait triple à St. Pétersbourg, $\frac{\text{30 Juin.}}{\text{12 Juillet}}$ dé l'Anneé mil-huit-cent-vingt et deux.

(L.S.) NESSELRODE.
(L.S.) CAPODISTRIAS.

(Annexe A.)—*Count Nesselrode to Henry Middleton, Esq.*

St. Petersbourg, ce 22 *Avril*, 1822.

Le Soussigné, Secrétaire d'Etat Dirigeant le Ministère Impériale des Affaires Etrangères, a l'honneur de communiquer à Monsieur de Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, l'Opinion que l'Empereur Son Maitre a cru devoir exprimer sur l'objet des différends qui se sont élevés entre Les Etats Unis et La Grande Brétagne, rélativement à l'interprétation de l'Article premier du Traité de Gand.

Monsieur de Middleton est invité à considérer cette opinion comme la Décision arbitrale demandeé à l'Empereur par les deux Puissances.

Il se rappellera sans doute, qu'aussi bien que le Plénipotentiaire de S. M. Britannique, il a dans tous ses mémoires principalement insisté sur le sens grammatical de l'Art. I. du Traité de Gand, et que même dans sa Note du $\frac{4}{16}$ Novembre, 1821, il a formellement déclaré que c'étoit sur la *signification des mots dans le texte de l'Article tel qu'il existe*, que devoit se fonder la décision de Sa Majesté Impériale.

La même déclaration étant consignée dans la Note du Plénipotentiaire Britannique en date du $\frac{8}{20}$ Octobre, 1821, L'Empereur n'a fait que Se conformer aux vœux énoncés par les deux Parties, en vouant toute Son attention à l'examen de la question grammaticale.

L'opinion ci-dessus mentionnée fera connoitre la manière dont Sa Majesté Impériale juge cette question, et afin que le Cabinet de Washington connoisse également les motifs sur lesquels se fonde le jugement de L'Empereur, le Soussigné joint à la presente, un extrait de quelques Observations, sur le sens littéral de l'Article premier du Traité de Gand.

Sous ce rapport, L'Empereur s'est borné à suivre les régles, de la langue employée dans la rédaction de l'Acte, par lequel les deux Puissances ont réclamé Son arbitrage, et defini l'objet de leur différend.

C'est uniquement à l'autorité de ces régles, que Sa Majesté Impériale a cru devoir obéir, et Son avis ne pouvoit qu'en être la conséquence rigoureuse et nécessaire.

Le Soussigné saisit avec empressement cette occasion, pour réitérer à Monsieur de Middleton les assurances de sa considération trés-distinguée.

NESSELRODE.

A Monsieur de Middleton.

Opinion of His Imperial Majesty.

Invité par Les Etats-Unis d'Amérique et par La Grande Bretagne à émettre une opinion, comme Arbitre dans les différends qui se sont élevés entre ces Deux Puissances, au sujet de l'interprétation de l'Article premier du Traité qu'Elles ont conclu à Gand, le 24me Décembre 1814, l'Empereur a pris connoissance de tous les Actes, Memoires et Notes où les Plénipotentiaires respectifs ont exposé à Son Ministère des Affaires Etangères, les argumens que chacune des Parties en litige fait valoir à l'appui de l'interpretation qu' elle donne au dit Article;

Après avoir murement pesé les observations développées de part et d'autre; considérant que le Plénipotentiaire Américain et le Plénipotentiaire Britannique ont demandé que la Discussion fût close, considérant que le Premier dans sa Note du $\frac{4}{16}$ Novembre, 1821, et le Second dans sa Note du $\frac{8}{20}$ Octobre, de la même Année, ont déclaré, que c'est *sur la Construction du texte de l'Article, tel qu'il existe*, que la décision arbitrale doit se fonder, et que l'un et l'autre n'ont invoqué que comme moyens subsidiaires, les principes généraux du Droit des Gens et de Droit Maritime:

L'Empereur est d'avis, " que ce n'est que d'après le sens littéral et grammatical de l'Article 1r. du Traité de Gand que la Question peut être décidée."

Quant au sens littéral, et grammatical de l'Article 1r. du Traité de Gand: —Considérant que la période sur la signification de laquelle il s'éléve des doutes, est construite ainsi qu'il suit:

" Tous les Territoires, Lieux et Possessions quelconques, pris par l'une des Parties sur l'autre, durant la guerre, ou qui pourroient être pris après la Signature du présent Traité, à l'exception seulement des Isles ci-dessous mentionnées, seront rendus sans délai, et sans faire détruire ou emporter aucune partie de l'artillerie ou autre propriété publique *originairement prise dans les dits Forts et Lieux et qui s'y trouvera au moment de l'échange des Ratifications du Traité*, ou aucuns Esclaves ou autres propriétés privées. Et tous Archives, Registres, Actes et Papiers, soit d'une nature Publique ou appartenans à des Particuliers, qui dans le cours de la guerre peuvent être tombés entre les mains des Officiers de l'une ou de l'autre Partie, seront de suite, en tant qu'il sera practicable, restitués et délivrés aux Autorités propres, et Personnes auxquelles ils appartiennent respectivement."

Considérant que dans cette période, les mots: *originairement prise et qui s'y trouvera au moment de l'échange des Ratifications*, forment une phrase incidente, laquelle ne peut se rapporter *grammaticalement* qu'aux substantifs ou sujets qui précèdent.

Qu'ainsi l'Article 1r. du Traité de Gand, ne défend aux Parties Contractantes d'emporter des Lieux dont il stipule la restitution, que les seules propriétés publiques *qui y auroient été originairement prises et qui s'y trouveroient au moment de l'échange des Ratifications*, mais qu'il défend d'emporter de ces mêmes Lieux *aucune propriété particulière quelconque;*

Que d'un autre coté, ces deux défenses ne sont applicables qu'uniquement aux Lieux dont l'Article stipule la restitution:

L'Empereur est d'avis:

"Que Les Etats-Unis d'Amérique, sont en droit de réclamer de La Grande Bretagne une juste Indemnité, pour toutes les Propriétés particulières que les Forces Britanniques auroient emportées, et comme il s'agit plus spécialement d'Esclaves; pour tous les Esclaves que les Forces Britanniques auroient emmenés des Lieux et Territoires dont le Traité stipule la Restitution, en quittant ces mêmes Lieux et Territoires.

"Que Les Etats-Unis sont en droit de regarder comme emmenés, tous ceux de ces Esclaves qui, des Territoires indiqués cidessus, auroient été transportés à bord de Vaisseaux Britanniques mouillés dans les eaux des dits Territoires, et qui par ce motif n'auroient pas été restitués.

"Mais que s'il y a des Esclaves Américains emmenés de Territoires dont l'Article 1, du Traité de Gand n'a pas stipulé la Restitution aux Etats-Unis, Les Etats-Unis ne sont pas en droit de réclamer une Indemnité, pour les dits Esclaves."

L'Empereur déclare en outre, qu'il est prét à exercer l'Office de Mediateur qui Lui a été déféré d'avance, par les deux Etats, dans les Négociations que doit amener entre Eux, la décision arbitrale qu'ils ont demandée.

Fait à St. Petersbourg, le 22 Avril, 1822.

(Annexe B.) *Count Nesselrode to H. Middleton, Esq.*

St. Petersbourg, le 22 Avril, 1822.

Le Soussigné Secrétaire d'Etat, dirigeant le Ministère Impérial des Affaires Etrangères, s'est empressé de porter à la connoissance de l'Empereur son Maitre, les explications dans lesquelles Mr. l'Ambassadeur de S. M. Britannique est entré avec le Ministère Impérial, à la suite de la Communication préalable et confidentielle qui a été faite à Monsieur de Middleton, ainsi qu'à Mr. le Chevalier Bagot, de l'opinion exprimée par l'Empereur, sur le vrai sens de l'Art. 1r du Traité de Gand.

Mr. le Chevalier Bagot entend qu'en vertu de la Décision de Sa Majesté Impériale, "S. M. Britannique n'est pas tenue à indemniser Les Etats-Unis d'aucuns Esclaves qui, venant des Endroits qui n'ont jamais été occupés par Ses Troupes, se sont volontairement réunis aux Forces Britanniques, ou en conséquence de l'encouragement que les Officiers de S. M. leur avoit offert, ou se dérober au pouvoir de leur Maitre, ces Esclaves n'ayant pas été emmenés des lieux ou Territoires pris par S. M. Britannique durant la guerre, et conséquemment n'ayant pas été emmenés des Lieux dont l'Article stipule la restitution."

En réponse à cette observation, le Soussigné est chargé par Sa Majesté Impériale, de communiquer ce qui suit à Monsieur le Ministre des Etats-Unis d' Amérique.

L'Empereur ayant, du consentiment mutuel des deux Plenipotentiaires, émis une opinion fondée uniquement sur le sens qui résulte *du texte de l'Article* en litige, ne se croit appelé à décider ici aucune question relative à ce que les Loix de la Guerre permettent ou défendent aux Parties Belligérantes, mais, toujours fidèle à l'interprétation grammaticale de l'Art. 1r. du Traité de Gand, Sa Majesté Impériale déclare une seconde fois qu'il lui semble, d'après cette interprétation;

"Qu'en quittant les Lieux et Territoires dont le Traité de Gand stipule la

restitution aux Etat-Unis, les Forces de S. M. Britannique n'avoient le droit d'emmener de ces mêmes Lieux et Territoires, absolument aucun Esclave, par quelque moyen qu'il fut tombé ou venu se remettre en leur pouvoir.

" Mais que si, durant la guerre, des Esclaves Américains avoient été emmenés par les Forces Angloises, d'autres Lieux que ceux dont le Traité de Gand stipule la restitution, sur Territoire ou à bord de Vaisseaux Britanniques, La Grande Bretagne ne seroit pas tenue d'indemniser les Etats-Unis de la perte de ces Esclaves, par quelque moyen qu'ils fussent tombés ou venus se remettre au pouvoir de ses Officiers."

Quoique convaincu, par les explications préalables dont il a été question plus haut, que tel est aussi le sens que Mr. le Chevalier Bagot attache à son observation, le Soussigné n'en a pas moins reçu de Sa Majesté Impériale, l'ordre d'addresser aux Plenipotentiaires respectifs, la présente Note, qui leur prouvera, que pour mieux répondre à la confiance des deux Gouvernemens, l'Empereur n'a pas voulu qu'il pût s'élever le plus léger doute sur les conséquences de Son Opinion.

Le Soussigné saisit avec empressement cette occasion de réitérer à Monsieur de Middleton, l'assurance de sa considération très distinguée.

Mons. Middleton. NESSELRODE.

Now, therefore, be it known, that I, James Monroe, President of The United States, have caused the said Convention 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 [L.S.] Seal of The United States to be affixed.

Done at the City of Washington, this 11th Day of January, in the Year of our Lord 1823, and of the Independence of The United States the Forty-seventh.

By the President: JAMES MONROE.

John Quincy Adams, Secretary of State.

We, the Undersigned, having this Day met in the City of Washington to exchange the Ratifications of the Convention, concluded and signed at St. Petersburg, on the $\frac{\text{30th Day of June,}}{\text{12th Day of July,}}$ 1822, by the respective Plenipotentiaries of The United States of America, His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all The Russias, do hereby certify that, at the time of exchanging the said Ratifications, it was agreed by us, for our respective Governments, conformably to the 7th Article of the above-mentioned Convention, that the Salary or Compensation of the Commissioners and Arbitrators mentioned therein, shall be at the rate of £1,000, or 4,444 Dollars to each Commissioner, and of £750, or 3,333 Dollars to each Arbitrator, *per Annum*, from the time of the first Meeting of the Commissioners at Washington, until the final Dissolution of the Board, to be paid Quarterly; with an additional Allowance to be paid with the first Quarter's Salary, of £600 to the Commissioners, and of the same Sum to the Arbitrator, to be appointed on the Part of His

Britannic Majesty, in consideration of their being called upon to exercise their functions at a distance from their Country; and of a Sum of £500 to each of them, at the close of the Commission, for their return home.

It was also agreed by us, that the Compensation of the Secretary of the said Board of Commissioners, shall be at the rate of £450, or 2,000 Dollars a-year, to commence from the period of his Appointment, until the final Dissolution of the Board.

And it was lastly agreed by us, that the said Salaries and additional Allowances shall, like the contingent Expences of the Commission, be defrayed jointly by The United States and His Britannic Majesty; the said Expences to be laid before the Board at the end of each Quarter, and, after being ascertained and allowed by a Majority of the Board, to be divided, including Salary and Allowance, as above, into Two Moieties, for each of which the Commissioners on either side shall draw, respectively, on the proper Departments of their own Governments.

In Witness whereof, we have hereunto set our Hands and affixed our Seals, at Washington, this 10th Day of January, 1823.

(L.S.) JOHN QUINCY ADAMS. (L.S.) STRATFORD CANNING.

TREATY of perpetual Union, League and Confederation, between Colombia *and* Mexico. *Signed at Mexico, the 3d. of October,* 1823. *

EN EL NOMBRE DE DIOS, SOBERANO GOVERNADOR DEL UNIVERSO.

El Gobierno de la Republica de Colombia por una parte, y por otra el de la Nacion Mexicana, animados de los mas sinceros deseos de terminar las calamidades de la presente Guerra, à que se han visto provocados por el Gobierno de S. M. C. El Rey de España, desididos à emplear todos sus Recursos y Fuerzas Maritimas y Terrestres, para sostener eficazmente su libertad ó Independencia, y deseosas de que esta liga sea general entre todos los Estados de la America antes Española,

IN THE NAME OF GOD, THE SOVEREIGN GOVERNOR OF THE UNIVERSE.

The Government of the Republic of Colombia on the one hand, and that of the Mexican Nation on the other, animated with the sincerest desire of terminating the calamities of the present War, into which they have been provoked by the Government of His Catholick Majesty, The King of Spain; decided on availing themselves of all their resources and land and sea Forces, effectually to sustain their liberty and independence; and desirous that this League should be gene-

* As Ratified by the Two Governments.

para que unidos, fuertes y poderosos sostengan en comun la cauza de su Independencia, que es el objeto primario de la actual contienda, han nombrado Plenipotenciarios para discutir, arreglar y concluir un Tratado de Union, Liga y Confederacion, à saber :—S. E. El Libertador, Presidente de Colombia, Al Honourable Señor Miguel de Santa Maria, Ministro Plenipotenciario y Enviado Extraordinario de esta Republica cerca del Gobierno de Mexico, y El Supremo Gobierno de la Nacion Mexicana, Al Exmo. Sr. D. Lucas Alaman, Secretario Interino de Estado y del Despacho de Relaciones Exteriores é Interiores:—Los cuales despues de haber cangeado sus Plenos Poderes, hallados en buena y debida forma, han convenido en los Articulos siguientes :

1. La Republica de Colombia y la Nacion Mexicana, se unen, ligan y confederan, desde ahora para siempre, en Paz y Guerra, para sostener con su influxo, y Fuerzas Maritimas y Terréstres, en quanto lo permitan las circunstancias, su Independencia de la Nacion Española y de qualesquiera otra Dominacion Estrangera, y asegurar, despues de reconocida aquella, su mutua prospe-

ral, between all the States of what was formerly Spanish America; in order that, united, strong and powerful, they may sustain in common, the cause of their Independence, which is the primary object of the present Conflict; have named Plenipotentiaries to discuss, regulate and conclude a Treaty of Union, League, and Confederation: namely, His Excellency the Liberator, President of Colombia, The Hon. Miguel Santa Maria, Minister Plenipotentiary, and Envoy Extraordinary from that Republic to the Government of Mexico; and The Supreme Governor of the Mexican Nation, His Excellency Don Lucas Alaman, Secretary, *ad interim*, of Foreign and Interior Affairs; who, after having exchanged their respective Full Powers, found in good and due form, have agreed on the following Articles:

1. The Republic of Colombia and the Mexican Nation, unite, league and confederate, from this time forward for evermore, in Peace and War, to sustain by their influence, and Forces by Sea and Land, as far as circumstances will permit, their Independence of the Spanish Nation, and of every other Foreign Dominion, and to secure after the recognition of their said Independence their

ridad, la mejor armonia y buena inteligencia, asi entre los Pueblos, Subditos, y Ciudadanos de ambos Estados, como con las demas Potencias con quienes deban entrar en relaciones.

2. La Republica de Colombia y la Nacion Mexicana se prometen por tanto y contraen expontaneamente un Pacto perpetuo de Alianza intima, y Amistad firme y constante, para su defensa comun, obligandose à socorrerse mutuamente y à rechazar en comun todo ataque ó invasion que pueda de alguna manera amenazar la seguridad de su Independencia y Libertad, y su bien reciproco y general.

3. A fin de concurrir à los objetos indicados en el Articulo anterior, las Partes Contratantes se comprometen à auxiliarse reciprocamente, con el numero de Fuerzas Terrestres que se acuerden porConvenios particulares, segun lo exigan das circunstancias, y mientras dure la nececidad ó conveniencia de ellas.

4. La Marina Nacional de ambas Partes, qualquiera que sea, estará asimismo dispuesta al cumplimiento de las precedentes Estipulaciones.

5. En los casos repentinos de mutuo auxilio, ambas Partes podrán obrar hostilmente con todas sus Fuerzas disponibles, en los Territorios de la Depen-

mutual prosperity, together with the greatest harmony and good understanding, as well between their Countries, Subjects, and Citizens, as with such other Powers as they may form relations with.

2. The Republic of Colombia and the Mexican Nation therefore promise and spontaneously contract a perpetual Treaty of strict Alliance, and firm and constant Friendship, for their common defence, binding themselves to mutual succour, and to repel in common any attack or invasion that may in any manner threaten the security of their Independence and liberty, and their mutual and general good.

3. In order to promote the objects indicated in the preceding Article, the Contracting Parties bind themselves mutually to assist each other with the number of Land Forces that may be agreed on by special Conventions, as circumstances may require, during their necessity or convenience.

4. The National Navy of both Parties, whatever it may be, shall be also disposable for the accomplishment of the preceding Stipulations.

5. In sudden cases requiring mutual assistance, both Parties may act hostilely, with all their disposable Forces, in the Territories of either Par-

dencia de una ú otra, siempre que las circunstancias del momento, no den lugar à ponerse de acuerdo ambos Gobiernos. Pero la Parte que asi obrase deberá cumplir y hacer cumplir los Estatutos, Ordenanzas y Leyes del Estado respectivo, en quanto lo permitan las mismas circunstancias, y hacer respetar y obedecer su Gobierno. Los gastos que se hubiesen impendido en estas Operaciones, se liquidarán por Convenios separados y se habonarán un año despues de la conclusion de la presente Guerra.

6. Ambas Partes Contratantes se obligan á prestar quantos auxilios esten á su alcance à los Bajeles de Guerra y Mercantes que llegaren á los Puertos de su pertenencia, por causa de averia ó qualquiera otro motivo, y como tal podrán carenarse, repararse, hacer viveres, armarse, aumentar su armamento y sus tripulaciones, hasta el estado de poder continuar sus viages ó cruceros, á espensas del Estado ó Particulares à quienes corresponda.

7. A fin de evitar los abusos escandalosos que puedan causar en alta mar los Corsarios armados, por cuenta de los Particulares, en perjuicio del Comercio Nacional y el de los Neutrales; convienen ambas

ty, in case the circumstances of the moment do not afford time for the Two Governments to concert together. But the Contracting Party which may thus act, will observe and cause to be observed, the Statutes, Ordinances, and Laws of the respective State, as far as circumstances permit, and cause its Government to be respected and obeyed. The expences that may be incurred in these Operations, shall be settled by separate Conventions, and shall be discharged within one year from the conclusion of the present War.

6. Both the Contracting Parties bind themselves to furnish such succour as may be in their power to Ships of War and Merchantmen, which may arrive at Ports belonging to either of them, on account of damage sustained, or from any other cause, and they may careen, repair, victual, arm or increase their Armament or Crew, so as to enable them to continue their Voyages or Cruizes, at the expence of the State or of the Individuals to whom they may belong.

7. In order to avoid the scandalous abuses which may exist on the high Sea, in consequence of Privateers being armed on account of Individuals, to the prejudice of the National Commerce as well

Partes en hacer extensiva la Jurisdiccion de sus juzgados ó Cortes Marítimas á los Corsarios que navegan bajo el Pabellon de una y otra, y sus Presas indistintamente, siempre que no puedan navegar facilmente hasta los Puertos de su procedencia; ó que haya indicios de haber cometido excesos contra el Comercio de las Naciones Neutrales, con quienes ambos Estados desean cultivar la mejor armonia y buena inteligencia.

as that of Neutrals, both Parties agree to extend the jurisdiction of their Maritime Courts, to all Privateers sailing under the Flag of either State, and to their Prizes indiscriminately; provided they cannot conveniently reach the Port to which they may be bound; or when excesses may appear to have been committed against the Commerce of Neutral Nations, with whom both States desire to cultivate the best harmony and good understanding.

8. Ambas Partes se garantirán mutuamente la integridad de sus Territorios en el mismo pie en que se hallaban antes de la presente Guerra, reconociendo igualmente por Partes integrantes de una y otra Nacion, todas las Provincias que aunque Governadas por autoridad del todo independiente de la de los antiguos Vireynatos de Mexico y Nueva Granada, se hayan convenido ó se convinieren de un modo legitimo enformar un solo cuerpo de Nacion con ellos.

8. Both Parties mutually guaranty the integrity of their Territories on the footing on which they stood before the present War, also recognising as integral parts of either Nation, every Province which, though formerly governed by an Authority entirely independent of the late Vice-Royalties of Mexico and New Granada, may have agreed or shall agree in a lawful manner to become incorporated with it.

9. La demarcacion especificada de todas y cada una de las Partes que componen la integridad expresada en el Articulo presente, se hará por expresa declaracion y mutuo reconocimiento de ambas Partes, luego que el proximo Con-

9. The specific demarcation of all and each of the Parts composing the territories mentioned in the preceding Article, shall be arranged by a particular and mutual Agreement between the two Parties, so soon as the approaching

greso Constituyente Mexicano haya decretado la Constitucion de la Nacion.

10. Los Desertores de los Exercitos y Fuerzas Navales de una y otra Parte serán entregados reciprocamente.

11. Para estrechar mas los vinculos que deben unir en lo venidero á ambos Estados, y allanar cualquiera dificultad que pueda presentarse é interrumpir de algun modo su buena correspondencia y armonìa, se formará una Asamblea compuesta de dos Plenipotenciarios por cada Parte, en los mismos términos y con las mismas formalidades, que, en conformidad de los usos establecidos deben observarse, en el nombramiento de los Ministros de igual clase cerca de los Gobiernos de las Naciones Extrangeras.

12. Ambas Partes se obligan á interponer sus buenos oficios con los Gobiernos de los demas Estados de la América, antes Española, para entrar en este Pacto de Union, Liga y Confederacion perpetua.

13. Luego que se haya conseguido este grande é impor tante objeto, se reunirá una Asamblea General de los Estados Americanos compuesta de sus Plenipotenciarios, con el encargo de cimentar de un modo mas solido y estable las relaciones ìntimas que deben

Constituent Congress of Mexico has decreed the Constitution of the Nation.

10. Deserters from the Army and Navy of both Parties shall be reciprocally exchanged.

11. To draw closer the ties which ought in future to unite both States, and to remove any difficulty that may in any manner interrupt their harmony and good understanding, an Assembly shall be formed, composed of two Plenipotentiaries on each side, on the like terms, and with the same formalities as, in conformity with established usage, are observed in the nomination of Ministers of similar rank to the Governments of Foreign Powers.

12. Both Parties engage to interpose their good offices with the other States of America, formerly belonging to Spain, to induce them to enter into this Treaty of perpetual Union, League, and Confederation.

13. As soon as this grand and important object shall be attained, a General Meeting of the American States, shall be assembled, composed of their respective Plenipotentiaries, charged with the task of uniting them in the most solid manner, and establishing

existir entre todos y cada uno de ellos, y que les sirva de consejo en los grandes conflictos, de punto de contacto en los peligros comunes, de fiel intérprete de sus Tratados pùblicos cuando ocurran dificultades, y conciliador en sus disputas y diferencias.

14. Siendo el Istmo de Panama una parte integrante de Colombia, y el punto mas adecuado para aquella augusta reunion, esta Republica se compromete gustosamente à prestar à los Plenipotenciarios que compongan la Asamblea de los Estados Americanos, todos los auxilios que demanda la hospitalidad entre Pueblos hermanos, y el caracter sagrado é inviolable de sus personas.

15. La Nacion Mexicana contrae desde ahora igual obligacion siempre que por los acontecimientos de la Guerra, ó per el consentimiento de la majoria de los Estados Americanos, se reuna la expresada Asamblea en el termino de su Dependencia, en los mismos terminos en que se há comprometido la Republica de Colombia en el Articulo anterior asi con respecto al Istmo de Panama, como de qualquiera otro punto de su jurisdiccion que se crea à proposito para

those intimate relations which ought to subsist between all and every one of them, and that may serve them for counsel in great difficulties, as a point of union in cases of common danger, and as a faithful source for interpreting their public Treaties, should difficulties arise, and for conciliation in their disputes and differences.

14. The Isthmus of Panama being an integral part of the Republic of Colombia, and the best adapted for this august Assembly, that Republic pledges itself cheerfully to furnish all the aid which hospitality demands among friendly Powers, and to observe a sacred and inviolable regard towards the Persons of the Plenipotentiaries who may there form the Assembly of the American States.

15. The Mexican Nation binds itself to the like obligation, should the events of the war, or the will of the majority of the American States, cause the before-mentioned Assembly to be held in its Territories, in like terms as the Republic of Colombia is bound by the preceding Article, as well with regard to the Isthmus of Panama, as to any other part of its jurisdiction, which, on account of its central position between the Northern and Southern States

este interesantisimo fin, por su posicion central entre los Estados del Norte y del medio dia de esta America antes Española.

16. Este Pacto de Union, Liga y Confederacion perpetua no interrumpira en manera alguna el ejercicio de la Soberania Nacional de cada una de las Partes Contratantes, asi por lo que mira à sus Leyes, y el establecimiento y forma de sus Gobiernos respectivos, como con respecto à sus relaciones con las demas Naciones Extrangeras. Pero se obligan, expresa é irrevocablemente, á no acceder à las demandas de indemnizacion, tributos ó exacciones, que el Gobierno Español pueda entablar por la pérdida de su antigua supremacia sobre estos Paises; ō qualesquiera otra Nacion en nombre y representacion suya; ni entrar en Tratado alguno, con España ni otro Nacion, en perjuicio y menoscabo de nuestra Independencia, sosteniendo en todas ocasiones y lugares sus intereses reciprocos, con la dignidad y energia propias de Naciones libres é independientes, amigas, hermanas y confederadas.

17. Este Tratado de Amistad, Liga, y Confederacion perpetua, será ratificado por el Gobierno de la Nacion Mexicana en el termino de

of America, formerly belonging to Spain, may be deemed convenient for this most interesting purpose.

16. This Compact of perpetual Union, League and Confederation, shall not in any wise interrupt the exercise of the National Sovereignty of each of the Contracting Parties, either with respect to their Laws, and the form and establishment of their respective Governments, or to their relations with Foreign Powers. But they bind themselves expressly aud irrevocably, not to accede to any demands of indemnification, tributes or exactions, which the Spanish Government may propose on account of the loss of its dominion over these Countries, or which any other Nation may prefer in its name or behalf; nor to enter into any Treaty either with Spain or any other Nation, in prejudice or depreciation of this Independence; sustaining on all occasions and places, their reciprocal interests, with the energy and dignity of free, independent, friendly, brotherly, and confederated Nations.

17. This Treaty of perpetual Friendship, League, and Confederation shall be ratified by the Government of Mexico, within the term of 2 months,

dos meses, contados desde la fecha, y por el de la República de Colombia, tan prontamente como pueda obtener el consentimiento y aprobacion del Congreso, en observancia de lo dispuesto en el Articulo 18, Seccion 2°, de la Constitucion de la Republica. Las Ratificaciones serán cangeadas sin demora, y en el termino que permite la distancia que separa ambos Gobiernos.

En fe de lo cual, los mencionados Plenipotenciarios han firmado esta Convencion y sellado con los Sellos respectivos.

Hecho en la Ciudad de Mexico, a 3 de Octubre de 1823, 13°, de la Independencia de Colombia, y 3° de la de Mexico.

MIGUEL SANTA MARIA.
LUCAS ALAMAN.

reckoned from this date; and by that of Colombia, as soon as the consent and approbation of the Congress can be obtained, agreeably to Article 18, Section 2, of the Constitution of the Republick. The Ratifications shall be exchanged without delay, and within the term that the distance which separates the two Governments may permit.

In testimony whereof the said Plenipotentiaries have signed this Convention and sealed it with the respective Seals.

Done in the City of Mexico on the 3rd of October 1823,—13th of the Independence of Colombia, and 3rd of that of Mexico.

MIGUEL SANTA MARIA.
LUCAS ALAMAN.

SPEECH of The Emperor, on the Opening of the General Constituent and Legislative Assembly of Brazil.

(Translation.) *Rio de Janeiro, May* 3, 1823.

Worthy Representatives of the Brazilian Nation,

This is the greatest Day Brazil has yet seen; wherein, for the first time, She begins to shew to the World that She is an Empire, and a free Empire. How great is My pleasure to see the Representatives of almost all the Provinces met, to make known to each other their mutual interests, and thereupon to found a just, and liberal Constitution, that shall rule them. Already ought we to have enjoyed a National Representation; but the Nation, not knowing earlier its true interests, or knowing them, not being able to declare them, in consequence of the force and predominance of the Portuguese Party, which, well knowing to what point of weakness, littleness, and poverty, Portugal was already reduced, and the still greater degree of decadence to which She might fall, never would consent, notwithstanding Liberty had been proclaimed, (dreading a separation,) that the People of Brazil should enjoy a Representation equal to that which they then had. They deceived themselves in their plans of conquest, and from this error we derive all our good fortune.

Brazil, which, for the space of three hundred years and upwards, had borne the unworthy name of Colony, and also all the evils resulting from the destructive System then adopted, so soon as Lord Don John the Sixth, King of Portugal and the Algarves, My August Father, elevated Her to the condition of a Kingdom, by the Decree of the 16th December, 1815, exulted with delight; Portugal was filled with rage, and trembled with apprehension. The contentment which the People of this vast Continent shewed on this occasion was unexampled: but after this Political Measure there did not follow, as there ought to have done, another, the Convocation of an Assembly to organize the New Kingdom. Brazil, always sincere in her mode of acting, and mortified at having suffered under an iron yoke for so long a time, previous, and even subsequently, to this Measure, immediately that Liberty was proclaimed in Portugal, loudly called for the Portuguese Constitution, satisfied that by the proof She was thus giving of her confidence in her pseudo Brethren, She should be assisted by them in freeing herself from those reptiles which were destroying her vitals. She had no suspicion of being deceived.

The Brazilians, who truly loved their Country, never had an intention to subject themselves to a Constitution in which all should not partake, or whose object was to change them suddenly from free men into vile Slaves. Nevertheless, the obstacles which, before the 26th of April, 1821, opposed themselves to Brazilian Liberty, and which afterwards continued to exist, upheld by the European Troops, caused the People, who were apprehensive of not being able to enjoy an Assembly of their own, and by their love of Liberty were induced to follow the infamous Cortes of Portugal, to try whether by making such sacrifices they could avoid the insults of her party of Demagogues who predominated in this Hemisphere.

All was of no avail. We were ill-treated by the European Troops to such a degree, that I was obliged to make them pass to the other side of the River, to besiege them, to force them to embark, and to cross the Bar, to save the Honour of Brazil, and to enable us to enjoy that Liberty which we ought, and wished to have; and which we should have laboured in vain to possess, if we had consented that a Party heterogeneous to the true cause should remain amongst us.

Scarcely were we delivered from these Enemies, when a few days afterwards another Expedition arrived, sent from Lisbon, to protect us: I took upon Myself to protect this Empire, and would not receive it. Pernambuco did the same; and Bahia, which was the first to adhere to Portugal, in reward for Her good faith, and for having learnt, too late, what was the true course She ought to have taken, is this day suffering the cruel war of these Vandals, and her City alone occupied by them, is on the point of being razed to the ground, because they can no longer maintain themselves there.

Here, behold the Liberty Portugal wished to give to Brazil; it would have been changed into Slavery, and would have occasioned our total ruin, had we continued to execute her Orders; which would have happened had it not been for the heroic efforts which, by the means of Representations, made first of all by the Junta of Government of Saint Paul, then by the Camara of this Capital, and afterwards by all the other Juntas of Government and Camaras, imploring my stay. It appears to me, that it would have been un-

fortunate for Brazil had I not acquiesced as I did; I know well, that it was My duty, although I should have exposed My life thereby: but as it was in the defence of this Empire I was ready to do so, as I am this day, and at all times when it may be necessary.

Hardly had I pronounced the words, "*As it is for the good of all, and the general Happiness of the Nation, tell the People that I remain;*" recommending them at the same time "*union and tranquillity;*" when I began immediately to take Measures for placing us in a state to bear the attacks of our Enemies, until that moment disguised, but since unmasked, some existing amongst ourselves, others in the Democratical Portuguese Cortes; taking every precaution through all the Secretaries of States' Offices, especially that of the Empire and Foreign Affairs, that prudence dictated, but upon which I am at present silent, as they will be communicated to you by the different Secretaries of State at the proper time.

The Publick Treasury was in the worst circumstances, through the state to which it had been reduced, and principally because, until within these four or five Months, it was entirely confined to this Province. For this reason it was not possible to allot Money for every thing that was necessary, because there was too little to pay the Publick Creditors, the Persons employed in actual Service, and the Support of My Household, whose Expence was a fourth part of that of The King, My August Father. His exceeded 4,000,000, (£450,000) mine did not amount to 1,000,000. Notwithstanding this very considerable reduction, I was not satisfied with it, when I saw that My expenditure was still very disproportionate to the Receipts, to which the Treasury was reduced; and, therefore I restricted Myself to living like a private Individual, receiving only the sum of 110,000 Milreas, (£30,937. 10*s*.) for the whole Expence of My Household, not including the Monthly Allowance of The Empress, (£450.) My much beloved and prized Consort, which has been continued to Her in conformity with our Marriage Settlement.

Not satisfied with making merely these small Savings in My own Household, with which I began, I examined into all the Departments, as was My duty, being desirous of moderating their Expenditure also, and to prevent peculation. After all, the Revenue was insufficient; but by a few changes of Individuals disaffected to the cause of the Empire, and attached to the infamous Portuguese Party, who were continually betraying us; by the aid of Others, who with all their heart loved Brazil, some from birth and principle, Others because they were intimately convinced that the Cause was one of reason, I succeeded (and with how much glory do I say it,) in re-establishing the credit of the Bank, which was upon the point of losing the Publick Confidence, and at the very eve of becoming Bankrupt,—having, on the Day that Lord Don John the Sixth crossed the Bar, no more than 200 Contos of Reis in money, (£56,250.) to exchange against its Notes,—to such a degree that it can no longer enter the idea of any one, that it can ever again return to the sad state to which it had been reduced: in supporting the Publick Treasury, notwithstanding its disproportionate Expenditure which ought to have been borne by all the Provinces, but was supported by this alone, which was discredited and totally exhausted, until it has acquired Credit to such an extent as to resound through Europe, and so much Money

that the greater part of its Creditors, who were not few, nor to small amount, have been so far satisfied that their Houses have not suffered; in paying up the Publick Servants to the very Day, as well as the Troops in Active Service, and in furnishing the other Provinces, which have adhered to the Holy Cause, not through force, but the conviction that I love a just Liberty, with all kinds of Warlike Stores for their defence; a great part having been purchased, and the remainder being found in the Arsenals. Besides which those have been supplied with Money whose Revenues were not sufficient to cover the Expences they were called upon to incur.

In short I succeeded in raising the Revenue of the Province to eleven or twelve millions (£1,237,500 to £1,340,625); the former Revenue, before the departure of my August Father, being from six to seven Millions at the utmost (£675,000 to £787,500).

In these extraordinary Expences are comprised the freights of the Ships of different Expeditions which have returned from this Port to Lisbon, the Purchase Money of several Vessels, the Repairs of others, the Payment of all the Civil Servants, and the Military who have come here on Service, and of those who have been expelled from the Provinces, either through private pique or the tumults that have arisen there.

Great, without doubt, have been the expences, but, withal, we have not yet touched the Chest of Gratuitous Gifts, the Sequestration of the Property of those who have absented themselves upon account of political opinions, the Chest of the Loan of 400,000 Milreas (£112,500), made for the purchase of Ships of War, which were urgently required for the defence of the Empire, the whole of which is in existence, as well as the Chest of the Administration of Diamonds.

In all the Departments a great reform is exceedingly necessary, but in this of the Treasury, above all the others, because it is the principal wheel of the State.

The Army had neither sufficient equipments, nor men, nor discipline. It is now fully supplied with the former: its ranks are being filled up as completely as the Population will admit: its discipline will shortly be perfect, it being already, in obedience, the most exemplary in the World. Twice I have sent succours to the Province of Bahia; one of 240 men, another of 735, composing a battalion with the name of "The Battalion of The Emperor," which, in 8 days, was selected, prepared, embarked, and sailed.

Besides this there have been created a Regiment of Foreigners, and a Battalion of Artillery of Free Blacks, which will shortly be complete. In the Military Arsenal the greatest activity has been displayed in the preparation of whatever was wanted for the defence of the different Provinces, and they have all, *from Parayba do Norte to Montevideo*, received the succours they asked for.

The whole of the gun carriages of the Artillery in the Forts of this Court were totally ruined: they are now in complete repair. Immense works which were wanted in the Arsenal have been completed.

With respect to Military Works, the walls of all the Forts have been repaired, some of them have been wholly built anew: there have been constructed, at different Points the most appropriate for preventing any disem-

barkation, and, even in the defiles of the mountains, any passage of the Enemy in case they had disembarked (which would not be easy), Intrenchments, small Forts, Redoubts, Abattis, and open Batteries. The Barracks at the Carioca have also been built: all the others have been put in order; that of the Square of the Acclamation is almost finished: and shortly that which has been ordered to be got ready for the Grenadiers will be completed.

The Navy consisted solely of the Piranga Frigate, then called the Uniaõ, in a bad state; the Liberal Corvette, without masts, and some few small insignificant Vessels. It is now composed of the Line of Battle Ship Don Pedro primeiro; Piranga, Carolina, and Nicterohy Frigates; Maria da Gloria, and Liberal Corvettes—all ready: of a Corvette at the Alagoas which will shortly appear here under the name of Massaió: of the Brigs of War Guarani, ready for Sea; Cacique and Cabouclo repairing; several in Commission, as well as several Schooners.

I expect 6 Frigates of 50 guns, fully manned, armed, and equipped with every thing ready for action, for whose purchase I have sent orders. I do not think the cost will much exceed 300 Contos (£85,875), according to what has been represented to me.

The following Works have been executed in the Naval Arsenal: all the Ships in actual service have been repaired—Gun Boats have been built—and also several others which I do not enumerate because they are of small size; but which, taken together, are of great number and importance.

It is My intention this Year, in the same place where, for the last 13 years, nothing has been done beyond *caulking, colouring, and patching up Vessels;* thus sinking exceeding large sums, which the Government could very well have disposed of with great utility to the Nation, to lay down the keel of a 40 Gun Frigate, to be called the Campista, which, unless the Calculations I have made—the orders I have given—and the measures I have taken—fail, I hope will be completed in the course of the present Year, or by the middle of the next.

In Public Works much has been done. The Palacite in the Square of the Acclamation has been rebuilt for the Police. The inundations in this extensive Square have been dried up, making it into an agreeable walk, all its sides have been paved, besides the different crossings, which are making for its embellishment. The greater part of the Acqueducts of the Carioca and the Maracanãa has been mended. Numerous Bridges, some of wood, others of stone, have been repaired: besides which, many wholly new ones have been built, and great part of the Roads mended.

Notwithstanding these Disbursements, and of many more, on which I do not touch, the Chest of the Police, which, in April, 1821, was indebted 60 Contos of Reis (£16,875), is this day not only not in debt, but has a Surplus of upwards of 60,000 Crowns (£6,250).

The following Works have been performed by different Departments. The National Printing House has been much enlarged: great part of the Publick Walk has been repaired; as has the Museum, besides being enriched with many Minerals, and a Gallery of excellent Pictures, formed from some that have been purchased, and others that were in the Publick Treasury, and some belonging to Me which I have sent to be placed there.

Every exertion has been made to finish the Quay of the Exchange, so that it is almost perfected. The Streets of the whole City have been paved anew; and, in a short time, this Hall of Assembly has been built, as well as the others adjoining it, prepared for the same purpose.

Numerous Works, not on the same scale with these, have been undertaken, begun, and finished, which I omit that I may not render My Speech unnecessarily long.

I have promoted the Publick Studies as much as it was possible, but this requires a particular Legislation. The following has been done:—a large Collection of choice Books has been purchased to increase the Public Library: the number of Schools, and, in a small degree, the Salaries of the Masters, have been augmented, besides which an indefinite number of private Schools have been permitted. Aware of the advantage of mutual Teaching I have caused a School to be opened after the Lancasterian Method.

The Seminary of San Joaquim, which its Founders had created for the Education of Youth, I found turned into a Hospital for the European Troops: I caused it to be restored to its original Institution, and having granted to the House of Misericordia, and the Foundling Hospital (of which I shall speak hereafter), a Lottery for the better support of such very useful Establishments; I directed, at the same time, that a Share of the Lottery should be given to the Seminary of San Joaquim, the better to enable it to fulfil the useful ends for which it was designed by its Honourable Founders. It has now a great number of Students.

The first time I went to the Foundling Hospital, I found, (it seems impossible,) seven Infants with only two Nurses: there were neither cradles, nor clothes. I called for the Register, and saw that, during nearly 13 years, about 12,000 Reis had been received, but scarcely 1000 had been accounted for; the Misericordia not knowing, in fact, what had become of it. Now, by the granting of the Lottery, a House appropriate for such an Establishment has been built, where there are upwards of 30 cradles, almost as many Nurses as Foundlings, and the whole Management on a much better footing. All these things of which I have just spoken, are worthy of your most serious consideration.

After having put this Province in order, and given an infinity of directions for the Others, I felt that I ought to convoke, and I convoked by the Decree of the 16th February of last Year, a Council of State composed of Procurators General elected by the People, being desirous, that they should have Persons to represent them near Me, and who at the same time could advise Me, and request of Me, what was for the advantage of each of their respective Provinces. But this was not the sole end and motive for My making this Convocation, the principal one was that the Brazilians should become better acquainted with my Constitutionality, with how much I should be pleased to govern to the contentment of the People, and how much I desired in my parental heart (secretly, for the time was not yet come when such ideas could be made known in any other manner,) that this loyal, grateful, high-minded and heroic Nation, should be represented in a General Constituent and Legislative Assembly, which, thanks be to God, has been effected in consequence of the Decree of the 3d June of last Year, at the

request of the People, through the channel of the Camaras, their Procurators General, and my Councillors of State.

Very painful, assuredly, it has been to me, that Brazil has not until now enjoyed a National Representation; and to see myself by the force of circumstances obliged to take some Legislative Measures: they will never appear to have been taken through an ambition to Legislate, or to arrogate to Myself a power in which I ought only to share; but, on the contrary, to have been adopted for the safety of Brazil, since the Assembly, with respect to some was not convoked, with respect to others had not yet met, and the Three Powers then centered, de facto, and of Right, considering the total Independence of Brazil of Portugal, in the Supreme Chief of the Nation, and more especially He being Her Perpetual Defender. Although some of these Measures may appear too strong, as the danger was imminent, the Enemies by whom we were surrounded, numerous, (and would to God there were not still so many amongst us,) it was necessary that they should be proportionate to the Crisis.

I have not spared myself, neither shall I spare, any labour, however great it may be, provided it may produce the smallest portion (Ceitil) of happiness for the Nation.

When the People of the *rich and important* Province of Minas were suffering under the iron yoke of their blindly infatuated Government, which disposed of Her at their Will, and forced Her pacifick and mild Inhabitants to disobey Me, I repaired thither accompanied by my Servants only: I convinced the Government and their Partizans of the Crime they had committed, and of the error in which they appeared to wish to persist: I pardoned them; for the Crime was more an offence against Me, than against the Nation, for we were at that time still united to Portugal.

When there arose in St. Paul's, amongst the high spirited People of that *agreeable* and *enchanting* Province, a Party of Portuguese and of degenerate Brazilians, wholly affected to the Cortes of unfortunate and decayed Portugal, I departed for that Province. *I entered it without fear; for I knew that all the People loved Me*, I took the Measures that appeared to Me to be necessary, with such success that our Independence was there first proclaimed on the ever memorable Spot, Piranga.

It was in the Country of the most faithful, and never sufficiently to be praised, *Amador Bueno de Ribeiro*, that I was for the first time proclaimed Emperor.

Great has undoubtedly been the regret which oppressed my Soul, that I have not been able to go to Bahia as I wished; but I did not carry that intention into execution, yielding to the Representations of My Council of State, there to mix My Blood with that of those Warriors who have so gallantly fought for their Country.

At all cost, even that of risking my Life if it be necessary, I will act up to the Title wherewith the People of this *vast and rich* Continent on the 13th May last Year honored me, of *Perpetual Defender of Brazil.* This Title much more securely won my heart, than all the Glory I have acquired by the spontaneous and unanimous acclamation of Emperor of this envied Empire.

Thanks be given to Providence, that we this day see the Nation repre-

sented, and represented by such Worthy Deputies: doubtless this might have taken place sooner, but circumstances anterior to the Decree of the 3d June were opposed to it; as well as, subsequently, the great distances, the want of the love of their Country in some, and all those inconveniences which are felt in long journies, principally in a Country so new and extensive as Brazil; these are what have retarded this desirable and necessary Meeting, notwithstanding all the Recommendations of *speed* which I several times repeated.

At last the great Day has broken upon this vast Empire, which will form an epoch in its History. *The Representatives who are to compose the National Constitution are assembled. What happiness! what good fortune for us all!*

As Constitutional Emperor, and more especially as Perpetual Defender of this Empire, I said to the People on the 1st December last, when I was Crowned and Consecrated, *that with my Sword I would defend the Country, the Nation and the Constitution, if it were worthy of Brazil and of Me;* this day I most solemly ratify before you this promise, and I hope you will assist me in its performance, by forming a wise, just, adequate, and practicable Constitution, dictated by reason and not by caprice, having solely in view the general happiness, which can never become great unless the Constitution is fixed on a solid Basis, such as the wisdom of Ages has shewn to be the true one to secure just Liberty to the People, and all necessary strength to to the Executive; a Constitution in which the Three Powers may be so properly divided that neither can arrogate Rights which do not belong to it, but that may in such manner *be organized and harmonized*, as to make it impossible for them, even in the course of time, to become enemies, and will more strongly bind them to co-operate hand in hand for the general happiness of the State. Finally, a Constitution which, placing inaccessible Barriers against Despotism, whether regal, aristocratical, or democratical, shall banish anarchy and plant the Tree of that Liberty under whose shade the union, tranquillity, and Independence of the Empire shall increase, and be the admiration of the New and the Old World.

All the Constitutions whose Basis have been established, and which it has been attempted to organize, upon the model of those of 1791 and 1792, have been shewn by experience to be wholly *theoretical and metaphysical, and therefore impracticable*, as is proven by the examples of France, Spain, and lastly Portugal; they have not produced, as they ought to have done, general happiness, but, after a licentious Liberty, we have seen appear in some Countries, and we shall not be long before we see it appear in others, the Despotism of one Man succeed to that which has been exercised by many, it being their natural consequence to reduce the People to the sad state of witnessing and suffering all the horrors of Anarchy.

Far from us be such melancholy reflections. They would damp the joy, the jubilee of this happy Day. You are not ignorant of them; and I, certain that firmness in the true Constitutional Principles which have been sanctioned by experience, characterizes all the Deputies who compose this illustrious Assembly, hope, that the Constitution you may make, will merit My Imperial Acceptance; and that it will be as wise and just as it is appropriate to the locality and the civilization of the Brazilian People. Moreover, that it may receive the praise of all Nations; and that even our Ene-

mies will endeavour to imitate the sanctity and wisdom of its Principles, and end by adopting them.

An Assembly, so enlightened, and so patriotick, will have solely in view to advance the prosperity of the Empire, and to fill it with happiness; it will desire that its Emperor should be respected, not only by His own, but by all other Nations, and that its Perpetual Defender should exactly fulfil the promise made on the 1st of December of the last Year, and this Day most solemnly ratified before the Nation, legally represented.

The Constitutional Emperor and Perpetual Defender of Brazil.

MANIFESTO of The Emperor of the Brazilians, on the Dissolution of the General Assembly.

(Translation.) *Rio de Janeiro, November* 16, 1823.

PROVIDENCE, which watches over the stability and preservation of Empires, had, in its profound wisdom, permitted that, after the establishment of the Independence of Brazil, and the union of all its Provinces, even the most remote, this Empire should continue its progressive march towards consolidation and prosperity. The Constituent and Legislative Assembly employed itself with assiduity, judgment, and activity, to erect, on a solid foundation, the Constitutional System in this vast Empire: on this firm basis rose successfully the social edifice, and Foreigners formed so favourable an opinion of The Brazilian Nation, as to believe that the principal Powers of Europe would speedily recognize the Independence of the Empire of Brazil, and would even be eager to enter into political and commercial relations with it. This brilliant prospect, which nothing seemed capable of obscuring, was suddenly darkened by a tempest that overcast our horizon. An evil genius infused fatal designs into some restless and ill-disposed characters, and fanned in their minds the flame of discord. From that time it began to be clearly perceived, that there was no uniformity of sound principles on which Constitutional Governments ought to rest, in the Assembly, and the harmony, arising from a distribution of powers, which constitutes the moral and physical force of such Governments, began to be disturbed. Various and continued attacks on the Executive Power, and the concessions it made for the sake of harmony, weakened the force of Government, and secretly undermined it. The spirit of division increased, the poison of distrust diffused itself, Parties were artfully formed, and a dis-organising Faction, which suddenly made its appearance, and was gaining strength, commenced to strike terror into the minds of worthy Men, who, prompted solely by their zeal for the public good and the purest love of their Country, trembled at the idea of future perils, which they anticipated, and even saw near at hand. Meanwhile those who meditated and framed subversive plans, calculated only for the accomplishment of their own ends, succeeded in gaining over some that were well-meaning and upright, with the flattering representation of more firmly establishing liberty, that sacred idol, desired by all, though most frequently ill understood; others, with persuading them that Government was manœuvring to obtain despotic sway; and others again, perhaps with advantageous promises, exaggerated by the heated imaginations of the latter, till at last their malignity went the length

of propagating the notion, that the perfidious and insidious project was resolved on of forming a Union with the Portuguese Government.

After framing these schemes, after devising and agreeing upon the means of realizing them, and after removing the difficulties which they supposed to be in their way, it was thought proper to proceed to the execution of the plot, and a time was fixed for it.

One of the means chosen as infallible, was to sow discord between the Natives of Brazil and of Portugal, partly through the agency of Newspapers, artfully instilling insidious sentiments, endeavouring to destroy the moral force of the Government, and threatening My Imperial Person with the examples of Iturbide, and Charles I. and partly through the instrumentality of Emissaries, tutored to uphold and disseminate seditious principles.

Having thus prepared the fermentation, from which was to burst forth the Revolutionary Volcano, the Faction which had gained the ascendency in the Assembly, availed itself for the fatal rupture, of a demand preferred by Citizen David Pamplona, a naturalized Brazilian, but, in reality, a native of the Portuguese Islands, who complained to the Assembly of having received some blows, inflicted on him by two Brazilian Military Officers, but born in Portugal, and who, by the opinion of a Committee, was understood to have to seek redress in the usual way. Previous to this, and with the most criminal anticipation, the Leaders of the above frightful Faction, aided by their Adherents, suborned Individuals from the populace, to arm themselves with Poniards and Pistols, and thus to strike terror into the Most Illustrious, Most Honourable and Most Worthy Deputies of the Assembly, who, faithful to their Oaths, desired only to discharge the trust confided to them by the noble Brazilian Nation, and delighted in maintaining the tranquillity required for the deliberations.

On that ill-fated Day, the most tragical and horrid Scenes would have been acted, if, upon hearing the shouts, and perceiving the most extraordinary and most scandalous means resorted to, The Illustrious President, with vigilant and consummate prudence, had not closed the Sitting, and thus prevented evils which would have broken forth with tremendous Destruction from such a Volcano, engendered by the fury of the Parties, by national hatred, by the thirst of vengeance, and by the most inordinate ambition. Nothing short of it was to be expected, from the large number of Persons posted within and without the Assembly, to second the projects of the terrible Faction; nothing less was to be apprehended, considering the great quantity of Arms sold in abundance in the City during the preceding Days, and judging by the scandalous vociferations with which the Leaders of the nefarious Party were greeted and applauded on quitting the Assembly, notwithstanding My Imperial Presence.

This alarming Scene was repeated the next Day. Vehement and extravagant harangues of those belonging to the above Faction, continued to fan the flame of discord, and many of their Retainers in the galleries of the Assembly, and without, would have aided the horrid results that must have been the certain consequences of the premeditated Plans. To this end it was insisted and carried, that the Sitting should be declared permanent, under the specious pretext, that it would be unfitting to close it, without the re-establishment of tranquillity. To obtain this, I had already ordered the

Troops to proceed to, and draw up in the Field of St. Christovao, with the just view of affording perfect liberty to the Assembly, whom I caused afterwards to be informed of this Resolution, that they might take into consideration the just motives of it, and also how proper it would be to provide positive and peremptory Measures for restoring tranquillity. Without, however, taking any, they continued to debate with the same warmth and obstinacy, while, with an exaggeration of plausible pretexts, they sought the ruin of the Country, and their first and certain aim was My August Person, being, to this end, treated with disrespect by all the means which calumny and malignity could suggest.

The Revolutionary fury was not satisfied with this ill-judged want of respect. They proceeded yet farther, and would have limited in the extreme the attributes belonging, by the very essence of Representative Governments, to the Head of the Executive Power, and which had been conferred upon Me by the Nation, as Constitutional Emperor and Perpetual Defender of Brazil; they even went to the extremity of proposing that either the whole, or a large portion of the Troops should be withdrawn to a great distance from the City, thereby to leave the Government without the necessary vigour and energy.

The danger of delaying Resolutions in critical cases, and even the fatal consequence of putting them off under the melancholy circumstances described; the horrible prospect of the occurrences that were impending; the despair of some, the pride and political fanaticism of others; the terrors and fears of every peaceful Citizen; the face of the Country in danger, and, finally, the apprehension of the ruin and subversion of the State, imperiously demanded the adoption of Measures equally prompt and efficacious, and remedies which, though violent to appearance, were alone capable of producing speedy and beneficial results.

And what Measure was it possible to take in a crisis so arduous and so fearful? What step was likely to stem the Revolutionary torrent, and by opposing its force, arrest it effectually? No other was left, nor was any so powerful as that of dissolving the Assembly. This, and the dismissal of the Ministers, are the preservatives against Public Commotions in Constitutional Monarchies. The latter was carried into effect, nor was there any other resource than that of directing also the former Measure, though to the greatest regret and grief of My Imperial Heart. On account of such powerful motives, and of the urgent necessity to save the Country, which is the supreme Law that justifies extreme Measures in cases of great danger, I ordered the Dissolution of the Assembly, by the Decree of the 12th Inst. which, at the same time, enjoins the Meeting of another, according to the public Law of the Constitution, to which I am solicitous and most happy to conform.

In that Decree, and in that of the 13th, which promulgated and enlarged it, are contained irrefragable proofs, of the necessity which compelled Me to adopt so strong a Measure, and of how much I am desirous of restoring the Constitutional System, the only one which is capable of accomplishing the happiness of this Empire, and which was proclaimed by the Brazilian People. If such arduous and dangerous circumstances forced Me to chuse so violent a remedy, it ought to be remembered, that extraordinary evils

demand extraordinary remedies, and that it is to be hoped and believed that they will never more be required. The Inhabitants of all the Provinces being confident of My Magnanimity and of My Constitutional Principles, and how much I am pledged to promote the happiness and tranquillity of the Nation, will take breath and recover from the commotion caused by this disastrous occurrence, which occasioned to Me likewise great pain; and will continue to enjoy the Peace, Tranquillity, and Prosperity which the Constitution gives and secures to them.

THE EMPEROR.

DECREE of The Emperor of Brazil, for the Election of Deputies for a Legislative Assembly.

(Translation.) *Rio de Janeiro, March* 26, 1824.

The majority of the Brazilian People, having approved the Project of Constitution organized by the Council of State, and requested that it might be sworn to, as it has been, to remain as the Constitution of the Empire; and the necessity therefore ceasing for the Elections of Deputies for the New Constituent Assembly, which I ordered to be proceeded in, by a Decree of the 17th of November of the Year last past: I am pleased that, the said Decree remaining of no effect, the Election of Deputies to an Assembly, simply Legislative, shall be proceeded in according to the Instructions hereunto annexed, signed by Joao Severiano Maciel da Costa, of my Council of State, Minister and Secretary of State for the Affairs of the Empire. The said Minister and Secretary of State will so understand and cause it to be executed with the proper dispatches.

Palace, 26th March, 1824. Third of Independence and of the Empire.

[*With the Initials of His Imperial Majesty.*]

JOAO SEVERIANO MACIEL DA COSTA

MESSAGE of the Executive Government of Buenos Ayres, on the Opening of the Legislative Assembly.

(Translation.) *Buenos Ayres, May* 3, 1824.

Gentlemen Representatives!

The Fourth Meeting of the Legislature of this State, assembled together in the manner prescribed by the Laws, will afford to those who have any regard for Institutions established for the Preservation of their Liberties, additional confidence; and the Government in rendering to you an account of the present State of Publick Affairs, commences by congratulating Itself on that feeling which, yearly increasing, will more and more conduce to the security of the Representative System.

Peace has been maintained with the Nations of the Continent; and every true American heart has been filled with satisfaction at the Reception in our City of the first Minister Plenipotentiary of the Republic of The United States; an Honour which has been returned by our Appointment of a Minister of Corresponding Rank, who has already departed for Washington. He has been instructed to suggest to the Government of that Republic, how desirable it would be, if, in addition to those two great Principles, *viz.*: That of the Abolition of Piratical Warfare, and that of the Non European Coloni-

zation of American Territory, it could also be declared, that none of the new Governments of this Continent shall alter by force their respective Boundaries as recognized at the time of their emancipation. Thus may be destroyed the germ of future dissentions which, springing up amongst new States, might have a fatal influence upon their Civilization and Manners.

The same Minister will establish our Relations with the Republic of Mexico, which, after many fearful vicissitudes, now gives us hopes corresponding with her exalted destinies.

The Republic of Colombia, at length sees its vast Territory entirely free from Enemies, and the happy state of our mutual Relations, induces us to expect shortly the Ratification of the Treaty of the 8th of March.

The Minister sent to the Republics of Chili and Peru has strengthened the bonds of our natural Amity and Alliance with them. The Illustrious President of Colombia will shortly open the Campaign against the only forces of the Enemy which remain on the Continent. The number and quality of his Troops, the spirit which animates them, and the ability of the Chief who commands them, promise the happiest results.

The base Revolt of the Garrison of Callao, which has at this moment thrown a temporary gloom over our expectations, will soon be lost amid those successes, which must, ere long, put an end to the oppression of Peru. Time has more closely cemented our Alliances with the Provinces of Santa Fé, Entre Rios, and Corrientes. The remaining Provinces of the Old Union continue in a state of tranquillity; and the Government has not only cultivated Friendly Relations with them All, but its efforts for the Establishment of a National Representation promise to be crowned with success. Many of the Provinces have already elected their Representatives, whilst Others are preparing to do so; and it is probable that we shall shortly see the Installation of a General Congress, and the re-union of One Common Family, too long dispersed and divided.

In the intimate persuasion that nothing will so much contribute to create a National Spirit above all individual prejudices, as the dissemination throughout every part of the Union of real advantages which 'till now have been unknown, this Government has hastened its preparations for a General Congress.

The Public Credit and Connections acquired by this Government have enabled it to promote the formation of powerful Companies of Capitalists ready to undertake to explore our Mines; to facilitate the inland Trade and Navigation of the great Rivers which traverse the Provinces of the Union; to introduce in others the means of Transport by Steam Vessels; and finally, to establish a National Bank, which may assist these operations, and provide for the Provinces that Capital which is necessary for the promotion and encouragement of their respective industry.

It is much to be lamented, Gentlemen, that the Court of Brazil should have refused to listen to the just remonstrances made for the restitution of the Province of Monte Video. Enough has been done to prove our moderation; for the rest, it remains with the General Government to act: it is a National Cause, and it is for the Nation to defend it.

The Government had flattered itself, that the voice of reason, as well as the dictates of experience, would have led to the Ratification of the Conven-

tion of the 4th of July, signed by the Commissioners of His Catholic Majesty, and the establishment of a permanent Peace; but the Policy which predominates in Madrid, since the fall of the Spanish Constitution, and the hostile measures since renewed, incline us to believe that it may, perhaps, be still necessary to complete with the Sword the Work of our Independence. Having given His Catholic Majesty an unlooked for example of generosity, we shall shew Him that our original energy is increased with our means of defence.

For this purpose those Resources are in preparation which the good state of our Domestic Affairs enables us to raise. To the New Administration is reserved the merit of making the wisest and most efficacious use of them. Some measures will in consequence be immediately submitted for your consideration, and it will be satisfactory to you to know the means which you are possessed of, for sustaining a regular Warfare, with greater energy and fewer sacrifices than heretofore. In the mean time we have sent, and continue to send, Succours to the Province of Salta, without reference to those Sums of Money which will be proposed for your Approbation.

Under these circumstances it must be very satisfactory to you to observe the Policy adopted in a manner so dignified, as well as frank, and decided, by His Majesty The King of Great Britain.

The analogy of Feelings and Principles manifested by the Cabinets of London and Washington will convince Spain that She must contend singly with the Free Nations of the New World. This Conviction will, perhaps, introduce into Her Councils that wisdom and moderation which are of so much importance to Her Existence.

We have received, honourably, a Consul-General from His Britannic Majesty, who will reside in our City, and it has been deemed expedient in return, to appoint a Consul-General to reside in London.

In the mean time the Public Peace has not been disturbed; and the last popular Elections, joined to the quiet circumspection with which before a Free and respectful People you have elected a new Governor for the Province, at the time, and in the mode prescribed by the Laws, all prove that good Citizens will not lose their spirit in making a peaceable use of their Freedom.

The Establishments decreed for Juvenile Education in the City, and in the Country, have been completed. These, together with the Schools for Poor Female Children, founded in the City, make a progress which cannot but serve as a stimulus to other Establishments of a similar description; they have multiplied considerably, and give us reason to look forward to the prospect of a rising generation much surpassing that which has preceded it.

The Youth of this and of the other Provinces of the Union, who are educated in our Universities, acquire fresh means of advancing in the moral and natural Sciences, and are neither likely to render fruitless the exertions of the Government, nor the zeal of their Masters.

The study of Political Economy has been commenced this year, a knowledge of which will tend to ensure us hereafter intelligent Officers.

Professorships have been established which were requisite for the Classical Education of those Young Men who dedicate themselves to the Church.

The Schools of Surgery have been provided with an abundant and excellent collection of Instruments.

A Laboratory of Chemistry, and a most complete Physical Apparatus have been brought from Europe to serve for the Instruction of the Natural Sciences.

To the Collection of Minerals, which already exists, will shortly be added the Machinery adapted to the Study of Mineralogy. The School of Practical Agriculture has commenced the introduction into our Country of Trees, of which it was much in want, and will disseminate practical Information which will render this branch plain to the simplest understanding. The Library continues on the best footing; and has received in the present Year, valuable additions. The Charitable Society has completely fulfilled the Public expectation; to the zeal and intelligence of the Ladies who compose it, are due both the progress in the education of the Girls, and the excellent appearance which the Female Orphan School presents. The Hospitals are enlarging, and their interior arrangements are improving, with a considerable reduction of Expense. The Vaccine Establishment has proved, in this year of sickness, its power to contend with, and to overcome, all the violence of the disease. Public Worship is conducted with its usual splendour; the embellishment of the Cathedral of the Province goes on with celerity; some Churches have been repaired, others are building in the Country, and the Treasurer has assisted them with Sums of Money, which will be laid before you for your approbation.

The Clergy continue to do honour to the station they hold in Society; in fine the Country may rest assured that, under every circumstance, it will preserve, without reproach, that glory which it has acquired in the cause of Liberty. Reform in the Administration of Justice is an object of primary importance to the Country, but it is, at the same time, one most difficult and dangerous to carry into effect. That Reform must be founded on the existing Codes; but it would be imprudent to apply them until their first principles are sufficiently understood by those whose duty it may hereafter become to explain and administer the Laws.

The Magistracy has succeeded in gradually diminishing the existing difficulties by an augmentation of its own moral force, and an active anxiety to prevent crimes, and to discourage litigation; and it is but just to confess that it has fulfilled its duty with a laudable zeal; that it has overcome great difficulties arising out of the Laws themselves, and that its labours have been productive of a more efficacious mode of correction of Crimes, and a more correct knowledge of Rights.

The system of the Police has been improved, with greater economy.

The execution of the Law of the 20th of December last has placed in the hands of the Citizens, that duty, purely Civil, with which the Army was formerly improperly entrusted. The moveable Property in the Country, which becomes more liable to be attacked in proportion to its increase, is better secured against robbery, and the means adopted to regulate the service in the Plains have produced the best effects. The Streets of the Town, and the Roads, have received extraordinary improvements, and a useful spirit of enterprise in constructing Bridges, and other Public Works, begins to shew itself in the City. The Departments of the Architectural and Hydrau-

lic Engineers have satisfactorily fulfilled the duties of their Institution; in a short time they will be provided with those instruments which are requisite for facilitating and extending their operations, especially that of the Harbour. The Standing Army preserves its moral and discipline. It has driven back the Savages who invaded our Province, recovering from them an immense booty, and it is now occupied in constructing Works on the new Frontiers. By the Decree of the 23d of April of last Year, which has been since carried into execution, the education of those young men is sufficiently provided for, who may be expected to distinguish themselves in the Rank of Officers. But it is necessary to declare to you that the Laws appointed for the Recruiting and Filling up the Army are insufficient; the Government has made every species of sacrifice to effect this object out of the Province, and has only been successful in the Entre Rios. You will, perhaps, now be convinced that there is no other means than those laid before you in the Year 1822. The Military Treasury is in an excellent state; the result of the examination just finished of the Chests of the different Corps, has done honour to their Commanders. The Ordnance, which is now sufficiently provided for ordinary occasions, will be augmented to meet extraordinary emergencies. The Administration of the Public Finances proceeds in good order. It will continue so, provided we consider as Sacred this principle, viz. That "the just Payment of our Debts is itself a Fund of Riches." Our whole Debt is now consolidated. The system of Public Credit is becoming more intelligible even to the most prejudiced and to the least instructed, and this will best ensure its preservation. The Bank has completed the Capital assigned to it on its foundation. Its prosperity exceeds the most sanguine hopes, and its utility is felt by all Classes.

It remains to carry into effect a Coinage suited to our wants, and which may at once be substituted for that which Spain issued to us, after the model of her own. For this object plans and measures are prepared for the Establishment of a Mint on the most perfect, and economical footing. The Public Revenue has sufficed, not only for the ordinary, but also for the great extraordinary expences of the Year. It is, however, to be regretted that experience shews us the necessity of a recourse to more efficacious measures, to obtain from the Citizens those moderate direct Contributions which have been decreed as indispensably necessary for the preservation of Public Order, since it appears that the conviction of duty, and the stimulus of honour, upon which they were founded, are totally insufficient.

Industry in the Country increases rapidly, and the amount of Capital employed in agricultural pursuits becomes every day greater. The necessary means have been taken for the encouragement of an increase of Agriculturists; and it is to be hoped that in a short time, the industrious families who are to people the rich plains of the South will begin to arrive. In proportion as the value of Land increases, the necessity is felt of adopting some decided measures for cutting short those Litigations as to the Boundaries of Property which impoverish families and desolate the Country. The Government has adopted such as it could, and has others in preparation, as well as a general basis for the distribution of Public Lands, which by encouraging industry will become a principal source of Public Revenue.—Commerce, assisted by institutions which legalize, and encourage it, has

preserved its prosperity, notwithstanding Political circumstances which limit the sphere of its operations. The dangers of the Navigation of the River up to this City have been diminished, by placing Buoys on the inner Banks; and it is determined to form an Establishment of safe and economical Vessels, which will be stationed on all the Shoals from the Isle of Lobos, and which will be furnished with Signals for the guidance of Navigators, both by Day and Night.

The Accounts of last Year, and the Sums required for the Ordinary Service of the next, are presented, on this occasion, by the Minister of Finance, for your opinion and deliberation.

Finally, Gentlemen, it is impossible that you can contemplate the actual state of the affairs of this Province, without directing your attention to a comparison with that in which they appeared three Years ago, when a feeling of Public Virtue brought us together, to lay the foundation of those wholesome Institutions which have restored to us Order, Liberty, and a Prospect of Peace, then lost to us. The new Administration will have to preserve those Institutions from the errors and false zeal of the well-disposed, which the disorganizing activity of bad Citizens, and the artful hypocrisy of Foreign Tyrants, may turn to their own account. Your cordial and zealous co-operation will not be less necessary to the Government to preserve, than it was to create, these Institutions, You will not, therefore, disapprove, that it concludes by repeating to you the words which the venerable President of the great Republic of our Continent has made use of to its Representatives in his last Message:—

"There never was a Period, since the establishment of our Revolution, when, regarding the condition of the Civilized World, and its bearing on us, there was greater necessity for devotion in the Public Servants, to their respective duties, or for Virtue, Patriotism, and Union, in our Constituents."

BERNARDINO RIVADAVIA. MANUEL J. GARCIA.

MESSAGE of the Vice-President of Colombia, charged with the Government, on the Opening of Congress.

(Translation.) *Bogota, April* 6, 1824.

Citizens of the Senate, and of the Chamber of Representatives.

The present Congress meets under more favourable auspices than the former one. Last Year the Enemy still occupied some important points of the Republic, from whence, spreading alarm in the neighbouring Departments, he redoubled the efforts of his power to obtain some fortunate success, towards which the artifices of the disaffected, whom we generously tolerated in our Territory, were to have contributed Fortunately their efforts have been frustrated, and their projects have only served to consolidate public opinion, and to give fresh lustre to the glory of Colombia. You are assembled to deliberate for the good of our Constituents, in the more tranquil period which Providence has granted us through the unceasing sacrifices of the Colombian Army and People. However uncertain the continuation of the present state of calm may be, the Executive Power feels itself animated by the most lively pleasure in presenting to you the faithful picture of the

Republic, and in offering to you the ideas which it has acquired from experience, persuaded, that at no one period can you have a greater field than the present Session, in which to employ, with utility, your patriotism and talents.

The Government of His Catholic Majesty persists in its ancient project of not acknowledging the Justice of our Emancipation, and the Power which has placed the Republic on the level of Independent Nations. The Cortes of Cadiz, in their expiring pangs, refused the acknowledgment of the New American States, persisting in the measure of sending Commissioners, who might hear our Petitions. The Executive had not any knowledge of the Commission relative to Colombia, and attributes it to the explicit Declaration made to Congress in the former Message, of neither hearing nor admitting any Negotiation on the Part of the Government of Spain, which should not have for its basis the explicit acknowledgment of our National Sovereignty. Nevertheless the Government has not spared any occasion, nor any favourable opportunity for persuading the Spanish Government, that we were ready to forget our Wrongs, to put an end to the War, and to promote the happiness and prosperity of both Nations: but the Catastrophe which the Constitutional Regime has suffered in the Peninsula, reduces us to the extreme of not being able to promise ourselves any success, but through our Arms. King Ferdinand has been restored to absolute power, with the assistance of a French Army, which the Spaniards themselves aided: His Official Acts in as far as relates to the New American States, demonstrate clearly that he intends to renew the War, for the purpose of subjecting us to the ancient ominous servitude of Spain. If the Executive does not doubt the views of the Cabinet of Madrid, neither will it doubt that the efforts which the Republic will oppose, shall be of such a nature as, in the end, to secure its Independence, its Government, and its Laws. The Congress sustains a very principal Part in the issue of our Defence, in facilitating to the Executive, the means of preserving external security and the internal tranquillity of the Republic; and I hope that your first labours will be directed to so important an object, and for which I must refer you to my Communication of 9th May of the past Year.

Our relations with the Governments of America have acquired strength and solidity. The Military Situation of Peru has drawn our Warriors to that Country, and the President, Liberator, in exercise of the Permission of Congress, has charged himself with the duty of guiding them to Victory. The presence of the Liberator in Peru, has essentially contributed to save that State from the dreadful evils of Civil War. The confidence which the Peruvian Government and People have placed in the Liberator, is the happiest presage of their Liberty; and there remains no doubt, that, if on our part, we give them further assistance, the War in Peru will terminate successfully, and the fate of South America will be secured. The succours which the Republic has furnished to Peru, exceed what it is bound to give by the Treaty of Alliance, which was ratified by the Executive with your consent and approbation; but as the geographical position of that State identifies its fate with that of Colombia, prudence suggests to us, to make our own defence in Peru. The Peruvian Congress has ratified, without alteration, the Treaty of Alliance and Friendship with the Republic, and the Chilian

Congress will have given its Ratification to its Treaty, under the same modifications which we made to it. The Treaty celebrated with the Government of Buenos Ayres will be immediately presented for your examination and approbation; as also that entered into with the Government of Mexico, if the latter arrive in time at this Capital. All these Treaties have completed the American Confederation, which the Colombian Government undertook to form, for the purpose of giving stability and force to the Independence of the New World; and as so important a project has begun to produce in Europe the effects which we foresaw, the Executive will not rest until it sees the Congress of Plenipotentiaries of the New American Governments assembled. The Political Situation of Mexico is very different from that in which it found itself last Year. The Mexican People and Army being excited against the Administration of their First Chief, Iturbide, the Authority of the Congress was re-established, and that Magistrate was deposed and sent off to Europe. This event will probably have completely destroyed the Monarchical Principles which have been proclaimed, and will serve as the basis to a popular Representative Government. The New Mexican Government marches by this path with energy and firmness, its measure of assembling the Constituent Congress, of prohibiting intercourse with Subjects of the Government of Spain, of blockading the Fortress of Ulloa, and of expelling the disaffected from its Territory, sufficiently prove it. The Provinces of the Ancient Captain-Generalship of Guatemala have organized themselves as an Independent State, and their first Acts show that they have adopted the popular Representative System. Some Towns of their Jurisdiction resorted to Colombia, at the period of the agitations of the Imperial Government; but the Executive, feeling it would be contrary to its duty to assist in the disorganization of other States, and not having power to extend the Territory of the Republic in violation of its Fundamental Law, I confined myself to the interposition of my good Offices with the Mexican Government, in favour of the aforesaid Towns; and I offered an inviolable Asylum to the persecuted Patriots. This occasion appears favourable to me for declaring that the Government of Colombia has never adopted the pernicious doctrine of interfering in the internal Affairs of the other Independent States.

The residence in this Capital of the Minister Plenipotentiary of The United States, will give us the means of drawing closer the relations of friendship which exist between the Two Governments, and of promoting the interests of the Republic. The Minister of Colombia, was received in Washington with the considerations due to his Character and to the identity of Principles of both States. The President of The United States, has lately signalized his Administration by an Act eminently just, and worthy of the Classic Land of Liberty: in his last Message to the Congress, he has declared that he will regard every interference of any European Power directed to oppress or violate the destinies of the Independent Governments of America, as a manifestation of hostile dispositions towards The United States. That Government considers every attempt on the part of the Allied Powers to extend their System to any portion of the American Hemisphere, as dangerous to the Peace and Security of The United States. This policy, consolatory to human nature, would secure to Colombia a powerful Ally,

should its Independence and Liberty be menaced by the Allied Powers. As the Executive cannot regard, with indifference, the march which the Policy of The United States has taken, it is sedulously occupied in reducing the question to decisive and conclusive points. The Republic of Colombia has not given any ground of complaint on the part of The Allied Powers; both it and its Government have respected, in the highest degree, the Rights of the Sovereigns, and those of Their Subjects. Ready to open to all Nations the fountains of their National riches, it only claims of them that they respect their Independence and their Institutions; but should the genius of evil raise up new Enemies against us, time would prove, that the Government and the Colombians had sufficient patriotism to make the dearest sacrifices for our Independence and our Liberty. In Commercial matters I have endeavoured to facilitate our relations with The United States, and the protection of our Commerce, by means of the appointment of Consuls and Agents, and causing our Laws and Statutes to be made publick, and to be scrupulously observed.

The Executive had particularly confined its relations in Europe to Great Britain, whose policy has manifested itself favourable to the Cause of South America, and whose Commercial relations have been more extensive and active. The sympathy of the British Nation, and the justice of its Government, inspired the Executive with the most flattering hopes. I am sorry not to be able to state to you what may be the definitive resolution of the Government of His Britannic Majesty, in regard to the Republic. A Commission of the English Government is now in this Capital, through whose medium we have received satisfactory proofs of the interest which our State inspires in the mind of the Great British Nation. The assurance which it has given us against the rumour, that France would interfere in the War which Spain thinks to renew for the purpose of reducing us to its obedience, places us in a situation of not fearing such an occurrence. The Executive, as well as the Republic, have highly appreciated these Manifestations; and, I can assure Congress, that in the course of the Negotiation which is now in progress, I shall not lose sight of the dignity of the Government, and the Interests of the Colombian People. If the union of the physical and moral power of the Independent States of America, the order and regularity of our Association, respect for the Laws, the uniformity of Opinion, the progress of Knowledge, and the march of the Government in the path prescribed in our Fundamental Laws, have any weight in the balance of the Politics of Nations, we may hope, with entire confidence, that neither Great Britain, nor the other Allied Powers will refuse to acknowledge the Power and moral force which the Republic of Colombia has acquired, to place itself on a level with them. I have determined to avail myself of any favourable opportunity to extend our Relations with other Powers, whose Friendship may be of sufficient interest and utility to the Republic.

As the Negotiations are still pending with the Apostolic Chair, the Executive continues to experience the difficulties which I announced to Congress in the last Session, and I must request from you anew, some certain rule, to avoid the injuries which arise from this. It is very probable, that the Apostolic Chair will accede to the solicitudes of the Executive in

benefit of the spiritual wants of the Republic. I feel the greatest satisfaction in informing the Congress, that the Republic is extended throughout all the Territory prefixed by the Fundamental Law. In all its vast extension, no remains of the Spanish Expeditionary Army are left, and the Constitution and the Laws have established their empire in it. A few Men alone of the Canton of Pasto, have been so blinded as to desire to live by disorder, and Government has, with grief, been obliged to employ a Force to extinguish this germ of disunion.

Public Education has increased this Year by the establishment of new primary Schools and of new Colleges. To the end, that this important branch of the common happiness may make progress, it is necessary some time should elapse, as the People can neither support the weight of Contributions for Education, having still the obligation of contributing for the stability of their Independence, nor have we sufficient Preceptors. If the Congress authorize the Executive to make any Expenditure out of the National Treasury in favour of Education, and sanction. in the general plan of Studies which I presented in the last Session, what in the Councils of its Wisdom it may judge applicable to the circumstances, I believe that their progress will not be doubtful.

Few objects merit the attention of the Congress so much as the Administration of Justice. In this respect the Towns suffer much, as well because the Judicial Districts being very extensive, the Superior Tribunals are placed at great distances, as also because the complication and the contradictions of the Spanish Legislation offer doubts, delays, and even injustice. I am well aware that the absolute reform of the Criminal and Civil Legislation is not the work of one Session; but I am convinced that the present Congress may begin this important Reform, separating from the cognizance of the Intendants and Governors the litigious parts of Justice and Property, multiplying the Courts of Justice, in-as-far as our actual situation will admit of it, organizing them in a more simple and economical manner than those of our three Judicial Districts are, and approving the Penal Code which has been presented to Congress, with those variations which your Wisdom and Experience may judge conducive to the happiness and felicity of the Colombians. The Administration of Justice, Public Order, and the well-being of the People, our Constituents, require an immediate Reform, although it be only Provisional, in the Territorial Division of some Departments and Provinces, and more particularly in the South. Although this matter supposes very exact data, without which it would be difficult to verify a division beneficial to the People, it can never do harm for the Congress to make the trial of that division which I point out, and which I shall separately unfold.

The Laws regarding Naturalization of Foreigners, Privileges of Navigation, and Alienation of Uncultivated Lands, have begun to be put in execution, and afford us well founded hopes of their contributing powerfully to the prosperity of the Republic. I have alienated the quantityof 40,000 Fanegadas of Land, in virtue of the Law of the 7th June, distributing them in different Provinces. The Executive sent to Congress the solicitudes in which the privilege is requested of establishing Steam Vessels in the Lake

of Maracaybo, Mouth of the River of Guayaquil and the Coast of the Pacific, and as I have no doubt of a happy result from them, we may promise ourselves that the augmentation which the Republic will receive in its interior Productions and Commercial Relations will be of infinite consideration.

The Constitutional Regime has continued its march with regularity. All the Authorities have vied with each other in observing the Code of the Rights of the Colombian People; and if the difficulties which War naturally offers in a Country which has suffered from its ravages, have forced me to make use of the extraordinary faculties which the Law grants me, I have never exercised them from myself alone, nor have they had a longer duration than the Period of danger. It must be highly pleasing to us that the regularity of our Political March, and the respect which we profess for the Constitution, should have inspired Civilized Nations with a very favourable idea of the Republic; and we may still look for events of the greatest importance to its security, dignity, and power.

The National Revenue, will, for a long period be the object of serious meditations, and of fruitless and perhaps prejudicial experiments: to create a National Revenue in a Country impoverished by the Political Regime of the Ancient Government, and devastated by a long and disastrous War, can only be the work of peace, of experience, and of the lapse of time. Congress may infer from what I now observe, and from what was stated last Session, how great have been the difficulties of the Executive in the course of the Year, and what extraordinary efforts have been employed to drive the Enemy out of our Territory, and to consolidate the Republic. I acknowledge with the greatest delight, that, without the well tried Patriotism of the Colombian People, and the heroic struggles of our Warriors, we should not have issued Victorious from the conflict. Although the resources which the last Congress granted have not yet been realized, I have presumed from reckoning on them to recur to other expedients which have facilitated the course of the Administration. I trust that Congress will lend its Authority, to the end, that the Executive may fulfil its promises, and discharge the difficult and important duties entrusted to it by the Constitution.

I am of opinion that it would improve the National Treasury to vary the System of Administration and direction of the Revenues. One general direction placed where the Government resides, will facilitate the march and regularity of the Administration of the Exchequer, as also, the Establishment of Departmental Accomptants Offices, where Accounts may at once be presented for their Revision and Settlement. This Regulation supposes the Suppression of the General Accountants Office, and also, of some Offices in the Departmental Treasuries, the savings of which will cover the expences arising from the new Employments. Congress will receive, separately, the Plan explaining this idea.

I again recommend to Congress the Organization of the Duty on Tobaccos; this branch receiving the encouragement which has been calculated on, is sufficient in my opinion, to secure the Payment of the Annual Interest of the Exterior Public Debt; and, producing at the same time an evident benefit to the Cultivators. The Executive has issued orders to apply a considerable part of the Loan decreed by Congress, towards the encouragement of this Revenue, and, it now only requires that the Law should organize and

render uniform its Administration, leaving sufficient Authority to the Executive to follow the influence of circumstances, which may vary from one period to another of the Legislative Sessions. The Tithes Duty, which, besides providing a subsistence to the Ministers of the Gospel, affords some resources to the Republic, requires also uniformity in its Administrative Government, and, checks to the clandestine application of its Proceeds. The direct Tax, although the most analogous to the liberal System, continues surrounded by obstacles and difficulties, which, since the beginning of its Establishment have frustrated the views of the Legislative Body; its absolute Reform appears necessary, reducing it to limits less confused and obnoxious, and more productive. I am in the same opinion in regard to the other Laws upon indirect Taxes; the impost of one Dollar on each Mark of Gold for the National Museum ought not to exist; the produce of this Contribution is very small, compared with the deficit resulting from the clandestine extraction of the Metals in bullion or dust, to which it gives rise, and it should therefore be done away with. The Post Office Department should occupy the attention of Congress; the extent of the Republic is immense, and, until the use of Steam Vessels, and the establishment of good Roads shorten the distance, the Post Offices should facilitate the Communications between all the Citizens, and between them and the Government. This Revenue will not only fulfil these important objects, but, will also be productive to the National Treasury. I think I am not mistaken, when I assert that our actual Rceipts when improved, will suffice to cover our Ordinary Expenditure, as soon as we shall have paid for the Elements of War which we possess, and, that the Army shall be reduced to the Peace Establishment. There is not yet time to know the result of the operations of the Executive in the regulating and settlement of the Loan of March 1822; those interested in it have protested against the Law of 1st July, but, as the Executive has endeavoured to fulfil the views of the Congress, and the desires of the Friends of Colombia, I hope to terminate this affair to the satisfaction of the Parties interested, and completely to facilitate the Negotiation of the New Loan: we shall then have given a noble example of the good faith of the Government, and established the Credit of the Republic. Posterity will not have to charge us with having fruitlessly burthened it with a superfluous Debt, destined to satisfy fictitious wants:—no! to Posterity we leave the Country and Liberty.

I come now to speak of the glories of the Army of Colombia; on the 6th of August, the City of Maracaybo was restored to the Republic, after various encounters favourable to our Arms, particularly the glorious Naval Combat, of 24th July; the Chiefs charged by the Executive with the directionof the Military and Naval Forces, completely fulfilled the expectations of the Republic, and in virtue of the Instructions which they had, they granted to the Enemy's General a Capitulation, the merit and generosity of which the Spaniards themselves will never deny. Scarcely had the Republic expressed its joy on the triumph of the Army of Zulia, when its attention was called to the acquisition of Puerto Cabello, obtained on the 6th of November, in a manner which will ever do honour to the Army of the Department of Venezuela, and to its Chief. This Fortress had constantly resisted in the different epochs of the Republic all the efforts of its Power, and the Enemy

had established there a Point d'appui for its operations. Since the Colombian Flag has been hoisted in Porto Cabello, tranquillity has been restored to Venezuela, and an end has been put to the present War. The Executive has not seen with indifference these brilliant Successes. In the Decrees which will be presented to Congress I have recorded them, and the approbation which they have merited from the Republic and the Government.

The Army of Colombia which has made War to conquer Peace, Independence, and Liberty, to whose constant and eminent Services, the Republic owes its tranquillity, whose Arms are the firmest shield which defends the Constitution; this Army, as much the friend of Independence as of Liberty, as patient under privations as it is brave in the Field of Battle, deserves Laws, which may shield it from arbitrary and vexatious acts; which may secure to them a decent subsistence; which may open to them the gate of honour and of ease; which may insure justice to them in the distribution of Rewards, and which may not forget their Families after their death. I request from the Congress these Laws for the Army of Colombia, fully confident as I am that the Legislators of the Republic acknowledge in the same manner as the Executive, the eminent Services of the Defenders of their Independence and Liberty.

Our little Flotilla, a very essential part of the Armed Force, has rendered important Services, and will always do the same, if raised to the state in which I before said it should be: some obstacles present themselves to the attainment of this; but, I feel confident that the wisdom of your Organick Laws, and the constancy of the Executive will be able to overcome them. The Secretary of Marine will inform you of the use he has made of the authority granted to him by the Law of the 1st of July.

I hope that Congress, bringing again under their views the Exposés which the Secretaries of State presented to it by my order in the last Session, will occupy itself with the objects to which its attention was called. They furnish the Representatives with abundant matter, on which to employ their talents and experience in favour of the heroic People our Constituents, of whose favourable opinion we may be secure, if we really occupy ourselves with their happiness and tranquillity.

In finishing this picture I must confess that my heart is full of sorrow, at seeing that I have not been able to do for the Service of the Republic all the good my wishes pointed out. It is by your talents and your power, that Colombia must be filled with prosperity, and the errors which I may involuntary have committed in the course of my Administration be corrected. It nevertheless consoles me to present to you for the first time, Colombia freed from its Enemies, admitted into the Society of Nations, tranquil in the Interior, and adhering closely to the Constitution. Under such auspices you have the most precious opportunity of opening the fountains of Public Prosperity, and justifying the Confidence with which you have been entrusted by the Nation. Rely upon the readiness of the Executive in the observance and fulfilment of your deliberations, and on its absolute devotedness to the welfare and security of the Republic.

Bogota, April 6th, 1824.—14. FRANCISCO DE P. SANTANDER,

DECREE of the Colombian Government, declaring the Mosquito Shore to belong to the Republick, and prohibiting Settlements thereon.*

Francisco de Paula Santander, General of Division in the Armies of Colombia, Vice-President of the Republick, entrusted with the Executive Power, &c. &c.

Whereas it has come to the knowledge of the Government of The Republick of Colombia, that various Individuals, residing in Foreign Countries, have fórmed projects of founding Establishments in a certain Territory denominated *Poyais*, situated on the Mosquito Shore; and considering that the like undertakings, by unauthorized Adventurers, may be prejudicial to the Interests of the Republick, and to those Persons themselves, I have therefore decreed, in virtue of the 5th Article of the Fundamental Law, and do Decree as follows:

1. Every attempt is declared illegal, which may be directed to colonize any portion of that Part of the Mosquito Shore, from Cape Gracias-à-Dios inclusive, to the River Chagres, which belongs, by Dominion and Possession, to the Republick of Colombia, in virtue of the formal Declaration made at San-Lorenzo, on the 30th of November, 1803, by which the said Part of the Mosquito Shore was definitively annexed to the late Vice-Royalty of New Granada, separating it from the Jurisdiction of the Captain-Generalship of Guatemala, to which it formerly belonged.

2. Every Person or Persons who, in contravention of the preceding Article, actually may attempt to found Foreign Colonies or Establishments on the said Mosquito Shore, as far as Cape Gracias-à-Dios inclusive, are also declared subject to the Penalties incurred by those Persons who violently usurp National Property, and disturb interior peace and tranquillity, unless such Establishment be preceded by the approbation and consent of the Government, conformably to the Laws.

3. It is likewise declared, that the necessary approbation and consent not having been granted, to colonize the Mosquito Shore, or any Part of it, any Person or Persons, Citizens or Strangers, within or without the Territory of the Republick, who may attempt to do so, shall be subject to the consequences of their arbitrary and unauthorized conduct.

4. The Secretary of State for Foreign Affairs is entrusted with the execution of the present Decree.

Given, Signed, Sealed with the Seal of the Republic, and Counter-signed by the Secretary of State for Foreign Affairs, in the Capital of Bogota, 5th of July, 1824—14.

FRANCISCO DE PAULA SANTANDER.

The Secretary of State for Foreign Affairs, P. GUAL

LAW of France, fixing the Receipt and Expenditure for 1825.†

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:

* Gaceta de Colombia, July 25, 1824. † Moniteur, 10th August, 1824.

TITRE PREMIER.—*Crédits votés pour l'Exercice* 1825.

§ 1er. *Budget de la Dette Consolidée.*

Art. 1er. Les dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1825, à la somme de 237,085,785 Francs, Conformément à l'Etat annexé.

§ II. *Fixation des Dépenses Générales du Service.*

2. Des Crédits sont ouverts jusqu'à concurrence de 661,847,395 Francs, pour les Dépenses Générales du Service de l'Exercice 1825, conformément à l'Etat annexé, applicables, savoir :

Aux Dépenses Générales, ci.....528,386,417 fr

Aux frais de régie, d'exploitation, de perception et non-valeurs des Contributions directes et indirectes et des Revenus de l'Etat, ci....127,371,978

Aux remboursemens et restitutions à faire aux contribuables sur les produits desdites Contributions, ci.....6,089,000

Total égal.....661,847,395 fr

TITRE II.—*Impôts autorisés pour l'Exercice* 1825.

3. Continuera d'être faite, en 1825, conformément aux Lois existantes, la perception ;

Des droits d'Enregistrement, de Timbre, de Greffe, d'Hypothéques, de Passeports, et Permis de Port d'Armes ;

Des droits de Douanes, y compris celui sur les Sels ;

Des contributions indirectes, des Postes, des Loteries, des Monnaies, et droits de garantie ;

Des taxes des Brevets d'Invention ;

Des droits établis sur les Journaux ;

Des droits de vérification des Poids et Mesures ;

Du dixième des billets d'entrée dans les Spectacles ;

Du prix des Poudres, tel qu'il est fixé par la Loi du 16 Mars 1819 ;

D'un quart de la recette brute dans les lieux de réunion et de Fêtes 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 Etablissemens et aux Etablissemens Sanitaires ;

Des droits établis pour les frais de visite chez les Pharmaciens, Droguistes et Epiciers ;

Des rétributions imposées, en vertu des Arrêtés du Gouvernement du 3 Florèal, An 8 (23 Avril 1800) et du 6 Nivose An 11 (27 Décembre 1802), sur les Etablissemens d'Eaux Minérales, pour le traitement des Médecins chargés par le Gouvernement de l'inspection de ces Etablissemens ;

Des redevances sur les Mines ;

Des diverses rétributions imposées, en faveur de l'Université, sur les Etablissemens particuliers d'Instruction, et sur les Elèves qui fréquentent les Ecoles Publiques ;

Des taxes imposées, avec l'autorisation du Gouvernement, pour la conservation et la réparation des Digues et autres ouvrages d'art intéressant les Communautés de Propriétaires ou d'Habitans, et des taxes pour les travaux de 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 et 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 Patentes, seront perçues pour 1825, en principal et centimes additionnels, conformément à l'Etat 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 Nos. 1, 2, et 3, annexés à la présente Loi.

TITRE III.—*Evaluation des Recettes de l'Exercice* 1825.

5. Le Budget des Recettes est évalué, pour l'Exercice 1825, à la somme de 899,510,383 Francs; conformément à l'Etat annexé.

Moyens de Service.

6. Le Ministre des Finances est autorisé à créer, pour le Service de la Trésorerie et les Négociations avec la Banque de France, des Bons Royaux portant intérêt et payables à échéance fixe.

Les Bons Royaux en circulation ne pourront excéder cent quarante millions.

Dans le cas où cette somme serait insuffisante pour les besoins du Service, il y sera pourvu au moyen d'une Emission Supplémentaire qui devra être autorisée par Ordonnances du Roi, et dont il sera rendu compte à la plus prochaine Session des Chambres.

Dispositions Générales.

7. Toutes Contributions directes ou indirectes, autres que celles autorisées par la presente 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 Roles et Tarifs, et ceux qui en feraient le recouvrement, 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, déliberée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par Nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en consequence, 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 presentes 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 en Notre Château de Saint-Cloud, le 4 jour du Mois d'Août, l'An de Grâce 1824, et de notre Règne le 30e.

LOUIS.

Par le Roi :

Le Ministre et Secrétaire-d'Etat au Departement des Finances,

JH. DE VILLELE.

Vu et scellé du Grand Sceau :

Le Garde des-Sceaux de France, Ministre Secrétaire-d'Etat au Departement de la Justice.

Cte DE PEYRONNET.

*MEMOIRE du Cabinet de Russie, sur la Pacification de La Grèce.**

Au moment où Les Cours Alliées vont, dans un but de paix et d'utilité générale, Se livrer à l'examen d'une des Questions les plus difficiles que la Politique ait présentée de nos jours, Le Cabinet de Russie croit devoir témoigner avant tout, combien il attache de prix à ces importantes délibérations.

Il les regarde comme une application salutaire des Principes de l'Alliance Européenne ; il y trouve pour elle, le présage d'un nouveau succès, et il ne doute pas que les vœux du Monarque dont il sera l'organe, n'offrent la preuve irrécusable d'un parfait désintéressement.

Dans sa dernière Lettre au Vicomte de Strangford, Le Cabinet de Russie a déjà fait sentir la nécessité d'une Négociation qui auroit pour objet de pacifier les Iles et le Continent de La Grèce.

Dans le présent Mémoire il développera quelques considérations tirées, les premières de la position où se trouve La Russie elle-même, les secondes des intérêts communs de l'Europe et qui lui paroissent démontrer, les unes et les autres, que cette Négociation ne sauroit être, ni différée plus long temps, ni poursuivie avec trop de zêle et de persévérance.

Dès que l'Empereur eut appris à Czernovitz, que l'habileté et l'énergie de Lord Strangford avoient triomphé des longues hésitations du Divan, et que le Commerce de la Mer Noire alloit enfin être délivré des entraves qui en avoient presqu'interrompu le cours, Il se hâta de prendre une première mesure de réconciliation ; Sa Majesté Impériale envoya le Conseiller d'Etat actuel, Minciaky, à Constantinople, et fit déclarer que si les Turcs tenoient leurs promesses par rapport à la liberté de la Navigation, et s'ils complettoient l'évacuation des Principautés du Danube, aussitôt un Ministre de Russie reparoitroit dans la Capitale de leur Empire.

Sa Majesté Impériale persiste dans Ses intentions bienveillantes et Elle charge Son Cabinet d'en assurer Ses Alliés; mais Elle croit devoir en même temps, appeler leur sollicitude sur une circonstance qui Lui semble grave et qui peut être décisive. Si à l'époque, où Son Ministre arrivera à Constantinople, il n'y a encore rien de convenu touchant les Affaires de la Grèce, si aucune démarche préalable n'a au moins préparé et facilité l'ad-

* Constitutionnel, May 31st, 1824.

mission du seul principe sur lequel on puisse fonder l'espoir du rétablissement de la Paix, n'est-il pas à craindre que le Ministre de l'Empereur, ne renoue incomplettement et sous de fâcheux auspices, les relations de La Russie avec La Porte?

Il verra continuer la lutte entre les Turcs et les Grecs, et cette lutte ne peut avoir que deux résultats: Ou les Grecs maintiendront l'Année prochaine l' espèce d'Indépendance qu'ils ont acquise, ou bien ils seront soumis par la force des armes.

Dans la première hypothèse, le Cabinet de Sa Majesté Impériale, sans adopter des préventions trop communes, sans obéir à des préjugés aveugles, ne sauroit néanmoins récuser le témoignage de Sa propre expérience, et c'est elle qui motive Ses inquiétudes. Plusieurs faits L'autorisent à croire que les Turcs pourroient considérer la présence d'un Ministre de Russie comme le gage probable d'une victoire complette sur les Insurgés. L'empressement avec lequel ils demandent son retour, paroit venir à l'appui de cette opinion, que leur langage a d'ailleurs trahie en plus d'une circonstance. Or si l'attente des Turcs est trompée, si leur nouveaux efforts ne sont suivis d'aucun succès, ne doit on pas appréhender qu'ils n'attribuent ce malheur aux menées sourdes, aux secrettes intelligences du Ministre de Sa Majesté Impériale? Les méfiances renaîtroient alors plus vives et plus dangereuses que jamais. On se rappellera que des conjonctures et des soupçons absolument semblables occasionnèrent les Discussions du Baron de Stroganoff avec La Porte, que les assurances de l'Empereur relatives à la criminelle entreprise du Prince Ypsilanti, ne suffirent pas pour la désabuser, et que le Ministre de Sa Majesté fut enfin obligé de quitter Constantinople.

La seconde hypothèse feroit aussi redouter les plus tristes complications. Si la Grèce est soumise par la force des armes, L'Envoyé de Russie, et les Ministres des Cours Alliées, pourront-ils rester Spectateurs immobiles et muets des désordres qui ont de tous temps accompagné les triomphes des troupes Ottomans et qu'augmenteroit encore l'ardeur de la vengeance? Mais le moment de la victoire est-il celui où la Porte écoute les représentations même les plus fondées? Et néanmoins seroit-il possible de ne lui en adresser aucune? Aux termes des Déclarations de l'Empereur et des Protocoles de Vérone, les Affaires de la Grèce, regardent tous les Membres de l'Alliance, et il a été convenu, qu'ils y interviendroient collectivement. Leurs Ministres et celui de Sa Majesté Impériale se trouveroient donc dans la même position. En se dispensant d'agir ils manqueroient à leurs devoirs. En agissant, ils auroient à craindre que leurs demandes ne fussent rejetées et leurs relations avec La Porte, essentiellement compromises. Les Cours Alliées apprécieront les motifs, qui font désirer à l'Empereur d'éviter une pareille alternative.

Sous ce rapport, l'intérêt de La Russie, et l'intérêt des autres Puissances Européennes ne font qu'un; Tous Les Cabinets ont voulu et veulent prevenir la nécessité d'une guerre. Fidèle à Ses principes, l'Empereur a subordonné jusqu'à présent au maintien de la paix, toutes les considérations qui dérivent des droits incontestables de Sa Couronne et de la situation particulière de Son Empire. Dans de telles circonstances, indiquer les démarches qui empêcheront que des discussions nouvelles ne suivent le retour d'un Ministre de Russie à Constantinople, et insister pour que ces démarches

soyent faites avec prévoyance, avec fermeté, c'est sans doute, offrir la garantie des vues les plus sincèrement pacifiques, c'est constater l'absence de toute arrière pensée, c'est plaider bien moins la Cause de La Russie que celle de l'Europe.

Le Cabinet de Sa Majesté Impériale, convaincu qu'en affaires il est dangereux de jeter un voile sur les possibilités et de se dissimuler leurs conséquences probables, a énoncé avec franchise, Sa manière d'envisager les deux cas dont il a fait mention. Il s'estimeroit heureux de pouvoir adopter sur ce sujet une opinion contraire, mais à son avis, quand même cette opinion seroit plausible, Les Cours Alliées auroient encore d'autres Questions importantes à méditer et à résoudre.

La Russie, en effet, peut-Elle considérer avec indifférence la prolongation d'un état de choses qui dénature ses rapports avec le Levant, qui y paralyse son commerce et qui affecte ses intérêts les plus chers ? Les autres Puissances Alliés n'ont point, il est vrai, de raisons aussi positives à faire valoir, mais seroit-il de leur politique et de la générosité qui en est le premier attribut, de ne mettre aucune fin aux malheurs dont gémissent et La Grèce et La Turquie ? Les Puissances regardent toutes, comme un devoir sacré, de concourir à la conservation de la paix générale ; or, tant que durent les démêlés de La Porte avec la Morée et les Iles de l'Archipel, tant qu'y dominent les Révolutions et l'anarchie, cette paix, objet d'une si juste sollicitude, n'est ni réelle ni complette. Elle ne l'est pas *matériellement*, car la lutte dont nous parlons, semble loin d'être terminée. Elle ne l'est pas *moralement*, car cette meme lutte entretient dans tous les esprits en Europe, une inquiétude dont l'existence offre un véritable danger. On a vu les Cours Alliées surmonter des obstacles invincibles pour toute autre force que celle de leur union, on les a vues détrôner l'usurpation et le génie désastreux des conquêtes, arreter le fléau des Révolutions Militaires, et d'une main puissante, raffermir l'ordre social sur ses antiques fondemens. Les verroit-on aujourd'hui rejeter une des suites naturelles de leur système, et ne pas couronner des succès qui leur ont valu tant de titres à la reconnoissance du présent et de l'avenir ? Les hommes les mieux intentionnés seroient frappés de ce changement, et pourroient reprocher aux Alliés un défaut de persévérance et de courage. D'un autre coté, les Révolutionnaires chassés des Etats ou ils n'ont su que joindre la foiblesse à la trahison, reporteroient plus que jamais au milieu des Grecs, toute leur fatale activité. Ils fortifieroient les liens qu'ils peuvent avoir déjà formés dans ces Pays ; ils y feroient triompher leurs doctrines subversives ; ils parviendroient peut-être à égarer les Peuples en accusant l'Alliance de ne chercher qu' à replacer la Grèce sous un pouvoir anarchique et barbare, et de ranger sur la même ligne, le Mahométisme et la Religion Chrétienne.

Il seroit superflu d'énumérer les inconvéniens qu'entraineroient de semblables erreurs. Elles suffiroient pour décourager les amis du bien et elles rempliroient de joie ces artisans de troubles qui spéculent sur tous les maux de l'humanité. Il importe donc à l'Alliance de faire reconnoitre ses vraies intentions ; il lui importe de montrer que partout Elle sait rasseoir et consolider la paix ; et pour en donner la preuve, qu'Elle hâte de ses communs efforts, l'heureuse issue d'une Négociation, sans laquelle de longues hostilités ensanglanteroient une partie de l'Europe, sans laquelle même on essayeroit

en vain de rétablir sur des bases durables, Relations de la Russie avec le Divan.

Appelé par ses intérêts et par les maximes qu'il professe, à faciliter un aussi utile résultat, le Cabinet de Russie va indiquer les voyes qu'il croiroit les plus sûres pour y parvenir, mais il se bornera à des appercus généraux et sommaires, réservant pour une autre époque, les details qui exigent une connoissance plus approfondie des hommes, des choses et des localités.

Puisqu'une Négotiation tendante à réconcilier La Turquie avec La Grèce, paroit indispensable et que par conséquent on doit se préparer à l'ouvrir, il semble naturel d'examiner, quels peuvent être les besoins, les convenances et les vœux légitimes des Turcs ainsi que des Grecs, afin de combiner de propositions que les uns et les autres ayent raison d'accepter.

Or il est évident, que les Turcs ne consentiroient jamais à reconnoitre l'Indépendance Politique de la Grèce, sous quelque forme que ce fut.

Il n'est pas moins évident que de leur côté, les Grecs ne consentiroient jamais à rentrer dans la position où ils étoient à l'égard de La Porte, avant la guerre.

C'est donc dans un terme-moyen que se trouve la solution du problème; et nul doute que si ce terme-moyen est justifié par des exemples, s'il permet de démontrer aux Turcs, qu'en y accédant, ils se borneroient à faire des concessions qu'ils ont faits dans les même circonstances, et aux Grecs, que par leur adhésion, ils obtiendroient tout ce qu'ils ont droit d'obtenir, on ne se ménage les meilleures chances de succès.

Peut-être les Cours Alliés jugeront-Elles que le Plan dont on va tracer une rapide esquisse, réunit quelques unes de ces Conditions.

Comme il existe dans l'Empire Ottoman, des Principautés séparées, qu'autrefois ces Principautés ont été, si ce n'est créés, du moins maintenues volontairement par les Souverains Turcs, et qu'en prenant de justes précautions contre les abus qui font le malheur de la Valachie et de la Moldavie, on pourroit, avec les privilèges garantis dans l'origine à ces Provinces, leur assurer, tout le bien-être et toute la tranquillité désirables, le Cabinet de Sa Majesté Impériale proposeroit d'ériger dans la Grèce de terre-ferme, des Principautés pareille à celles du Dannbe.

Ces Principautés seroient au nombre de trois, ainsi que paroit l'indiquer la position géographique de La Grèce.

La première comprendroit la Thessalie, la Béotie, l'Attique ou la Grèce Orientale.

La seconde embrasseroit l 'ancien Littoral Vénitien qui n'est pas tombé en partage à l'Autriche, l'Epire, l'Acarnanie, ou la Grèce Occidentale.

La troisième seroit composée de la Morée ou Grèce Méridionale, et l'on pourroit méme y joindre l'Ile de Candie.

Quant aux Iles de l'Archipel, on les soumettroit à un régime municipal qui ne seroit au fond que le renouvellement et la régularisation des privilèges qu'elles possédent depuis des Siècles.

Ces Arrangemens, dont le Cabinet de Russie se réserve de développer plus bas les motifs et les avantages, devroient être accompagnés de quelques autres Stipulations générales.

La Porte conserveroit la Souveraineté de tous ces Pays.

Elle n'y enverroit ni Pachas, ni Gouverneurs; mais Elle en recevroit des

tributs annuels dont le montant seroit fixé dès aujourd'hui, d'après l'étendue et les ressources de chaque Ile ou de chaque Principauté.

Tous les Emplois Publics seroient remplis par des Indigènes et en général La Porte entretiendroit avec la Grèce et l'Archipel, les rapports qu'elle entretient avec la Valachie et la Moldavie.

Les Principautés et les Iles Grecques jouiroient d'une entière liberté de commerce et obtiendroient de La Porte, le droit d'avoir leur Pavillon.

Ces Principautés et ces Iles seroient, pour ainsi dire, représentées auprès du Grand Seigneur par le Patriarche de Constantinople, qui résideroit dans cette Capitale et qui jouiroit de la protection du droit des gens comme en jouissent les Agens des Princes de Valachie et de Moldavie.

La Porte tiendroit Garnison dans un certain nombre de Forteresses, et autour de ces Forteresses, il seroit tracé un rayon, dans lequel les troupes Turques se pourvoirent de subsistances, sans pouvoir faire d'excursions dans les Contrées avoisinantes.

Tous les détails relatifs à la durée du Gouvernement des Princes, au mode de leur nomination, aux limites et à l'Administration intérieure de leurs Principautés, à la quotité des Impôts qu'ils seroient autorisés à percevoir, à la designation des Places qu'occuperoient les Garnisons Turques, à la Force de ces Garnisons, aux attributions de leurs Commandans, à l'organisation d'un Régime Municipal dans les Iles, &c. seroient réglés dans une Seconde Negociation entre La Porte, les Cours Alliées et une Députation Grecque, à l'exemple de cequi avoit été stipulé en 1812 pour la Servie.

Enfin, les derniers résultats de cette Negociation seroient placés sous la garantie de toutes les Cours Alliées, ou de celles des Cours Alliées qui voudroient contracter cet engagement.

Tels sont les Principes d'après les quels le Cabinet de Russie pense qu'on pourroit procéder à la pacification de La Grèce, et il lui paroit possible de prouver, que sagement appliqués, ces Principes concilieroient les intérêts bien entendus des Turcs, des Grècs, et de l' Alliance Européenne.

Depuis trois ans les Turcs s'efforcent en vain, de soumettre la Morée et l'Archipel. Ils ont échoué sur terre et sur mer. Une quatrième Campagne peut décider la Question sans retour, et il n'est pas probable qu'elle la décide en leur faveur. Ils sont parconséquent à la veille de tout perdre; or, les propositions dont il s'agit, leur assurent tout ce qu'il leur importe de conserver.

Et d'abord, le rétablissement immédiat du calme en Grèce ne compenseroit-il pas tous les dangers d'une nouvelle tentative faite pour la réduire par la force. D'ailleurs l'ouvrage de la force auroit-il la durée d'une soumission volontaire, dont la première garantie seroit dans un'échange de biens réciproques?

Les Turcs ont à opter entre une Guerre où ils n'ont essuyé que des malheurs et une Paix solide, entre de continuelles inquiétudes et une parfaite sécurité, entre une possession tranquille et une posession précaire qui exigeroit l'emploi sans cesse renouvelé de la rigueur et des armes. Il semble que le choix ne devroit pas être douteux.

Dautres avantages les attendroient encore.

La Porte ne peut disconvenir que les contributions prélevées dans Ses Provinces par les Pachas qui y commandent, ne grossissent le plus souvent

que leurs propres trésors et qu' à peine les Caisses publiques en recoivent une faible partie. Les Tributs Annuels pourroient être bien plus abondans, la rentrée en seroit immanquable, et La Porte se procureroit des recettes doublement utiles par leur montant et par leur régularité.

A ce profit certain viendroit se joindre l'absence d'un imminent péril; car le Divan doit aussi connoitre l'usage que les dépositaires de son autorité font de leurs richesses. Dès qu'Aly Pacha de Janina eut dans ses mains tout l'or qu'il pouvoit arracher à l'Albanie, à la Morée et à l'Epire, il leva l'étendard de la révolte; il appela les Grecs aux armes, il provoqua leur insurrection, et jusqu'à ce jour l'Empire Ottoman se ressent de la secousse terrible qu'il lui donna.

Par les arrangemens proposés, la Porte préviendroit le retour de ces rebellions funestes.

Pour première sureté elle auroit la residence du Patriarche Grec à Constantinople, et les Stipulations qui ne permettroient aux Princes de la Grèce d'entretenir que la force armée nécessaire à la Police interieure et à la répression du Brigandage. Elle auroit en outre pour gage matériel, les Places qui seroient occupées par ses Troupes. Elle auroit, enfin, la parole des Puissances garantes dont l'intérêt et l'obligation seroient d'empêcher qu'aucun trouble, aucun changement ne subvertissent les bases d'une paix si heureusement conclue et affermie.

Ces mêmes arrangemens sont d'ailleurs ceux que l'Empire Turc a jugés les plus convenables, aux époques de sa puissance et de sa gloire.

Mahomet II. accorda aux Iles de l'Archipel, le droit qu'elles ont conservé, de n'être que simples tributaires de La Porte, et de se gouverner elles-mêmes.

Lorsqu'en 1465, la Valachie fut conquise par les Turcs, ce même Souverain assura aux Valaques leurs principaux privilèges.

Il leur accorda, moyennant un tribut annuel, la faculté de n'être justiciables que de leurs propres Tribunaux; de fixer eux-mêmes la quotité des Contributions Publiques; de ne confier qu'à des Indigènes les Emplois d'administration intérieure; *de ne pas recevoir de Troupes Ottomanes;* il y a plus, il leur reconnut le droit d'élire librement leurs *Voïvodes*, auxquels La Porte ne donnoit qu' un titre et une simple investiture.

Lorsqu'en 1536, la Moldavie se soumit spontanément à La Porte, Soliman I. étendit aux Moldaves les prérogatives de la Valachie.

Ces prérogatives, quoique modifiées par la suite des temps, furent néanmoins renouvelées dans leurs articles les plus essentiels, au commencement du 17me Siècle, quand La Pologne restitua la Moldavie à La Porte. Elles le furent encore sous le régne du Sultan Mahomet IV. comme l'atteste le Traité de Kaynardgé, et elles l'ont même été de nos jours, par les Hatti-Schérifs de Sélim III.

Un fait non moins remarquable, c'est que le Sultan Moustapha III. voyant combien étoient fragiles les fondemens de Son pouvoir en Morée, paroissoit avoir conçu vers l'année 1774, le dessein d'y ériger une Principauté Grecque et de reconquérir cette portion de Ses Etats par le bienfait d'une Administration régulière et Nationale. La mort enleva Moustapha cette même année, et ses plans ne purent lui survivre; mais des traditions dignes de foi, en ont conservé le souvenir.

L'objection qu'on opposera sans doute à l'ensemble des Mesures que nous venons d'indiquer, c'est la difficulté d'engager La Porte à admettre une Intervention étrangère.

Le Cabinet de Russie a déjà répondu à cet argument. Sa Lettre au Vicomte de Strangford en date de Czernovitz, est accompagnée d'un Mémoire qui rappelle les diverses circonstances où le Divan a admis le Principe d'une Intervention dans les Affaires de Ses Provinces Chrétiennes.

Il y a, en effet, adhéré en 1774, par le Traité de Kaynardgé, en 1792, par celui de Yassy, en 1812, par celui de Boukarest. Il y a même adhéré en pleine paix par la Convention du 10 Mars, 1779; lors de l'Installation des Consuls Russes dans les Principautés, et finalement en 1802, par les Hatti-Scherifs du Sultan Sélim.

Que si dans le quinzième et dans le seizième siècle, une politique éclairée a dicté aux plus redoutables d'entre les Souverains Ottomans, les concessions qu'ils ont faites lorsque leurs Armes soumettoient la Valachie et lorsque la Moldavie reconnoissoit spontanément leurs Loix, pourquoi le Sultan actuel se refuseroit-il à marcher sur les traces de ses Prédécesseurs, et si l'un deux a conçu le projet d'ériger une Principauté en Grèce, pourquoi la Porte rejetteroit Elle aujourd'hui cette proposition, pourquoi s'élèveroit Elle contre une Intervention étrangère, qu'Elle a, on le répéte, admise en plus d'une circonstance, et qui donneroit au Grand Seigneur, ce que sans elle, il ne pourra peutêtre jamais conquérir.

C'est là le véritable état de la Question pour les Turcs. L'Intervention étrangére est un inconvénient à leurs yeux, mais un avenir incertain et menaçant est, sans contredit, un inconvénient plus grave. Les Turcs pourroient au reste se convaincre jusque par les détails réglémentaires qui leur seroient proposés, que cette intervention, dont ils craignent les suites, ne chercheroit que leur vrai bien, et les moyens même de ne pas leur être importune, puisque, par exemple, Elle les inviteroit à accorder aux Iles et aux Principautés Grecques, le droit d'avoir leur propre Pavillon, que cette liberté amèneroit forcément une augmentation proportionnelle des tributs, et qu'elle feroit cesse la coutume et le besoin de ces *simulations*, qui ont été pour La Porte un continuel sujet de discussions et de plaintes.

Une dernière considération devroit frapper le Divan. S'il s'obstine à remettre au sort des armes la décision de ses différends avec les Grecs, sera-t-il jamais sûr de former des rapports d'amitié stable avec La Russie, et pour peu qu'il observe la nature des engagemens qui unissent l'Empereur à Ses Alliés, pour peu, qu'il songe que l'Alliance, ayant identifié les droits et les intérêts de tous Ses Membres, identifieroit aussi leur résolutions, n'aura-t-il pas la preuve que des relations incertaines avec La Russie rendroient également précaires celles qu'il entretient avec les autres grandes Puissances de l'Europe? Il ne pourroit donc qu'augmenter de jour en jour l'isolement, où elles le laisseroient, tandis que les calculs les plus simples, les plus faciles, lui conseillent de s'associer et La Russie et ces Puissances, tandis qu'ils lui commandent même de placer sous la garantie de leur solidarité, le rétablissement et le maintien de la paix.

Le Cabinet de Sa Majesté Impériale pense que d'une autre part, les Grecs ne sauroient porter leur voeux au delà de l'ordre de choses, dont les Cours Alliées réclameroient l'Institution.

Veulent-ils la liberté de leur Culte? Ils l'obtiendroient dans toute sa plénitude.

Veulent-ils une bonne Administration de la Justice? Leurs Princes ne manqueroient pas de l'organiser.

Désirent-ils la garantie des Propriétés et des Personnes? Il ne dépendroit que d'eux mêmes de faire reconnoitre et observer ces droits si légitimes.

Se proposent-ils de doter leur Clergé Séculier et de pourvoir à l'instruction de la jeunesse? L'excédent des recettes sur les dépenses, dans des Pays qui n'auront pas de force armée à entretenir, leur en donneroit l'ample faculté.

Le commerce leur seroit ouvert. Il pourroient cultiver tous le genres d'Industrie; et les termes d'un Arrangement Définitif devant être négociés avec une Députation Grecque, ils auroient tout les moyens de combiner et de mettre en vigueur les réglemens les plus favorables à leur repos et à leur prospérité.

Certes, ce seroient là de grandes améliorations, et elles l'emporteroient, on a lieu de l'espérer, sur la chimère d'une Independance totale, que Les Cours Alliées pourroient difficilement reconnoitre sans dévier des maximes qui ont fait le salut de l'Europe.

Nous croirions ne pas savoir apprécier les vues et les principes de l'Alliance, si nous nous étendions sur les avantages attachés au dénouement qu'auroient alors ses nobles travaux.

Assurer sans effusion de sang les droits de l'humanité; régler pour de longues années des relations, qui dans leur ancien état (si l'on parvenoit à le rétablir) occasionneroient, par la force des choses, d'autre réactions non moins déplorables; paralyser l'influence des Révolutionnaires dans toute la Grèce; completter et consolider la paix du Monde, tel auroit été l'ouvrage de l'Alliance, et sa gloire seroit une des plus utiles et des plus belles, que la Providence Divine puisse accorder aux Monarques et à leurs Gouvernemens.

Pour terminer ce Mémoire, nous ajouterons quelques mots sur la marche des Négociations qu'il seroit urgent d'ouvrir à Constantinople.

Dans l'opinion du Cabinet de Russie, la manière de les entamer, de les poursuivre et de les conduire à leur terme, devroit être complettement abandonnée aux Représentans des Cours Alliées près La Porte Ottomane. Ces Ministres ne sauroient avoir de guides plus sûrs que les talens et le zêle dont ils ont fourni tant de preuves.

D'ailleurs le moyen d'arriver au but, est connu. De nos jours la Diplomatie ne la jamais employé vainement. Le moyen, c'est l'accord qui fait la base de l'Alliance Européenne.

L'Alliance a toujours voulu ce qui étoit juste et salutaire; elle l'a voulu avec franchise et unanimité, et ce qu'Elle veut ainsi, elle est certaine de l'obtenir. Pour justifier cette assertion, le Cabinet de Russie n'en appelle qu'au témoignage même des succès qui ont signalé en dernier lieu, les efforts d'un des Plénipotentiaires, dont il réclameroit l'assistance. Dès que le Vicomte de Strangford eut déclaré, il y a quatre mois, que la cause de La Russie étoit la cause de toutes les Puissances Alliées, et qu'en rejetant ses demandes, La Porte auroit à sonteuir le poids de leur animadversion commune,

chaque jour fut marqué par des concessions nouvelles, et cet habile Négociateur n'eut plus qu'à énoncer des vœux pour les voir écoutés et remplis.

L'Empereur est intimement convaincu que le même langage et la même énergie produiroient les mêmes résultats pour les Affaires de la Grèce, et c'est dans cette conviction que Sa Majesté Impériale autorise Son Cabinet à proposer à Mrs. les Plénipotentiaires des Cours Alliées ;

1. D'approuver les vues exposées dans le présent Mémoire ;—2. De convenir que des Instructions analogues seront adressées aux Représentans des Cours Alliées à Constantinople ;—3. De laisser à ces Ministres toute la latitude dont ils ont besoin ;—4. D'arrêter qu'ils pourront communiquer succesivement les diverses parties du Plan de Pacification adopté par l'Alliance ;—5. De les informer, que pour l'instant ils accompliroient tous ses désirs, en fesant admettre aux Turcs le simple principe d'une intervention amicale et collective ;—6. De leur faire remarquer que la création de trois Principautés Grecques, en diminuant l'étendue et les forces respectives de chacune de ces Provinces, offre une nouvelle garantie à La Porte : qu'elle offre aussi un puissant appât aux principales familles de la Grèce, et qu'elle pourra servir à les détacher des intérêts de l'Insurrection.

Le Cabinet de Russie ne soumettra plus qu'une observation à Mrs. les Plénipotentiaires des Cours Alliées.

Le moment actuel semble propice aux Négociations. Les expéditions des Turcs ont été infructueuses. Les Grecs sont divisés et manquent à la fois d'hommes et d'argent. L'hiver établi une tréve de fait ; chez les uns et les autres, il y a appréhension et lassitude. De quelque coté que la balance penche, au printemps les Négociations seront plus difficiles et les succès plus incertains.

*PROCLAMATION of the Provisional Government of Greece, for the treatment of European Vessels, freighted by the Turkish Government, as Enemies.**

GOUVERNEMENT PROVISOIRE DE LA GRECE.

LE PRESIDENT DU POUVOIR EXECUTIF.

Le Gouvernement Grec, instruit que plusieurs Capitaines de Navires marchands Européens, séduits par l'intérêt, et encouragés par le respect que les Vaisseaux Grecs portent duement à leurs glorieux Pavillons, ont contracté et contractent encore à Constantinople, à Alexandri et ailleurs, des nolisements pour le service des Esquadres Turcques, au transports des Troupes et des munitions de guerre et de bouche, malgré que les respectables Ambassadeurs et Consuls de leurs Gouvernements cherchent à empêcher cette operation, comme opposée aux principes de Neutralité, que leurs puissants Souverains ont statué d'observer dans notre présente lutte :

Proclame,

1. Ces Navires, et leurs Equipages, de quel Pavillon qu'ils soient couverts, ne seront plus considerés comme appartenant à une Nation Neutre, mais comme Ennemis, et comme tels, ils seront bâttus, incendiés et coulés a fond, avec leurs Equipages, par les Batimens de l'Esquadre Grécque et par toute Force Grècque sous laquelle ils tomberont.

* Published in Greek and French.

2. La présente Proclamation sera transmise aux Commandans des Divisions d'Hydra, Species et Ipsarra, et publiée par le Journal du Gouvernement Grèc: des exemplaires traduits en Français en seront envoyés à tous les Consuls, Vice-Consuls et Agents Consulaires, des Puissances Européennes dans l'Archipel.

Moulins de Nauplie, le 27 Mai, 1824.

(L.S.) Le Président, GEORGES COUNDOURIOTTES.

Le Secrétaire Général, par intérim, P. G. RODIUS.

PROCLAMATION of the Provisional Government of Greece, modifying the Proclamation of the 27th May 1824.

(Translation.)

The President of the Executive.

The Greek Government, being awake to the support of the Greek Nation, in order to prevent every thing which might occasion its destruction, issued on the 27th May, a Proclamation concerning all European Merchant Vessels which should, according to the information then received, have been freighted at Constantinople and Alexandria, for the transportation of Enemies Forces to Greece. But being now informed that the above-mentioned Vessels do not carry Enemies Forces, but Stores of War, Provisions, &c. and since the Greek Government is anxious to act with all precision towards Commerce on the basis of Neutrality and the Right of Nations, as far as the Rights of War will permit;

Proclaims,

1st. European Vessels freighted by the Enemy for the transportation of Arms, Stores of War, Provisions and all other things for the use of the Enemy, are subject to the Laws of Neutrality, and shall be treated by our Naval Force according to the Usages prevailing in similar cases among the European Powers.

2d. The present Proclamation shall be notified to the Commanders of the Greek Squadron, and shall be published in the Gazette of the Government. A Copy of it shall be sent to the Consuls, Vice-Consuls and Consular Agents of the European Powers throughout the whole Grecian Archipelago.

Napoli di Romania, August 15, 1824.

The President, G. COUNDOURIOTTES.

The Provisional General Secretary, P. G. RODIUS.

PROCLAMATION of the Provisional Government of Greece, relative to the conduct of Greek Cruizers towards Foreign Merchant Vessels.

(Translation.)

The President of the Executive, Proclaims;—

The Greek Nation took up arms, only in order to obtain Its Political Existence and Resurrection, and to conduct Itself according to the example of Civilized Nations, with which the common condition of mankind dictates to It to establish relations and connexion. But the Government sees with grief that Foreign Powers are displeased with the disorders from which their Merchant Vessels suffer, as some of our Cruizers act against them, contrary to the system of this Government, and contrary to the principles

of the Neutrality of Foreign Powers and the basis of Commerce, which ought not, in violation of justice, to be debarred from its natural course. Wherefore, the Greek Cruizers throughout the different Seas are warned that the Government, in case of any harm happening wrongfully to the Merchant Vessels of Foreign Powers, not only will not protect such of the Cruizers, but will punish them. And moreover, since it is necessary that Cruizers should, in their operations against the Commerce of the Enemy, always be guided by the Laws of War, such Cruizers must always be provided with the necessary Papers and Orders of the Government: otherwise should they be found without them, they will be punished.

The President, G. COUNDOURIOTTES.
The Provisional Secretary, P. G. RHODIUS.

Napoli di Romania, August 16, 1824.

PROCLAMATION of the Ionian Government, for the Seizure and Detention of Armed Vessels of the Provisional Government of Greece.

By His Excellency Lieutenant General Sir Frederick Adam, G. C. S. M. S. G. His Majesty's Lord High Commissioner in and to The United States of the Ionian Islands, &c. &c. &c.

Whereas a Proclamation has been issued by the Provisional Government of Greece, and addressed to His Majesty's Consul at Constantinople, and the other Consuls and Vice-Consuls of the Powers of Europe in the Archipelago to the following effect,—

"That, as the Masters of sundry European Vessels have freighted their "Ships to the Turkish Government for the conveyance of Troops, Stores and "Provisions, in opposition to the advice of their Consuls, and in contra-"vention of the principles of Neutrality professed by their respective "Sovereigns in the present contest in which Greece is engaged, all such "Vessels,together with their Crews, shall be considered as no longer belong-"ing to any Neutral Nation, but as Enemies; and shall as such, be attack-"ed, burnt, or sunk, together with their Crews, by the Ships of the Greek "Fleet or by any other armed Greek Force that may fall in with them."

And whereas His Majesty, for the vindication of the Rights of that Neutrality, the duties of which he has Himself strictly and uniformly observed during the existing hostilities, and for the Protection of the Commerce as well as of the lives of His Subjects, and of the Ionian People placed under His exclusive Protection, has directed the Lord High Commissioner to require, in His Majesty's Name, of the Provisional Government, the immediate recall of a Proclamation, so contrary to the Law of Nations and to every principle of Humanity and of the intercourse of civilized Countries;—

And whereas the Lord High Commissioner has accordingly required in His Majesty's Name the recall of the said Proclamation, and the Provisional Government have refused to recall the same;—and whereas such refusal has been duly notified to the Commander in Chief of His Majesty's Naval Forces;

Be it known that, in conformity with Instructions to that effect given by the Lords Commissioners of the Admiralty, the said Commander in Chief will forthwith proceed to seize and detain all Armed Vessels, or Vessels carrying armed men, fitted out by, or under, or acknowledging the Authority of, the Provisional Government of Greece; and that those Instructions will continue in force until the said Proclamation shall be fully and authentically recalled by the Provisional Government, and the said recall duly notified by the Lord High Commissioner to the Commander in Chief of His Majesty's Naval Forces.

The present shall be printed in Three Languages, English, Greek, and Italian, promulgated and sent to whom it concerns for its execution.

Palace, Corfu, September 6, 1824.

By Command of His Excellency, J. RUDSDELL,
Secretary of the Lord High Commissioner.

PROCLAMATION of the Provisional Government of Greece, revoking the Proclamation of May 27, 1824.

GOUVERNEMENT PROVISOIRE DE LA GRECE.
LE PRESIDENT DU CORPS EXECUTIF.

PROCLAME.

Le Gouvernement Grec revoque et annulle aujourd'hui la Proclamation en date du 27 Mai, publiée relativement aux Bâtimens Marchands des Puissances Neûtres.

La présente, traduite en langue Française et imprimée, sera communiquée à tous les Consuls, Vice-Consuls et Agents de l'Archipel.

Nauplie, le 3 *Septembre* 1824.

En absence du Président; Le Vice-Président,
(L. S.) PANAJOTI BOTASSI.

Le Secrétaire Gén. d'Etat, par interim,
P. G. RHODIUS.

*ORDER in COUNCIL regulating the Duties on Lubeck Vessels and their Cargoes in British Ports.**

At the Court at Carlton-House, the 14*th of August*, 1824,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act, passed in the Fourth Year of His present Majesty's Reign, 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, to authorise the importation into or exportation from The United Kingdom, or from any other of His Majesty's Dominions, of any Goods, Wares, or Merchandise, which may be legally

* London Gazette, August 17, 1824.

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 Merchandise, 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 Merchandise, 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 Merchandise, when imported or exported in Vessels of such Country: And whereas by an Act, passed in the last Session of Parliament, intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting, under a certain Order in Council for regulating the Tonnage Duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels," His Majesty is authorised (in certain cases,) 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 authorise the entry into 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 British Vessels: And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that Goods, Wares, and Merchandise imported into or exported from the Territories of the Free Hansiatic Republick of *Lubeck*, are charged with the same Duties, and are allowed the same Drawbacks, Bounties, or Allowances, when imported or exported in British Vessels, as are levied or allowed on similar Goods, Wares, and Merchandise when imported or exported from Lubeck in Lubeck Vessels; and that British Vessels are charged with no other or higher Tonnage Duties on their entrance into the Territories of Lubeck, than are levied on Lubeck Vessels; His Majesty, by virtue of the Powers vested in Him by the Acts above recited, and by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that from and after the first day of this Instant, August, Lubeck Vessels entering the Ports of The United Kingdom of Great Britain and Ireland, in ballast or laden, or departing from the Ports of the said United Kingdom, together with the Cargoes on board the same, such Cargoes consisting of Articles which may be legally imported or exported, shall not be subject to any other or higher Duties or Charges whatever, than are or shall be levied on British Vessels entering or departing from such Ports, or on similar Articles when imported into or exported from such Ports in British Vessels; and also that such Articles, when exported from the said Ports in Lubeck Vessels, shall be entitled to the same Bounties, Drawbacks and Allowances, that are granted on similar Articles when exported in British Vessels.

And The Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

C. C. GREVILLE.

DECREE of the Supreme Executive Government of Mexico, relative to the Election of a President and Vice-President.

The Supreme Executive Power, named provisionally by The Sovereign General Constituent Congress, to all those who see or hear these presents; Know; that the said Sovereign Congress has decreed what follows:

The General Constituent Congress of The United Mexican States, desirous that the Nation may begin, as speedily as may be, to be governed according to the Constitution, has been pleased to decree, that on the 1st of September next, the Election of a President shall take place under the following Constitutional Regulations:

1. The Supreme Executive Power of the Federation shall be vested in one Individual who shall be called *President of The United Mexican States.*

2. In case of the physical or moral incapacity of the President, the functions and prerogatives of that Office shall be exercised by the Vice-President. The General Congress will establish by a Law the manner of fulfilling that Office in the event of the incapacity of both these Personages.

3. Their Election shall take place in the following manner. Every four years, on the 1st September of the year preceding that in which the New President is to enter on his Office, the Legislature of each State shall elect by an absolute plurality of votes, Two Individuals of whom One at least, shall not be an Inhabitant of the State so Electing.

4. The voting being concluded, the Legislatures shall transmit to the President of the Council of Government a Certificate of the Act of Election.

5. On the 6th of January next, in the presence of the Two Chambers united, the Certificates mentioned in the preceding Article, shall be opened, if these documents shall have been received from the three-fourths of the Legislatures.

6. The reading of these Certificates being finished, the Senators shall retire, and the Chamber of Deputies proceed immediately to verify the Elections and the number of votes.

7. He who shall have an absolute majority of votes in his favour shall be the President.

8. If Two possess a like majority, he shall be chosen who obtains most suffrages. In case of an equal number of votes the Chamber of Deputies shall elect one of the Two for President, the other remaining Vice-President.

9. If no one shall have obtained an absolute majority of the votes of the Legislatures, the Chamber of Deputies shall elect the President and Vice-President, selecting in each Election One of the Two who shall have obtained the greater number of suffrages.

10. When more than Two Individuals shall have obtained a respective majority, and an equal number of suffrages, the Chamber shall select from among them the President and Vice-President, as the case may be.

11. If one shall be possessed of the respective majority, and Two or more shall obtain an equal number of suffrages, but greater than the others, the Chamber shall elect from those who have the highest numbers.

12. If all shall possess equal votes, the Chamber shall elect the President and Vice-President from amongst those named by the Legislatures, and the same when one possesses most suffrages, and the others are equal.

13. In the Chamber, composed of more than the half of the total of its Members, there must be assembled for the Election of President and Vice-President, Deputies from three-fourths of the States.

14. The Election of both shall be effected by the Chamber of Deputies by a plurality of voices, reckoning by States, the Representation of each State having one vote.

15. In voting upon the qualification of the Persons elected, attention is to be paid to the preceding Article.

16. When, in the voting of the Chamber of Deputies as to the Election of President and Vice-President, there shall be an equality of votes, voting shall be repeated, and if an equality again exist, the lot shall decide it.

17. To be President or Vice-President of The United Mexican States it is necessary to be a Mexican by birth, above thirty-five years of age, and resident in the Country.

18. The President cannot be re-elected for that Office, until after Four Years have elapsed since he filled it.

19. Every Four Years, on the 1st of April, the newly-elected President and Vice-President must be present in the Place where the Supreme Authorities of the Federation reside.

20. On the aforesaid day they must both take the accustomed Oaths.

21. For this once only the Legislatures will transmit the Certificates of the Acts of the Elections to the President of the existing Congress, which will exercise the functions of the Chamber of Deputies with the same formalities.

22. The Government will endeavour to remove all obstacles which might prevent the Certificates of the Elections being in the possession of the President of the existing Congress on the 26th of the ensuing September.

The Supreme Executive Power will take cognizance of this, and will see that it be complied with, causing it to be printed, published, and circulated.

Mexico, July 21, 1824. 4°.—3°.

IGNACIO ZALDIVAR, *President.*
DEMETRIO DEL CASTILLO, *Deputy Secretary.*
JOZE IGNACIO GONZALES CARALMURO, *Deputy Secretary.*

PROCLAMATION of the The President of Hayti, relative to the Defence of the Country.

***PROCLAMATION** au Peuple et à l'Armée.*

JEAN PIERRE BOYER, PRESIDENT D'HAYTI.

HAYTIENS,

VINGT années se sont écoulées depuis l'époque mémorable où, après avoir, au prix de votre sang, ressaisi vos Droits, vous proclamâtes votre Independance Nationale.

Durant cette période, malgré votre désir de vivre en paix, vous fûtes encore long-temps dans l'obligation de continuer la guerre; mais enfin, grâce à la Providence, votre courage et votre persévérance furent couronnés du plus heureux succès.

Le Gouvernement, pénétré de ses devoirs, tout en poursuivant ses efforts pour conquérir la Liberté, n'a jamais discontinué, même pendant les plus grands orages, de diriger les esprits vers l'Ordre et la Civilisation. Telle a été la pensée de mon Illustre Prédécesseur; les actes émanés de son génie pour parvenir à ce but sont connus de l'Univers; il serait donc superflu de les énumérer ici.

Animé de son esprit, dès que je fus appelé à lui succéder, je m'efforçai de marcher sur ses traces; ma sollicitude, entr'autres objets d'intérêt public, s'occupait constamment des moyens de conclure des rapports directs et officiels avec les Gouvernemens des Peuples qui font un commerce avec Haïti: les avantages qu'ils en retirent sont universellement connus.

Il était naturel de penser, dans l'état des choses, que des intentions si louables obtiendraient un résultat favorable. La Justice, la Philanthropie, l'Intérêt d'une sage politique qui doit tendre à consolider la Prospérité du Commerce, tout s'accordait pour légitimer la conclusion de ce grand objet. Qui pouvait d'ailleurs raisonnablement s'y opposer? Depuis long-temps nous sommes complétement émancipés. Tranquilles dans notre Pays, fidèles à nos Devoirs Constitutionnels, nous restons absolument étrangers au Système Colonial et Neutres dans les mouvemens qui peuvent ou pourront exister dans les Iles de cet Archipel; on n'a donc aucun reproche fondé à nous faire.

Cependant, quel compte nous a-t-on tenu de nos loyales dispositions? Comment les divers Gouvernemens y ont-ils répondu? les uns, par un silence humiliant qui blesse, autant la magnanimité de la Nation, qu'il est contraire aux régles prescrites par la saine raison; les autres, en manifestant des prétentions dont l'injustice révolte et que l'honneur National, d'accord avec nos sentimens et nos devoirs, ne permet dans aucun cas, d'admettre.

Il est évident que l'outrage fait au caractère Haïtien est un déplorable effet de l'absurde préjugé résultant de la différence de couleurs. Oui, il faut le déclarer authentiquement, ce honteux motif est le seul sur lequel est basée l'injuste politique dont nous nous plaignons. Faut-il une nouvelle preuve de cette vérité? Nous la trouverons, ô infamie! dans la proscription exercée aujourd'hui, plus que jamais, dans certains Pays, contre les hommes de la teinte des Haïtiens; nous la trouverons dans la reconnaissance ostensible que quelques Puissances ont faite, tout en déclinant nos droits, des Etats Républicains récemment établis dans l'Amérique Méridionale. Ces étranges procédés, tout horribles qu'ils sont, paraîtraient moins surprenans à une époque moins avancée; mais aujourd'hui que la Justice divine a signalé sa volonté en mettant, dans cette Partie du Monde, le sceau à des changemens qui ont déconcerté toute prévoyance humaine; maintenant que l'Empire des lumières est tel que ceux-là même qui, aveuglés par de chimériques prétentions, se croyant des Maîtres élus pour dominer ici, ne sont que ridicules aux yeux de la nouvelle génération Haïtienne, qui ne connaît que par tradition et leurs crimes passés et la folie de leur vanité; comment peut-on concevoir un délire pareil à celui manifesté par nos Ennemis?

Haïtiens! d'après cette série de faits dont l'évidence est incontestable, qui pourrait douter que notre véritable garantie n'existe que dans notre détermination? Qui peut ne pas sentir que nous devons être prêts à combattre? Oui, vous en êtes convaincus. Aussi l'union parmi nous est à jamais indestructible, et le Peuple Haïtien, dans n'importe quelle circonstance, prouvera au monde, en défendant sa cause, à quel point d'héroïsme il s'élévera, et quelle est sa fidelité au serment de VIVRE LIBRE OU DE MOURIR.

Enfin, l'expérience nous éclaire; nous ne devons compter que sur notre énergie; mais en nous plaignant de l'injustice exercée envers nous, en prenant des précautions pour l'avenir, nous persévererons toujours dans nos principes de loyauté. Que nos Ennemis, méconnaissant à notre égard la religion et la morale, persistent à ne connaître que les préjugés de l'orgueil, les Haïtiens donneront toujours des preuves des sentimens généreux qui caractérisent une Nation libre. Notre Cause est Sacrée; Elle est sous la protection du Tout-Puissant. Ainsi, ferme à notre poste et confiant dans l'héroïque et inébranlable résolution de nos Compatriotes, nous défendrons, jusqu'à extinction, la Liberté et l'Indépendance de la Patrie.

Dans ces circonstances, il est ordonné ce qui suit:

1. Tous les Gardes Nationales des Villes et des Campagnes devront, sans délai, être complétement organisées. Elles seront à cet effet passées en revue, à la diligence des Commandans d'Arrondissement qui, pour leur armement, se conformeront AUX ORDRES SPECIAUX QU'ILS ONT DEJA REÇUS.

2. Tous les Régimens de Ligne devront être maintenus au grand complet, suivant le Réglement du 18 Septembre, 1820.

3. Toutes les Armes, munitions et tous les attirails de guerre, qui sont dans les Arsenaux, Forts et autres Depôts, seront particulièrement et souvent inspectés, et tenus dans le meilleur ordre par les Commandans d'Arrondissement qui feront un rapport exact du résultat de leurs opérations.

4. Lesdits Commandans d'Arrondissement demeurent responsables envers la Nation et le Gouvernement, tant de l'exécution des présentes dispositions, que de celle des injonctions qui leur ont été adressées pour la sûreté générale.

Donné au Port-au-Prince, le 6 Janvier 1824, An 21 de l'Indépendance.

Par le Président: BOYER.
Le Secrétaire-Général: B. INGINAC.

PROCLAMATION of The President of Hayti, Prohibiting Correspondence with the Enemy.

PROCLAMATION au Peuple et à l'Armée.

JEAN PIERRE BOYER, PRESIDENT D'HAYTI.

Lorsqu'un Peuple, par des efforts aussi glorieux qu'honorables, est parvenu à conquérir son Indépendance, son devoir le plus important est d'établir, aussitôt après l'achévement de sa Constitution, les Institutions qui doivent assurer son existence politique. Tel a été l'esprit qui n'a cessé de présider aux Conseils des Haïtiens, depuis leur mémorable émancipation. Eclairés par les leçons de l'expérience, ils savent aujourd'hui que la véritable garantie de l'ordre social et de la prospérité publique ne saurait exister que sous l'Empire de la Loi.

Cependant il est des circonstances où le machiavélisme des Ennemis, cherchant à fomenter dans l'Intérieur des troubles et des divisions, peut interrompre, de telle sorte, les cours naturel des choses que, *pour le salut du Peuple, qui est la Loi suprême*, des Mesures extraordinaires doivent être promptement et vigoureusement adoptées. L'histoire du monde offre tant d'exemples à l'appui de cette vérité, qu'il n'est personne de bonne foi qui n'en soit moralement convaincu.

Le Gouvernement est donc dans l'impérieuse obligation, vu la situation politique d'Haïti rélativement à l'étranger, de prévenir, par une prudente et ferme sollicitude, des événemens qui tendraient à compromettre la sûreté générale, et de commander d'avance tout ce qui est propre à atteindre ce but.

Il est en conséquence arrêté ce qui suit:

1. Très-expresses défenses sont faites, au nom du Salut Public, à n'importe quelle autorité, soit civile ou militaire, de correspondre, dans n'importe quelle circonstance, avec les Gouvernmens qui seraient en guerre avec La République, ou avec leurs Agents, sous quelque denomination que ce soit.

Au Président d'Haïti seul, selon le vœu de la Constitution, est réservé ce droit.

2. Audit cas de guerre, toute Autorité ou tout Particulier qui, n'importe sous quel prétexte, serait convaincu d'avoir contrevenu à cette disposition, sera aussitôt considéré comme traître à la Patrie et puni comme tel.

Donné au Palais National du Port-au-Prince, le 14 Avril, 1824, An 21 de l'Indépendance.

Par le Président: BOYER.
Le Secrétaire-Général. B. INGINAC.

TREATY of Peace between Turkey and Persia, signed at Erzeroom, 19 *Zilkaade,* 1238. *(July* 28, 1823.)*

(Translation.)

In the Name of The Most Merciful God!

Arising from various circumstances of late years, the amicable relations between the Two Powerful Mahomedan States became interrupted, and their friendship and good understanding were converted into strife and enmity, which terminated in open warfare. The interests of the Religion of Islam required a reconciliation, the Two Governments were anxious to prevent the further effusion of blood,—and the renewal of the ties of amity was mutually desired and proposed.

With this view, by the authority of a Firman from His Majesty The King of Kings, the Hakan son of a Hakan, the Conqueror Feth Alli Shah, the Sovereign of Persia, and also invested with discretionary Powers from His Royal Highness, the Heir Apparent, Prince Abbas Mirza, the High in Dignity, Mirza Mohomed Alli Mustofee, has been honoured with the rank of Plenipotentiary; and in virtue of a Firman, His Majesty, the Protector of the Faith, the Guardian of the Holy Cities, Sultan of the Sea and Earth, the Sultan, Son of a Sultan, the Conqueror Mahmood Han, Emperor of the Ottomans, has named for His Plenipotentiary, the Illustrious Mohammed Emin Raauf Pasha, Serasker, Governor of Erzeroom, and *Wallee*, (Lieute-

* Journal Des Debats, December 3, 1823.

nant) of the Eastern Provinces of The Ottoman Empire, who, on the exchange of their Full Powers, have concluded their Conferences and Discussions, in the beforementioned City, by assenting to the following Conditions of Peace.

Basis. The Stipulations of the Treaty concluded in the Year of the Hegira 1159, respecting the ancient Boundaries of the Two Empires, and the former Agreements relating to Pilgrims, Merchants, the delivery of Refugees, the free egress of all Prisoners, and the residence of a Minister at the respective Courts are considered valid, and are to be strictly observed.—The slightest deviation from the Engagements therein detailed shall not be permitted, and the amity between the Two Powerful States shall be for ever preserved.

Stipulations. Henceforward the Sword of Enmity shall be sheathed, and every circumstance shall be avoided, which may produce coldness or disgust, and may be contrary to friendship and perfect union. The Countries within the boundaries of the Ottoman Empire, which, during the war, or previously to the commencement of hostilities, have been taken possession of by Persia, including Fortresses, Districts, Lands, Towns, and Villages, to be restored in their present state, and, at the expiration of sixty days, from the signature of this Treaty, to be delivered over to the Ottoman Government. And in token of respect for this happy Peace, the Prisoners captured on both sides, without concealment or prevention, shall have free permission to depart. Provisions and other necessaries requisite for the journey shall be afforded them, and they shall be sent to the Frontiers of the two Countries.

1. The Two High Powers do not admit Each Other's interference in the internal Affairs of their respective States. From this period, on the side of Bagdad and Koordistan no interference is to take place, nor with any Districts of the Divisions of Koordistan within the Boundaries, is the Persian Government to intermeddle, or authorise any acts of molestation, or to assume any authority over the present or former Possessors of those Countries. And on that Frontier, should the Tribes of either side pass the boundaries for a summer or winter residence, the Agents of His Royal Highness the Heir Apparent, with the Pasha of Bagdad, shall arrange the tribute customary to be paid, the rent of the pasture lands, and other claims, in order that they may not cause any misunderstanding between the two Governments.

2. Persian Subjects proceeding to the Holy Cities of Mecca and Medina, as to other Mahomedan Towns, such as Pilgrims, and Persons travelling through the Ottoman Territories, are to be entirely exempted from all contributions; and other impositions at variance with lawful usage are not be demanded from them. In like manner the Pilgrims to Kerbelah and Nujuff, as long as they have no merchandize, neither tribute nor tax of any kind is to be exacted from them; but in case they have in their possession articles of Commerce, the just rate of Customs is to be levied on such goods, and nothing extra is to be demanded. The Persian Government is likewise bound to pursue the same line of conduct towards the Merchants and Subjects of the Ottoman Empire. In conformity with former Engagements, from this period, on the part of the Viziers the Emir Elhadj, and other Com-

manders and Governors, the ancient Stipulations respecting the Persian Pilgrims and Merchants shall be considered as in full force and acted upon. The Pilgrims shall be conducted from Damascus to the Holy Cities, and back to Damascus, and on the part of the Emir-Elhadj every attention shall be shewn towards them; whilst no treatment at variance with the existing engagements shall be permitted; on the contrary, every exertion shall be made to afford them aid and protection. In case any disputes should arise amongst the Persian Pilgrims, the Emir-Elhadj in conjunction with the Chief Person among them is to settle their differences. To the female Attendants of His Persian Majesty,—the Wives of the Royal Princes, or of the Grandees of the Empire, who may be on pilgrimage to Mecca, or to Kerbelah and Nujuff, every respect and honour shall be paid according to their respective ranks. Persian Merchants and Subjects shall pay the same rate of Customs, as those of the Ottoman Government. The duties are only to be exacted once, and they shall be at a computation of four piastres to a hundred on the value of the merchandize,—*Teskerés* shall be given, and whilst the goods remain in the possession of the first Proprietors, and are not disposed of to other Persons, no further duties are to be demanded The Persian Merchants, who carry the *Choobooks*, or Pipe-sticks of Sheeraz to Constantinople, shall be allowed to traffick them without any restrictions, and to sell them to whomsoever they may think proper. To the Merchants, Subjects, and Dependents of the Two High Powers, visiting the two Countries, in consideration of the Mahomedan religion, every friendly treatment shall be extended, and they shall be preserved from all molestation and injury.

3. The Tribes of Hyderanloo and Sibbikee, which have been the cause of contention between the Two High Powers, and are now dwelling in the Territory of the Ottoman Empire, should they from thence transgress the boundary of Persia, and commit any ravages, the Turkish Frontier Authorities will endeavour to prevent such proceedings, and punish the offenders. In case that these Tribes continue to invade and molest the Persian Territory, and the Frontier Authorities do not put a stop to these aggressions, the Ottoman Government shall cease to protect them, and should these Tribes of their own will and choice return to Persia, their departure shall not be prohibited nor opposed. But after their arrival in Persia, should they again desert to Turkey, the Ottoman Government shall afford them no further protection, nor shall they be received. In the event of their return to Persia, should these Tribes disturb the tranquillity of the Ottoman Territory, the Persian Frontier Authorities agree to use every effort to prevent these irregularities.

4. In conformity with ancient Engagements, the deserters from either Country shall not be received, and in like manner, from this period, the wandering Tribes and quitting Persia for Turkey, or Turkey for Persia, shall not receive protection from either Party.

5. The property of the Persian Merchants sequestered at Constantinople, with the cognizance of the Law and according to the public registers, from the date of this Treaty to the period of sixty days, wherever the sequestration may have taken place, shall be restored to the Proprietors. Besides the Goods under sequestration, whatever Effects during the War may have

been taken by force from the Persian Pilgrims and Subjects throughout the Ottoman Dominions, by the different Viziers and Governors, on the representations of the Persian Government Firmans, shall be delivered up to the Agents of such Persons, who, on giving lawful proofs of the authenticity of their claims shall receive the required restitutions.

6. On the demise of any Persian Subjects in the Ottoman Dominions, should the deceased have no lawful heir and executor present, the Officers of the Treasury *(Beit ul Mal,)* shall, with the cognizance of the Law, register the property, and shall enter it upon the Records of the Courts of Judicature. For the period of one year the effects shall be lodged in a secure Place, until the lawful heir or administrator of the estate may arrive, when, according to the Register of the Courts of Judicature, the property shall be delivered up. The customary fees and the hire of the place for depositing the effects are to be paid, and should they be burnt or destroyed within the abovestated period, no claims are to be advanced for the recovery of the property. If during the said period, the heir or the executor of the deceased does not arrive, the Officers of the Treasury, with the knowledge of the Agent of the Persian Government, shall sell the property and keep the amount in deposit.

7. Agreeably to former Engagements, and for the purpose of adding fresh ties to the Alliance, a Minister shall be sent every three years to reside for that period at the respective Courts. The Subjects of the Two High Powers, who, during the War, may have deserted from either Country, in consideration of this happy Peace, shall suffer no punishment for the offence committed.

Final Article. The Capitulations detailed in the Basis of the Treaty, and the Stipulations and different Articles which have been the result of the Conferences, shall be approved of by both Parties. No claims shall be advanced on account of plunder and losses, or any indemnification required for the expences of the War, and the principle adhered to by both Governments shall be to overlook all past occurrences.

According to established custom, the Ratifications of this Treaty shall be exchanged; and, from the signature of this Authentic Instrument, to the space of sixty days, Ambassadors of secondary rank shall meet each other on the Frontiers of the two Countries, and from thence proceed to the Courts of the respective States, for the purpose of delivering the Ratified Treaty. —In this manner the Alliance has been renewed and confirmed, and the truest reconciliation has taken place from the date of this Treaty. No alterations shall be made in the above Stipulations and Agreements,—nor any measures hereafter pursued, in repugnance to the rights of friendship.

The Plenipotentiary of the Ottoman Government, in virtue of his Full Powers, has signed and sealed this Treaty on the 19th day of Zilkaade, in the year 1238, for which this Instrument in exact conformity thereto, has been delivered in exchange by the Plenipotentiary of His Persian Majesty, agreeably to his Full Powers.

MOHAMMED EMIN RAAUF. (L.S.) MOHOMED ALLI. (L.S.)

SPEECH of The King of Sweden, on the Opening of the Storthing of Norway, the 9th of Feb. 1824.

(Traduction.)

MESSIEURS,

La Loi Fondamentale, en vertu de laquelle, Vous êtes convoqués en Storthing ordinaire, indique à chacun de Vous, ses devoirs et ses droits. C'est moins des obligations qu'elle impose, que du patriotisme éclairé et de la bonne foi de ses Représentans, que le Peuple attend sa tranquillité intérieure, et sa considération au déhors: Ce n'est encore que par une parfaite union entre ses Délégués et le Chef de l'Etat, qu'il peut jouir des effets bienfaisans de La Constitution.

C'est sous ces heureux auspices que je Vous adresse mon salut Royal, en ouvrant aujourd'hui Vos Séances.

L'Exposé qui vous sera fait sur la situation du Royaume, Vous instruira en détail de l'effet salutaire qui a produit la confiance du dernier Storthing envers le Gouvernement.

L'Agriculture après un grand accroissement et le Commerce s'est soutenu. Des Nouvelles Routes de communication ont favorisé les intérêts communs des deux Peuples frères.

Les Finances de l'Etat ont été administrées avec tant de regularité, que Je n'ai pas eu besoin de me prévaloir de l'émprunt qui m'étoit ouvert sur la Banque, et l'Engagement Politique que nous avions pris avec Le Dannemarc a été rempli d'après les bases posées par le Storthing de 1821.

Il nous reste à améliorer notre Pacte Social. Vous allez délibérer sur les Changemens qui ont déjà été proposés au dernier Storthing. J'en appelle à la conviction de chacun pour juger de leur utilité.

Un Gouvernement paternel s'attache à éclairer les Citoyens, et c'est à leur jugement à reconnaitre l'urgence des Mesures dont il a donné l'initiative.

Si la volonté absolue du Chef doit être aussitot exécutée sur le champ de bataille, il n'en est pas de même lorsqu'il s'agit de constituer les Nations. C'est dans le calme, la méditation, l'éloignement de tout intérêt particulier, et en maitrisant à propos leurs volontés, que les hommes parviennent à se donner les Institutions analogues à leur localité et à leur caractère. La concorde est la condition principale, pour amener en dernier resultat un bonheur réel.

L'organisation d'un Pays doit poser un équilibre parfait entre le Souverain et l'Assemblée Législative. Cet équilibre, base essentielle d'une confiance mutuelle, est consignée dans l'esprit de notre Loi Fondamentale, et le Peuple qui investit ses Legislateurs du droit de proposition desire en même tems que son Chef permanent et héréditaire, sanctionne de Son côté les lois qu'il trouve justes et utiles.

Je dois donc vous repéter ce que j'ai déjà dit à la Clôture du Storthing, 1821, " que ce n'est qu'après un examen réfléchi de mes devoirs, et des besoins de la Nation, que Je vous ai fait remettre les différentes Propositions pour des changemens dans l'Acte Constitutionnel."

C'est à vous à examiner ce qui est d'un besoin immédiat et ce qui pourroit être l'objet de plus longues réflexions.

C'est à vous à prevoir les inconvéniens qui pourront naitre, si des en-

traves qui ne sont point admises par l'esprit de la Constitution, empêchent le Gouvernment de procurer au Peuple tout ce que notre état social réclame.

Dans le nombre des changemens proposés, celui qui concernent le § 79 est surtout d'une grande conséquence. La nécessité de mettre ce § en harmonie avec § § 1 et 3 est evidente, et je vous invite Messieurs, à Vous occuper de cet objèt avec l'attention qui doit caractériser les réprésentations des Pays Policés.

En jetant Vos régards audelà de notre cercle, qu'une noble pensée élève vos âmes, et préside à Vos délibérations, ainsi qu'aux résolutions que Vous allez prendre. Vous reconnaitrez alors, j'en suis sur, que la justice et la modération sont les bases essentielles de la force des Assemblées Constitutionnelles. Exercez Messieurs, ces belles vertus civiques, et lorsque Vos Séances seront closes, vous trouverez votre recompense dans la conviction d'avoir rempli vos devoirs, dans la bienveillance de votre Roi, et dans la reconnoissance de vos Concitoyens.

Les Communications que j'avois faites au dernier Storthing extraordinaire au sujèt de l'Union projetée entre Mon Fils et la Princesse Josephine Maximiliane Eugenie de Leuchtenberg, ont été accomplies. Le Mariage a été célébré à Stockholm le 19 Juin l'année passée, en présence des Etats Généraux de Suède et des Deputés nommés par le Storthing de Norvège.

Nos relations avec toutes les Puissances sont amicales et nous continuons de jouir de l'heureuse influence de la neutralité et de la paix. Mes efforts tendent à en assurer la durée.

CARL JOHAN.

SPEECH of The King of Sweden, (delivered by The Prince Royal) on the Closing of the Storthing of Norway. Christiania, le 9 Août 1824.

(Traduction.)

Sa Majesté annonce au Storthing que ses Séances sont closes; Pendant tout le tems qu'il a été assemblé, Le Roi a vu avec satisfaction le bon esprit qui l'a derigé. Plusieurs Lois essentielles pour l'intérêt général et particulier ont été adoptées, et S. M. en espère les meilleurs résultats. S. M. regrette que les Propositions Constitutionnelles, faites par Elle en 1821, et notamment celle qui regarde le 79eme. Article sur le Veto absolu, n'ait pas été adopté par cette Session, mais en même tems S. M. éprouve un motif de consolation, par la conviction qu'Elle a acquise, que la non-acceptation de cette Proposition n'a pas eu pour cause un esprit d'opposition, mais bien plutôt une crainte de toucher trop tôt au Pacte Constitutionnel. S. M. croit que les éclaircissemens qui ont été fournis depuis au Storthing, feront disparoître les doutes qui pourroient encore exister au Sujet du Veto absolu, que le Chef Supréme de l'Etat doit avoir sur les Propositions de la Législature.

Le Roi pense, que le Storthing partage le bonheur que S. M. éprouve, par l'amélioration de toutes les branches de l'Administration Publique. Quoique le bien s'opère lentement, l'évidence de ce même bien se dévellope tellement aux yeux de tous, que l'injustice même la plus tenace ne sauroit la revoquer en doute. Le Roi a la certitude, que tous les Membres du Storthing concoureront avec Lui, pour augmenter et maintenir, par les moyens

en leur pouvoir, toutes les branches de la prosperité publique, et S. M. s'empresse de recourir à l'assistance de l'Assemblée Nationale, dans toutes les occasions où Elle croit que le bien de l'Etat l'exige.

S. M. Vous renouvelle à tous en général, et à chacun en particulier, l'assurance de Sa bienveillance Royale.

CARL JOHAN.

SPEECH of The King of The Netherlands, on the Opening of The States General. Brussels, October 18, 1824.

Nobles et Puissans Seigneurs !

Il m'est agréable d'ouvrir votre Session, par la communication que, sauf le commun accord de Vos Nobles Puissances, une alliance a été projetée entre Mon bien-aimé Fils puiné et la plus jeune des Filles du Roi de Prusse ; cette Union que le Ciel bénira, Je l'espére, augmentera le bonheur de Ma Maison et particulièrement celui de Mon Fils : les liens de parenté et d'amitié qui déjà existent entre Moi et Mon illustre Allié, s'en trouveront resserrés.

Depuis votre derniere réunion, non-seulement les relations les plus bénévoles et les sentimens les plus pacifiques ont été entretenus entre ce Royaume et toutes les Puissances de l'Europe, mais l'espoir se ranime également qu'un Arrangement avec les Puissances voisines et amies, donnera au Commerce un cours plus libre, et aux produits de notre sol et de nos fabriques des débouchés plus étendus, que ne peuvent en procurer des prohibitions ou des restrictions.

Comme une nouvelle marque des sentimens de bienveillance dont le Gouvernement des Pays-Bas est animé, il a été réglé par un Arrangement préalable, qui offre la perspective d'une Convention plus générale, que, dès ce moment, les navires de l'Un de Nos Alliés jouiront des mêmes prérogatives que la Loi attribue à la Navigation Nationale ; cette assimilation est basée sur la réciprocité.

Nos relations commerciales, tant en Europe que dans les autres Parties du Monde, se raffermissent et s'accroissent par des mesures convenables.

L'institution patriotique créée, dans le courant de cette Année par la coopération générale et efficace de toutes les classes, n'essayera pas en vain, Je l'espére, de donner, par un sage emploi de grands capitaux, une nouvelle vie à l'Agriculture et aux Fabriques, au Commerce et à la Navigation.

Ces vues seront favorisées par l'extension donnée à nos Possessions dans les Indes Orientales, par suite du Traité conclu en dernier lieu avec le Royaume de La Grande-Bretagne, ainsi que par le repos et l'ordre dont ces Possessions et nos Colonies dans les Indes Occidentales continuent de jouir.

La prospérite intérieure s'est accrue ; les institutions créées et les dispositions prises pour l'augmenter et assurer l'ordre introduit dans l'administration, se sont consolidées et repondent en général à ce qu'on attentendait d'elles.

L'enseignement supérieur et l'instruction primaire répand partout leurs salutaires effets.

Les beaux arts fleurissent.

La recolte a été de nouveau abondante.

Le prix toujours décroissant des céréales a rendu necessaire un examen ultérieur des intérêts des agricultures en rapport avec ceux des consummateurs.

Je compte sur la coopération de Vos Nobles Puissances, pour déterminer les moyens qui Me paraissent pouvoir répondre au vœu que votre Assemblée Ma manifesté à cet égard.

Entretems, l'abondance des denrées a influé d'une manière favorable pour le Peuple sur plusieurs de ses moyens d'existence. Faire couler librement et abondamment les sources d'industrie déjà ouvertes et en ouvrir de nouvelles, est l'objet de Ma constante sollicitude.

L'établissement de communications nécessaires ou utiles, et l'amélioration de celles qui existent, continuent de fixer Mon attention.

Les Lois sur la Milice Nationale s'exécutent à présent partout sans aucun embarras. Mon désir de dégager également leur exécution de toutes difficultés quant ou passé, donnera lieu à un Projet de Loi.

J'espére aussi pouvoir, dans cette Session, présenter à votre Assemblée un Projet de Loi générale sur les Gardes Communales; cette Institution patriotique, destinée par les dispositions formelles de la Loi Fondamentale à augmenter la force de l'Etat, ne doit pas éprouver de plus longs retards.

Dans l'avant dernière Session, Vos Nobles Puissances ont donné leur adhésion à une Proposition qui tendait à apporter un nouvel allégement aux charges de Mes Sujets.

Des delibérations ultérieures M'ont fait reconnaître que de plus grandes économies étaient possibles, et J'éprouve la plus vive satisfaction de pouvoir annoncer à votre Assemblée, que le Budjet des Dépenses pour l'Exercice prochain (seconde division),lequel sera incessamment soumis à Vos Nobles Puissances, permettra une diminution de cents additionels, qui, à l'égard de l'impôt foncier, pourra être considérable.

Le premier Compte rendu du Syndicat d'Amortissement a été récemment examiné par l'Assemblée générale; ses deliberations prouvent l'action salutaire de cette institution; elles Me fourniront le moyen de proposer à Vos Nobles Puissances l'emploi d'une somme de deux millions de florins à l'amortissement de la Dette.

Deux autres Propositions appelleront également l'attention de Vos Nobles Puissances. L'une concerne les mesures propres à hâter l'introduction de la monnaie des Pays-Bas; l'autre, les moyens convenables pour fixer sur un pied plus stable le sort de la Dette differée.

Je continue d'examiner tous les moyens propres à amener le plus d'économie, et la plus grande simplification possible dans l'administration des deniers publics. Un réglement général sur la comptabilité, qui doit contribuer puissamment à ces résultats, sera introduit au commencement de l'Année prochaine.

Des changemens importans ont été opérés dans l'administration des recettes; j'en attends de bons effets.

Le produit des Impositions directes, pour l'Exercice courant, sera assez satisfaisant; la continuation des travaux du cadastre et la régularité succes-

sivement croissante des déclarations et des taxations feront diminuer les inégalités qui subsistent encore.

D'autres impôts rendent leur produit présumé, mais il en est à l'égard dequels on abuse de la modération des Lois, au détriment de l'habitant honnête: J'avise aux moyens d'y pourvoir et j'invoquerai avec confiance à cet effet la coopération de Vos Nobles Puissances.

Il sera necessaire, dans l'intérêt de l'industrie Nationale et particulièrement dans celui de l'Agriculture, de faire subir quelques altérations au Tarif des droits d'Entrée et de Sortie.

L'expérience prouve que déjà les dispositions récentes, concernant les droits d'Hypothéque, atteignant leur but: le produit excéde celui des Années antérieures, et l'obligation, imposée à l'acquéreur pour la transcription, le garantit des suites de la mauvaise foi ou de l'imprudence des propriétaires précédens.

Les dernières dispositions relatives à la perception des droits du Timbre, d'Enregistrement et de Succession, sont maintenant en pleine vigueur, et tout fait prévoir qu'à cet égard aussi, l'objet de la Loi sera parfaitement rempli.

Vos Nobles Puissances apprendront avec plaisir, que toute la partie du Projet du Code Civil, qui reste à terminer, pourra l'être pendant la Session actuelle, sauf les Titres dont il pourrait convenir d'augmenter le 4eme. Livre, après que la rédaction du Code de Procédure aura été achevée. J'appèle particulièrement l'attention de Vos Nobles Puissances sur le systême des Hypothéques, qui se recommande par sa simplicité et par sa clarté.

J'ai confié à une Commission, la rédaction des Codes de Procédure Civile, d'Instruction Criminelle et de Commerce; ainsi l'époque intéressante à laquelle la législation Nationale pourra être introduite, avance à grand pas.

Puisse ainsi chaque Année du rétablissement de notre Independance apporter de nouveaux bienfaits à la Patrie! Je tâcherai d'y contribuer avec le secours de la Providence par un zèle persévérant, et Je suis persuadé de la constante coopération de Vos Nobles Puissances.

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*TREATY between The United States and the Florida Indians.**

JAMES MONROE, PRESIDENT OF THE UNITED STATES.

To all and singular to whom these Presents shall come greeting:

Whereas a Treaty between The United States of America and the Florida Tribes of Indians was made and concluded, on the 18th day of September, 1823, at Camp, on Moultrie Creek, in the Territory of Florida, 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:

1. The undersigned Chiefs and Warriors, for themselves and their Tribes, have appealed to the humanity, and thrown themselves on, and have promised to continue under, the protection of The United States, and of no other

* National Intelligencer, January 8, 1824.

Nation, Power, or Sovereign; and, in consideration of the Promises and Stipulations hereinafter made, do cede and relinquish all claim or title which They may have to the whole Territory of Florida, with the exception of such District of Country as shall herein be allotted to them.

2. The Florida Tribes of Indians will hereafter be concentrated and confined to the following Metes and Boundaries: commencing five miles North of Okehumke, running in a direct line to a Point five miles West of Setarky's Settlement, on the waters of Amazura, (or Withlachuche River,) leaving said Settlement two miles South of the line; from thence, in a direct line, to the South end of the Big Hammock, to include Chickuchate; continuing, in the same direction, for five miles beyond the said Hammock—provided said Point does not approach nearer than fifteen miles the Sea Coast of the Gulf of Mexico; if it does, the said line will terminate at that distance from the Sea Coast; thence, South, twelve miles; in a South 30° East direction. until the same shall strike within five miles of the main branch of Charlotte River; thence in a due East direction, to within twenty miles of the Atlantic Coast; thence, North fifteen West, for fifty miles; and, from this last, to the beginning Point.

3. The United States will take the Florida Indians under their care and patronage, and will afford them protection against all Persons whatsoever; provided they conform to the Laws of The United States, and refrain from making war, or giving any insult to any Foreign Nation, without having first obtained the permission and consent of The United States: And, in consideration of the Appeal and Cession made in the First Article of this Treaty, by the aforesaid Chiefs and Warriors, The United States promise to distribute among the Tribes, as soon as concentrated, under the direction of their Agent, Implements of Husbandry, and Stock of Cattle and Hogs, to the amount of 6000 Dollars, and an annual sum of 5000 Dollars a year, for twenty successive years, to be distributed as the President of The United States shall direct, through the Secretary of War, or his Superintendents and Agent of Indian Affairs.

4. The United States promise to guaranty to the said Tribes the peaceable possession of the District of Country herein assigned them, reserving the right of opening through it such roads as may, from time to time, be deemed necessary; and to restrain and prevent all White Persons from hunting, settling, or otherwise intruding upon it. But any Citizen of The United States, being lawfully authorized for that purpose, shall be permitted to pass and repass through the said District, and to navigate the Waters thereof, without any hindrance, toll, or exaction from said Tribes.

5. For the purpose of facilitating the removal of the said Tribes to the District of Country allotted them, and, as a compensation for the losses sustained, or the inconveniences to which they may be exposed by said removal, The United States will furnish them with rations of corn, meat, and salt, for twelve months, commencing on the 1st day of February next; and they further agree to compensate those Individuals who have been compelled to abandon improvements on lands, not embraced within the limits allotted, to the amount of 4500 Dollars, to be distributed among the Sufferers, in a ratio, to each, proportional to the value of the improvements abandoned. The United States further agree to furnish a sum not exceeding

2000 Dollars, to be expended by their Agent, to facilitate the transportation of the different Tribes to the point of concentration designated.

6. An Agent, Sub-agent, and Interpreter, shall be appointed, to reside within the Indian boundary aforesaid, to watch over the interests of said Tribes; and The United States further Stipulate, as an evidence of their humane policy towards said Tribes, who have appealed to their liberality, to allow for the establishment of a School at the Agency 1000 Dollars per year for 20 successive years; and 1000 Dollars per year, for the same period, for the support of a gun-and-blacksmith, with the expenses incidental to his shop.

7. The Chiefs and Warriors aforesaid, for themselves and Tribes, Stipulate to be active and vigilant in the preventing the retreating to, or passing through, of the District of Country assigned them, of any absconding Slaves, or fugitives from justice; and further agree, to use all necessary exertions to apprehend and deliver the same to the Agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred.

8. A Commissioner or Commissioners, with a Surveyor, shall be appointed by the President of The United States, to run and mark, (blazing fore and aft the trees) the line as defined in the Second Article of this Treaty, who shall be attended by a Chief or Warrior, to be designated by a Council of their own Tribes, and who shall receive, while so employed, a daily compensation of three dollars.

9. The undersigned Chiefs and Warriors, for themselves and Tribes, having objected to their concentration within the limits described in the Second Article of this Treaty, under the impression that the said limits did not contain a sufficient quantity of good land to subsist them, and for no other reason: it is, therefore, expressly understood, between The United States and the aforesaid Chiefs and Warriors, that, should the Country embraced in the said limits, upon examination by the Indian Agent and the Commissioner or Commissioners, to be appointed under the 8th Article of this Treaty, be by them considered insufficient for the support of the said Indian Tribes; then the North line, as defined in the Second Article of this Treaty, shall be removed so far North as to embrace a sufficient quantity of good tillable land.

10. The undersigned Chiefs and Warriors, for themselves and Tribes, have expressed to the Commissioners their unlimited confidence in their Agent, Colonel Gad Humphreys, and their Interpreter, Stephen Richards; and, as an evidence of their gratitude for their services and humane treatment, and brotherly attentions to their wants, request that one mile square, embracing the improvents of Enehe Mathla, at Tallahassen (said improvements to be considered as the centre) be conveyed, in fee simple, as a present to Colonel Gad Humphreys. And they further request, that one mile square at the Ochessee Bluffs, embracing Stephen Richards' field on said Bluffs, be conveyed in fee simple, as a present to said Stephen Richards. The Commissioners accord in sentiment with the undersigned Chiefs and Warriors, and recommend a compliance with their wishes to the President and Senate of The United States; but the disapproval, on the part of the said Authorities, of this Article, shall in no wise, affect the other Articles and Stipulations concluded on in this Treaty.

In Testimony whereof, the Commissioners William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors, have hereunto subscribed their Names, and affixed their Seals. Done at Camp, on Moultrie Creek, in the Territory of Florida, this 18th day of September, 1823, and of the Independence of The United States the forty-eighth.

William P. Duvall,	L. S.	Wokse Holata, his x mark,	L. S.
James Gadsden,	L. S.	Amathla Hajo, his x mark,	L. S.
Bernard Segui,	L. S.	Holatefiscico, his x mark,	L. S.
Nea Mathla, his x mark,	L. S.	Chefiscico Hajo, his x mark,	L. S.
Tokose Mathla, his x mark,	L. S.	Lathloa Mathla, his x mark,	L. S.
Ninner Homata Tustenuky, his x mark,	L. S.	Senufky, his x mark,	L. S.
		Alak Hajo, his x mark,	L. S.
Miconope, his x mark,	L. S.	Faheluster Hajo, his x mark,	L. S.
Nocosee Ahola, his x mark,	L. S.	Octahamico, his x mark,	L. S.
John Blunt, his x mark,	L. S.	Tusteneck Hajo, his x mark,	L. S.
Otlemata, his x mark,	L. S.	Okoskee Amathla, his x mark,	L. S.
Tuskeeneha, his x mark,	L. S.	Ocheeny Tuskenuky, his x mark,	L. S.
Tuski Hajo, his x mark,	L. S.	Philip, his x mark,	L. S.
Econchatimico, his x mark,	L. S.	Charle Amathla, his x mark,	L. S.
Emoteley, his x mark	L. S.	John Hoponey, his x mark,	L. S.
Mulatto King, his x mark,	L. S.	Rat Head, his x mark,	L. S.
Chocholohano, his x mark,	L. S.	Holatta Amathla, his x mark,	L. S.
Ematlochee, his x mark,	L. S.	Foshatchimico, his x mark,	L. S.

Signed, Sealed, and Delivered in the presence of

George Murray, Secretary to the Commissioners.

G. Humphreys, *Indian Agent.*	C. D'Espinville, *Lieut. 4th Artillery.*
Stephen Richards, *Interpreter.*	Jno. B. Scott, *Lieut. 4th Artillery.*
Isaac N. Cox.	William Travers.
J. Erving, *Capt. 4th Artillery.*	Horatio S. Dexter.
Harvey Brown, *Lieut. 4th Artillery.*	

ADDITIONAL ARTICLE.

Whereas Nea Mathla, John Blunt, Tuski Hajo, Mulatto King, Emathlochee, and Econchatimico, six of the principal Chiefs of the Florida Indians, and Parties to the Treaty to which this Article has been annexed, have warmly appealed to the Commissioners for permission to remain in the District of Country now inhabited by them; and in consideration of their friendly disposition, and past services to The United States, it is therefore, Stipulated, between The United States and the aforesaid Chiefs, that the following reservations shall be surveyed, and marked by the Commissioner or Commissioners, to be appointed under the 8th Article of this Treaty; for the use of Nea Mathla and his connections, two miles square embracing the Tuphulga village on the waters of Rocky Comfort Creek. For Blunt and Tuski Hajo, a reservation, commencing on the Appalachicola, one mile below Tuski Hajo's improvements, running up said river four miles; thence, West, two miles; thence, Southerly, to a point two miles due West of the beginning; thence, East to the beginning point. For Mulatto King and Emathlochee, a reservation, commencing on the Appalachicola, at a point to include Yellow Hair's improvements; thence, up said river, for four miles; thence, West, one mile: thence, Southerly, to a point one mile West of the beginning; and thence, East, to the beginning point. For

Econchatimico, a reservation, commencing on the Chatahoochie, one mile below Econchatimico's house; thence, up said river, for four miles; thence, one mile, West; thence, Southerly, to a point one mile West of the beginning; thence, East, to the beginning point. The United States promise to guaranty the peaceable possession of the said reservations, as defined, to the aforesaid Chiefs and their descendants *only*, so long as they shall continue to occupy, improve, or cultivate, the same; but, in the event of the abandonment of all, or either of the reservations, by the Chief or Chiefs, to whom they have been allotted, the reservation, or reservations so abandoned, shall revert to The United States, as included in the cession made in the 1st Article of this Treaty. It is further understood, that the Names of the Individuals remaining on the reservations aforesaid, shall be furnished by the Chiefs in whose favour the reservations have been made, to the Superintendent or Agent of Indian Affairs, in the Territory of Florida; and that no other Individuals shall be received or permitted to remain within said reservations, without the previous consent of the Superintendent or Agent aforesaid. And, as the aforesaid Chiefs are authorised to select the individuals remaining with them, so they shall each be separately held responsible for the peaceable conduct of their Towns, or the Individuals residing on the reservations allotted them. It is further understood, between the Parties, that this Agreement is not intended to prohibit the voluntary removal, at any future period, of all or either of the aforesaid Chiefs and their connections, to the District of Country South, allotted to the Florida Indians, by the 2d Article of this Treaty, whenever either, or all, may think proper to make such an election; The United States reserving the right of ordering for any outrage or misconduct, the aforesaid Chiefs, or either of them, with their connections, within the district of Country South, aforesaid. It is further Stipulated, by The United States, that, of the 6000 Dollars, appropriated for Implements of Husbandry, Stock, &c. in the 3d Article of this Treaty, 800 Dollars shall be distributed, in the same manner, among the aforesaid Chiefs and their Towns; and it is understood, that, of the annual sum of 5000 dollars to be distributed by the President of The United States, they will receive their proportion. It is further stipulated, that, of the 4500 Dollars, and 2000 Dollars, provided for by the 5th Article of this Treaty for the payment for improvements and transportation, 500 Dollars shall be awarded to Nea Mathla, as a compensation for the improvements abandoned by him, as well as to meet the expences he will unavoidably be exposed to, by his own removal, and that of his connections.

In Testimony whereof, the Commissioners, William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors, have hereunto subscribed their Names, and affixed their Seals. Done at Camp, on Moultrie Creek, in the Territory of Florida, this 18th day of September, 1823, and of the Independence of The United Stat the forty-eighth.

Wm. P. Duval,	L. S.	Tuski Hajo, his x mark,	L. S.
James Gadsden,	L. S.	Mulatto King, his x mark,	L. S.
Bernard Segui,	L. S.	Emathlochee, his x mark,	L. S.
Nea Mathla, his x mark,	L. S.	Econchatimico, his x mark,	L. S.
John Blunt, his x mark,	L. S.		

Signed, Sealed, and Delivered, in the presence of

George Murray, Secretary to the Commissioners.
Ja. W. Ripley.
G. Humphreys, *Indian Agent.*
Stephen Richards, *Interpreter.*

The following Statement shows the number of Men retained by the Chiefs, who have reservations made them, at their respective Villages:—Blount, 43; Cochran, 45; Mulatto King, 30; Emathlochee, 28; Econchatimico, 38; Nea Mathla, 30; Total 214.

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 23d of last month, accept, ratify, and confirm the same, and every Clause and Article thereof, with the exception of the 10th Article of said Treaty.

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 2d day of January, 1824, and of the Independence of The United States the forty-eighth.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, Secretary of State.

PROCLAMATION of the Governor General of India, relative to the War with the Burmese. Fort William, March 5, 1824.*

By the Right Hon. the Governor-General in Council.

The conduct of the Burmese having compelled the British Government to have recourse to arms in support of its rights and honour, The Governor-General in Council hereby notifies, that the Government of Ava is placed in the condition of a Public Enemy, and that all British Subjects, whether European or Native, are prohibited from holding any communication with the People of that State, until the differences now unhappily existing shall be terminated.

The Governor-General in Council deems it proper to take this opportunity of publicly declaring the Causes that have led to hostilities with a State, between which and the Hon. East India Company a friendly intercourse has long subsisted, to the great advantage of both Parties, and with which the British Government has invariably sought to cultivate and maintain relations of amity.

During many years past, the Burmese Officers governing the Country contiguous to our south-east Frontier, have, from time to time, been guilty of acts of encroachment and aggression, which the British Government would have been fully justified in repelling by Force.

Solicitous, however, to preserve with all Nations the relations of Peace, the British Government has considered it to be, in an especial manner, its duty to make large allowances for the peculiar circumstances and character of the Burmese Government and People. The consciousness of its power to repel and punish aggression has strengthened the motives of forbearance towards a Nation removed, by their geographical situation, from the immediate circle of our political relations, and with whom (as we have no opposing interests,) the Supreme Government sought only to maintain a com-

* Calcutta Government Gazette.

mercial intercourse on terms of equality and freedom, conducive to the welfare and prosperity of both Countries.

So long therefore, as the aggressions of which the British Government had to complain, could be treated as the unauthorized acts of the subordinate Officers of the Burman Government, and could be tolerated consistently with the National honour and the security of the British Territories, the Supreme Government sedulously endeavoured to preserve unimpaired the existing relations of peace and friendship, notwithstanding provocations which would have fully justified, and from a State more formidable in position and resources would have imperiously demanded, a resort to Arms.

Trusting that the motives of its conciliatory demeanor could not have been misunderstood, the British Government persuaded itself that the Government of Ava, however extravagant in its pretensions, must have been no less desirous than Ourselves to maintain a friendly intercourse so profitable to that Country, and could not but be sensible that as our moderation was founded on a consciousness of our strength, and, on a general desire to preserve the blessings of peace, so our forbearance would not be carried beyond the limits where it ceased to be compatible with the safety of our Subjects, the integrity of our Dominions, and the honour of our Country.

Unhappily, these expectations have been disappointed. The Burmese Government, actuated by an extravagant spirit of pride and ambition, and elated by its conquests over the petty Tribes by which it is surrounded, has ventured to violate the British Territories, to attack and slay a Party of British Sepoys, to seize and imprison British Subjects, to avow extensive schemes of mischievous aggression, and to make hostile preparations on our Frontier, that leave no doubt of its intention to execute its insolent and unjustifiable threats.

In prosecution of a groundless Claim to the Island of Shapuree, the Burmese Chiefs of Arracan, in a time of profound Peace, and without any previous attempt at Negotiation on the part of their Government, attacked, under cover of Night, a small guard of British Troops, stationed on that Island for purposes of Police, and drove them from their Post with loss of several lives. No answer has been returned by the Court of Amerapoora to the demand of explanation and atonement which it was of course the duty of the British Government instantly to prefer; but which was made in the same spirit of conciliation which had always characterized our communications with the Court of Ava. On the contrary, the Burmese Local Authorities have distinctly declared the determination of their Sovereign to invade the British Dominions, unless their groundless Claim to Shapuree is unequivocally admitted.

Subsequently to the attack on the Island of Shapuree, the Commanding Officer and several of the Crew of the Hon. Company's Schooner Sophia were insidiously enticed on Shore, and carried into the interior, by the order of Commissioners especially deputed to Arracan by the Burmese Court, and although subsequently released, they have been sent back without any explanation or apology for the insulting outrage.

The Burmese Generals on the north-east have at the same moment advanced their Troops into the Country of Cachar, and occupied a Post within only five miles of the Frontier of Sylhet, notwithstanding that they were dis-

tinctly warned by the British Authorities in that Quarter, that the petty State of Cachar was under the protection of the British Government, and that the movement of their Troops must be regarded as an act of hostility to be repelled by Force. In both quarters the Burmese Chiefs have publicly declared their determination to enter the British Territories, in pursuit of alledged Offenders against the Government of Ava, and have avowed intentions of open hostility as the alternative of our refusing to comply with their unjust and utterly inadmissible pretensions.

Whilst occupying their threatening position on the British Frontier, the Burmese Generals planned moreover the conquest of Jynteea, another Chiefship, situated similarly with Cachar, in regard to the District of Sylhet, and which having formerly been restored by the British Authorities to the Family of the Reigning Rajah, after a temporary convulsion, had been more distinctly recognized as a Dependency of Bengal. They called on the Rajah to acknowledge submission and allegiance to The King of Ava, and a demonstration was actually made to enter his Territory, when the advance of the British Troops frustrated the execution of their hostile design.

The deliberate silence of the Court of Amerapoora, as well as the combination and extent of the operations undertaken by its Officers, leave it no longer doubtful that the acts and declarations of the subordinate Authorities are fully sanctioned by their Sovereign, and that that haughty and barbarous Court is not only determined to withhold all explanation and atonement for past injuries, but meditates projects of the most extravagant and unjustifiable aggression against the British Government.

The Governor-General in Council, therefore, for the safety of our Subjects, and the security of our Districts, already seriously alarmed and injured by the approach of the Burmese Armies, has felt himself imperatively called on to anticipate the threatened Invasion. The National honour no less obviously requires that atonement should be had for wrongs so wantonly inflicted and so insolently maintained, and the National interests equally demand that we should seek by an appeal to Arms that security against future insult and aggression which the arroganee and grasping spirit of the Burmese Government have denied to friendly expostulation and remonstrance.

With these views and purposes, The Governor General in Council has deemed it an act of indispensable duty to adopt such measures as are necessary to vindicate the honour of the British Government, to bring the Burmese to a just sense of its character and rights, to obtain an advantageous adjustment of our Eastern Boundary, and to preclude the recurrence of similar insult and aggression in future.

Still animated by a sincere desire for peace, and utterly averse from all purposes of aggrandisement, the Governor-General in Council will rejoice if the objects above-mentioned can be accomplished without carrying the War to extremities. But to whatever length the conduct of the Burmese Government may render it necessary to prosecute hostilities, his Lordship in Council relies with confidence on the justice of our Cause, on the resources of the Government, and on the approved valour of our Troops, for the early and successful termination of the Contest.

By command of The Right Honorable the Governor-General in Council.

GEO. SWINTON, Sec. to the Government.

DECREE of The King of The Netherlands, respecting the Duties payable on Articles imported in British Vessels.

Decree of the 11th of August, 1824.—Published in anticipation of the measures contained in a Commercial Treaty, respecting the Importation Duties on Articles carried in Vessels, under English Colours.

We, by the Grace of God, William, King of The Netherlands, &c. &c. &c. on the Report of our Minister for Foreign Affairs, of the Colonies and National Industry, of our Counsellor of State, the Administrator of Duties and Excise, concerning the Negotiation of a reciprocal Commercial Treaty entered into in London, cause the following Resolutions to be made known. Resolved,

1st. That after the date of the 14th of the present Month, all Articles which shall be conveyed to Our Ports, from The United Kingdom of Great Britain, in Vessels bearing the Colours of that Nation, shall henceforth be subject to the same Duties, as if carried by Ships belonging to Holland.

This Order first to be considered definitive when the beforementioned Treaty shall be concluded.

2nd. This equalization of the Duties shall not extend to those Articles which, imported in our own Ships, are particularly favoured, either by the Laws, or by the Tarif, of the in and out Port Duties.

Our Ministers, Council, and Administrator before mentioned, are charged with the execution of the present Decree, of which Copies shall be addressed to Our Minister of Finance, as also to the General Accountants Bureau, and likewise be inserted in the State Gazette.

Given at Gravenhage, the 11th of August 1824, in the 11th Year of Our Reign.

By The King. WILLIAM.

J. G. de MEIJ VAN STREEFKERK, Secretary of State.

*DECREE of The King of Portugal, annulling the Constitution of 1822, and appointing a Junta to prepare a Projet of a Fundamental Law for the Monarchy.**

(Translation.)

Considering that the Constitution of 1822, founded upon vain theories, incompatible with the ancient habits, opinions, and necessities of the Portuguese People, far from accomplishing the end announced by its Authors, was contradictory to the Monarchical Principle, therein apparently sanctioned, improper to conciliate and maintain the Rights and Interests of the different Classes of the State, and incapable of producing the union of the minds of all the Citizens; I have judged proper to accede to the general and spontaneous wishes of the Nation, now convinced by sad experience of the sinister designs of the disorganizing Faction, and hereby to declare, by Right, null and void, that Constitution which had already been acknowledged to be impracticable and absurd.

Fulfilling, however, the dearests sentiments of my Royal Heart, and the sincere promises which I made in my Proclamations; and desiring to pro-

* Gazeta de Lisboa, 25th June, 1823.

mote efficaciously the happiness of my Faithful Subjects by means of Institutions, which may, on the one hand, restore to the Throne, upon which Divine Providence has placed Me, the greatness and consideration belonging thereto, and on the other hand may guaranty to the Portuguese the firmness and consistency of their individual Rights; and considering that the ancient Fundamental Law of the Monarchy, cannot, as formerly, fully answer the ends which I have conceived in my paternal mind, unless the same be accommodated to the actual state of Civilization, to the mutual relations of the various component parts of the Portuguese Monarchy, and to the form of the Representative Governments established in Europe,—it is my will to create a Junta charged to prepare the Projet of a Charter of the Fundamental Law of the Portuguese Monarchy, trusting that the said Junta will apply themselves with the most assiduous and serious attention to discharge this most important object entrusted to them, and that they will, with the least possible delay, submit for my Royal approbation, the New Charter of Fundamental Law, which, regulated by the sound principles of Public Right, may establish in perfect harmony, the exercise of the Supreme Power, and the permanent legal security of the People, opening the paths which are to conduct the Public Administration through successive improvements to the degree of perfection compatible with human Institutions, and which may at once fix the future destinies and the prosperity of the Portuguese Monarchy. The above-mentioned Junta will be composed of fourteen Members, named in the List accompanying this Decree, signed by Manuel Ignacio Martins Pamplona Corte Real, of my Council, *Ministro Assistente ao Despacho*, and will be presided over by the Conde de Palmella, of my Council, Minister and Secretary of State for Foreign Affairs.

Palace of Bemposta, 18th June 1823.

WITH HIS MAJESTY'S SIGN MANUAL.

PROCLAMATION of The King of Portugal, issued in consequence of the Political Events at Lisbon of the 30th April 1824.*

(Translation.)

Portuguese! Your King does not abandon you; on the contrary, He only wishes to deliver you from the terror and anxiety which oppress you, to restore Public Safety, and to remove the veil which yet conceals the truth from you, in the certainty that at His voice, all this Loyal Nation will unite together to support the Throne; and that the shock of opinions and of excited passions, will cease, which the most fatal Anarchy has lately produced, threatening the total extinction of the Government.

My Son, The Infant Don Miguel, who, so short a time since, had covered himself with glory by the heroic action which he undertook, is the same who, now impelled by sinister suggestions, and deceived by traitorous Counsels, has ventured to commit acts, which, even were they just and necessary, ought to have emanated from my Sovereign Authority alone, thus aiming against the Regal Power, which cannot admit of being divided.

At the dawn of day on the 30th of April, all the Troops in the Capital appeared under Arms, and my Son was seen to quit my Royal Palace in

* Gazeta de Lisboa, 10th May 1824.

order to place himself at their head;—to order without my knowledge the arbitrary imprisonment of an immense number of Individuals of all classes, invested with the principal Offices of the State, and amongst whom were reckoned my own Ministers, and several of my Chamberlains. The Palace in which I dwell was seen surrounded by armed Men, or rather transformed into a Prison; and access to my Royal Person denied for the space of some hours. Finally, such violent proceedings were witnessed as nearly to amount to a declared Rebellion, so that all the Representatives of the Sovereigns of Europe, considered themselves obliged to protest in a formal manner against the violation of my Royal Authority.

So rash an enterprize threatening the most fatal consequences, so flagrant an abuse of the confidence which I had placed in my Son, have received no other explanation and excuse than the supposition of a Conspiracy, which, even had it rested on any foundation, could not have justified such unheard of proceedings.

But I, being desirous, even at the cost of greater sacrifices, to preserve the Public tranquillity, and good harmony amongst all the Members of my Royal Family, thought proper, by my Royal Decree of the 3d Inst. to order Judges to be named, who might legally proceed against the Accused, and to pardon my Son the excesses of Authority committed by him, in the hope, that the legitimate course of the Laws being thus restored, revolutionary measures would cease, and good order be gradually restored. This most anxious desire of my paternal Soul, was not, however, realized:—the arrests continued, and Orders emanated in the name of the Infant, many of them signed by obscure Persons, who have no share in the Government.

Resolved to put an end to this Public scandal, and to this contempt of the Royal Authority, outraged, with manifest injury to my Loyal Subjects, and finding no means to cause my Royal Will to be known; surrounded by factious Men who deceived my Son, and who had already, on the 30th of April, conspired against my liberty; I determined, in order to avoid a conflict, whose final issue could not, however, be doubtful, seeing the well known fidelity of the Portuguese Nation, to proceed on board the British Line-of-Battle Ship, anchored in this Port, and to which the Representatives of the Sovereigns of Europe have followed me, in order freely to make known to my Loyal Subjects the opprobrium of my Situation, and to call them should it be needful, to my defence.

Having heard the Council of my Ministers, of learned Persons, fearing God, and zealous for my Royal Service,—I have resolved to re-assume the Authority of Generalissimo of my Royal Armies, and to dismiss the Infant Don Miguel from the charge of Commander in Chief of the Army, which I had conferred upon him: forbidding all Authorities, and every and several of my Subjects, to obey the Orders of the said Infant, or any Orders given in his name, under pain of being treated as Rebels against the Royal Authority, which belongs to Me alone, by the Grace of God.

Portuguese! such are the first Measures which I have taken, being about to give, without delay, the proper Orders for restoring to liberty the innocent Persons involved in these arbitrary proscriptions, as well as for punishing such as may really be guilty, as implicated in the Plots of Secret Associations, against whom it is my pleasure that the existing Laws shall

be rigorously carried into effect. Thus will virtue and loyalty receive their satisfaction, and crime its punishment.

Soldiers! I blame you not for what you have done: you obeyed the voice of the Chief whom I had given to you, and thus have performed your duty. That inexperienced Chief was involuntary led astray by perfidious Counsels, (very opposite to his natural character, and filial obedience, towards his Father and towards his King,) to the most criminal undutifulness. I deprive him of the Authority which perverse Intriguers, destitute of any public character, caused him to abuse: and I command that you acknowledge none other except my Royal Authority, in virtue of which, restricting yourselves to the Military Duties imposed upon you, it is my will, that you employ the Arms entrusted by me to your fidelity, in my Service alone, always obeying those Chiefs whom it shall be my Royal Will to confirm or to name.

By this Proclamation, I confirm in the Exercise of Authority, those who are invested therewith, until I shall order to the contrary. And I command all and every one of them to pay the most strict obedience to whatever Orders shall be given to them in my Royal Name, by the Authorities who shall hereafter command them.

Subjects of every Class, observe order, and await from your Sovereign the restoration of Public Tranquillity, of Justice, and of general Security!

On board the English Ship of War, Windsor Castle, in the Tagus, the 9th of May 1824.

THE KING.

(With the particular Signature.)

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*DECREE of The King of Portugal, for Assembling the Ancient Constitutional Cortes.**

I, Don John, by the Grace of God, King of the United Kingdom of Portugal, Brazil, and Algarve, &c. make known to all who shall see this my Decree, that the Commission which I was pleased to create by my Royal Decree of the 18th June of the last year, for the purpose of preparing a Charter of Fundamental Law, having represented to me, that, considering it to be a sacred duty not to adopt any other Principles, nor any other Bases, upon which to erect the Structure of the new Charter of Fundamental Law, than such as I had been pleased to point out and to declare in the Decree of their Convocation; and considering, in the first place, that one of those most just reasons for which I had reprobated, and declared to be null by fact and by right, the monstrous Constitution of 1822, was its being incompatible with the ancient habits, opinions, and necessities of the Portuguese People, and moreover contradictory to the Monarchical Principle; they did understand, that the new Charter should be conformable to the ancient usages, opinions, and habits of the Nation, and regulated by the soundest principles of public and private right, upon which had been established the Monarchy, pure, independant, and governed by wise and just Laws, according to which Justice is administered, the Right of every one is secured, Crimes are punished, and Causes decided amongst Individuals of all Classes through the means of Ministers, and Tribunals in which truth and justice

* Gazeta de Lisboa, 5th June, 1824.

prevail and the Law is administered; it being impossible that any other than insane and corrupt minds should ever entertain the idea that such a Monarchical Government can be called arbitrary and despotic, or that the expression of, "Absolute King," One who thus governs His People, can bear any other interpretation than that which it has always borne,—of "Independent King," One who recognizes no Superior on Earth:—that, observing, in the second place, that I had declared in the said Decree, that the new Institutions, or the new Charter of Fundamental Law, was destined to restore to the Throne upon which the Almighty has placed me, that Greatness and Consideration which belong to it;—they understood that no innovation ought to be made which might eclipse its Splendour, or diminish its Greatness and Dignity:—that, observing, in the third place, that in the above-mentioned Decree, I had manifested an intention that the Charter of Fundamental Law should be accommodated to the Form of the Representative Governments established in Europe, and to the mutual relations of the several Parts of the Portuguese Monarchy;—they understood that there must of necessity be a National Representation, but that it should be such as might harmonize with the preceding Principles, and that an accommodation of it to the Form of other Representative Governments, does not imply identity with that Form:—that, meditating, therefore, with the most mature and deep reflexion upon a subject of such great importance, having in their view the Principles above set forth; and, observing, likewise, that upon these principles was formed the Ancient Portugueze Constitution, with which they are found to be in most wonderful concert and wise combination, the experience of so many Ages having shewn the incalculable advantages that have resulted therefrom to the Portugueze Nation; and it being certain that from new and different Institutions, neither greater nor equal benefits could be looked for:—Reflecting, finally,—that, according to the maxims of the wisest Politicians, no Form of Government can be useful to a Nation, except that which bears the greatest conformity with its character, education, and ancient habits; and that the attempt to introduce and to reduce to general practice, the particular customs of Nations, will ever be highly dangerous, and generally impracticable; they judged that the noble and respectable Edifice of the Ancient Political Constitution, consisting of wise Laws, written and traditional, ought not to be demolished:—a Constitution, moreover, confirmed by the Oath taken by the Kings of these Realms, and which I, Myself, have taken, to maintain the Rights and Privileges of the Nation:—that the Projet of a Charter of Fundamental Law, to be submitted for My Royal Approbation, could, in consequence, be no other, than the proposing to Me that I may be pleased to declare in their vigour, the Ancient Portugueze Cortes, composed of the Three Estates of the Kingdom,—the Clergy, the Nobility and the People,—which have not been called together for more than a Century, in order that the same may be called together and assembled when it shall seem meet to Me, according to the ancient Practice, Rights and Usage of the Nation, to the end that they, answering to the various objects upon which I should cause them to be consulted, may lay before my Royal Presence, in accordance with the forms observed in all preceding Cortes, their minutes and consultations upon the Public necessities, the common welfare of my Subjects, the maintenance of their

Privileges and Rights, the Administration of Justice, the Redress of Grievances, public and private, and the Prosperity, and Increase of the Monarchy: by which means I should shew to the whole Nation how much I have at heart the securing to them the permanence and preservation of their Rights, and accomplish all my beneficent and provident intentions. Wherefore, the ancient Cortes being called together, and the ancient Constitution maintained, it is evident that the ancient habits, opinions, and customs of the Portugueze Nation would be preserved; that the Majesty and Dignity of the Throne would continue intact in all its Rights; that there would exist in these Cortes a real National Representation, the People being represented by their Delegates, and the Clergy and Nobility by such of their Members as obtain the vote for that purpose; finally, that the public felicity would be promoted, not by new, uncertain, and dangerous ways, not by the means of precipitate and destructive Reforms, easily leading to the most fatal subversion, as experience had unfortunately shewn, but by ways already known and trodden, and by progressive improvements in the Administration of the State: that it was under the fallacious pretext of calling together the ancient Cortes, that the rebellious and subversive Faction was able to seduce the People of Portugal; a Faction whose only view was to work the overthrow of the very Institutions proclaimed by them, and to subject the Nation to the unworthy yoke from which I had happily freed it: that, it being therefore, evident, that Portugal gained a high rank amongst other Nations, that She became great, respected, and fortunate by means of her ancient political Constitution,—I should, by restoring the same again in all its integrity, complete the Glory with which I had covered myself in crushing the Monster of Revolution, and thus amply redeem the Royal Promise which through a generous love for my faithful Subjects, I was pleased to make to them, of presenting to them a good Fundamental Law:—it being, moreover, known, by the general opinion manifested in various ways, on the occasion of my Restoration to all the Rights of Sovereignty, that none other could be so satisfactory or suitable to my People, as the one through which these Realms attained to so high a degree of consideration and prosperity; that it would be equally fitting, after the calling together of these first Cortes, that I should be pleased to determine the Periods of their assembling, which should in every respect be regular, according to my Sovereign Rights, to the Privileges which I desire to maintain, and according to my view of the Public necessities, it being by no means to be hence inferred that I deprive myself of the inalienable Right of deferring or anticipating the established Period when the general welfare of My People should so require it.

And I, having maturely weighed these and other most judicious reasons, so wisely and providently submitted by the Commission, and having equally considered the opinions offered to Me upon this important Subject, by many Persons fearing God, and faithful to My Service; Persons zealous for the general welfare of My Realms; having also attended to the evils which have always resulted from the introduction of innovations built upon vain theories, and of Constitutions hastily drawn up, and commonly rejected by experience;—convinced that the obligations contracted by Me, when, by the grace of God, I ascended the Throne, require that I respect and preserve untouched the ancient Foundations of the Monarchy; and thoroughly per-

suaded that the ancient Portugueze Constitution contains within itself all the elements necessary for the preservation of our Holy Religion, of the Majesty of the Throne, of the Security of the Individual Rights of all My Subjects, of Good Order in the Public Administration;—that it is confirmed by the voluntary Oath which I, and all My August Predecessors, have taken on our elevation to the Throne;—and finally, that it is desired by the great majority of the Portugueze, being therefore the only step which can fulfil My Royal Promise:—having heard My Council of State:—

It is My pleasure to declare, the Ancient Political Constitution to be in full vigour; the Cortes of the Three Estates of the Kingdom being called together, in order that, hearing them within the prescribed limits of their privileges, according as My pleasure shall be, they may represent to Me, in their Chapters and Conferences, according to their rights and privileges, that which shall be most suitable to each of the Great Divisions of the said Estates; and that which shall be for the common good of My People, and for the advancement of the Monarchy, which it behoves them all, and severally, to assist and faithfully to maintain: I, reserving to Myself, the taking into consideration, in the first Cortes that shall be assembled by Me, the indication made by the Commission respecting the establishment of determinate and fixed Periods for the successive Meetings of the said Cortes, as well as other Provisions which shall appear to Me essentially necessary for the good administration of My Realms, and for the consolidation of their Fundamental Institutions. And My Council of Ministers, assisted by such Persons, as I shall be pleased to name, are charged immediately to proceed to all the preparatory labours for effecting the Convocation, which shall be regulated by the usages of these Realms; proposing to me likewise all such other Measures as may be needful to that intent, in order to the timely meeting of the said Convocation.

Wherefore, I command all Tribunals, all Authorities, as well Civil as Ecclesiastical, all Municipalities and Corporations of these My Realms, all Places, Populations, and Persons thereof, individually and collectively considered, that they so understand this, without doubt or misinterpretation of whatever sort, entirely as it is here contained. And to the end that this Decree shall have its right promulgation as a most solemn State Paper, public and notorious; and that it shall receive all the formalities prescribed by the Laws, Ordinances, and Styles, I determine that the same shall pass and be published through the Chamber of the High Chancellor of the Kingdom, and that, having been there sealed with the great and appending Seal of the Royal Arms, this Original shall be deposited in My Royal Archive of the Tower of Records. And the Archbishop of Evora, of My Council of State, Minister and Secretary of State for the Departments of Ecclesiastical Affairs and of Justice, shall transmit the Copies, printed under My Seal and his signature, to such Place as of necessity belongs immediately and expressly to his cognizance. And upon sight of the Copies so authenticated, it shall be registered in the Books of the Sovereign Court of the Kingdom, of the Municipality of Lisbon, of the Court of Requests, of the High Court of Justice of Oporto, and in all other Places in which a Record thereof ought to be made; a Record thereof being moreover entered upon the Books of the various Municipalities, independently of the printed Copies to be transmitted

to him in the usual form, and which, in conformity with My late Regulations to that effect, shall be bound up in Volumes, for the purpose of being preserved in the Archives of the Municipalities.

Given at the Palace of Bemposta, 4th June, 1824.

THE KING. (With the extraordinary Sign Manual.)

(Countersigned) ARCHBISHOP OF EVORA.

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*DECREE of The King of Portugal, declaring the Acts of the late Constitutional Cortes null and void, and confirming certain Laws passed by His Majesty.**

(Translation.)

I, The King, do make known to all who shall see this My Decree, that I, having already declared to be null by fact and by right, the falsely so called Cortes, the offspring of Rebellion, and of the usurpation of My Sovereign Authority, to which alone appertained the right of convoking them:— it became a necessary consequence that whatever has been decreed and determined by them should also be made null by fact and by right. Having, however, understood, that it would be prudent to delay, for some time, this just and indispensable Declaration until the termination of the Inquiry, instituted by My Command, into all the Innovations and Laws produced by that tumultuous and illegal Congress, in order to provide, with mature consideration with respect to some few of the same, that which should appear to Me most conducive to the well-being of My People,—the only object of My paternal solicitude,—and this Inquiry being now completed, it is My Will to Decree as follows:—

I. All the Innovations, Decrees, and Laws, which have emanated from the above described Cortes, are hereby rendered null and of no effect, the same being destitute of all Authority and of Sovereign and Legislative Power. And it is My will that none of them shall be at any time cited or alleged, in judgment or out of judgment, nor mixed up or incorporated in any Collection of Laws derived from the legitimate Authority of the Sovereigns, Kings of these Realms; under the Penalties which it shall please Me to impose upon the Transgressors of this My Royal determination.

2. The Decrees and Laws published by My Command, subsequently to My Restoration to the fullness of the Rights of My Sovereignty, in virtue of the aforesaid Inquiry concerning certain of the objects treated of in the above-mentioned Cortes, remain in all their vigour. And it is My will that the same be carried into effect in accordance with their tenour; and that they never be quoted or alleged, except with reference to the said Laws and Decrees exclusively.

3. In consequence of the preceding Article, the actual *value of Gold*, as a Commodity, and as a Money, continues as determined in My Decree of the 24th November, 1823, of which it has seemed good to Me to make especial mention, on account of its importance, without invalidating, notwithstanding, in any wise, the other Laws and Decrees, to which the above-cited Article may have a reference.

* Gazeta de Lisboa, 5th June, 1824.

4. It is My pleasure to confirm that most useful and interesting Establishment the *Bank of Lisbon*:—and I shall approve whatever Regulations and Measures shall appear to me calculated to promote its prosperity, its progressive increase, and the stability of its credit; to which end I have commanded the necessary investigations to be entered upon.

5. Until I shall command such Measures to be adopted, as it is My Intention shortly to do, for the Reform of *Feudal Rights and Tenures*, as I promised in My Decree of the 7th of March, 1810, and which the disastrous times have hitherto prevented from being realized,—the said Reform depending upon a well-digested combination of Private Interests with the Public Interest, and with the Sacred Rights of Property which it is My duty to maintain and defend;—the said Feudal Rights are hereby restored and continued, provisionally, in the same state in which they were previously to the despotic and subversive innovations introduced in this respect by the beforementioned Cortes. With regard, however, to those Rights which have been termed *Seignorial*, they are to be considered as provisionally suppressed, until I shall be pleased to give such Orders as shall appear to Me to be the most just upon this subject.

6. *Royal and Feudal Preserves or Chases*, shall be looked upon as continued on the same footing and in the same state in which they were before the above-mentioned Innovations, until I shall provide that which shall seem to Me the most useful and the most conducive to the well-being of My People in this respect. But under this Article are not to be comprehended certain portions of Land, at present brought into cultivation and sown with grain in virtue of the said Innovations.

7. And whereas strict justice requires that the *Debts contracted by the State*, should be paid, and that such others should be recognized as are actually consolidated under various denominations, and charged upon the Royal Exchequer, as best suits the Interests of My Royal Crown, as well as of My faithful Subjects, and as Publick Faith demands, which it is My desire most scrupulously to maintain:—All such Revenues of the Crown Lands and Crown Fiefs, and all such others as are actually applied to these purposes, shall continue to have the same destination.

[Here follow the usual formalities of promulgation.]

Given at the Palace of Bemposta, 5th of June, 1824.

THE KING.

(Countersigned.) ARCHBISHOP OF EVORA.

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*DECREE of The King of Spain, annulling all the Acts of the Constitutional Government, from the 7th of March, 1820, to the 1st of October, 1823.**

(Translation.)

The scandalous Excesses which preceded, accompanied, and followed, the establishment of the Democratical Constitution of Cadiz, in the Month of March 1820, have been made public, and known to all my Subjects.

The most criminal Treason, the most shameful cowardice, the most horrible Offences against my Royal Person;—these, coupled with violence,

* Madrid Gazette, 7th October, 1823.

were the means employed to change essentially the paternal Government of my Kingdom into a Democratical Code, the fertile source of disasters and misfortunes.

My Subjects, accustomed to live under wise and moderate Laws, and such as were conformable to their manners and customs, and which, during so many Ages, constituted the welfare of their Ancestors, soon gave public and universal proofs of their disapprobation and contempt of the new Constitutional System. All Classes of the State experienced the mischiefs caused by the new Institutions.

Tyrannically governed, in virtue and in the name of the Constitution, secretly watched in all their private concerns, it was not possible to restore order or justice; and they could not obey Laws established by perfidy and treason, sustained by violence, and the source of the most dreadful disorders, of the most desolating anarchy, and of universal Calamity.

The general voice was heard from all sides against the tyrannical Constitution; it called for the cessation of a Code, null in its origin, illegal in its formation, and unjust in its principle; it called for the maintenance of the Sacred Religion of their Ancestors, for the re-establishment of our Fundamental Laws, and for the preservation of my Legitimate Rights.—Rights which I have received from my Ancestors, and which my Subjects have solemnly sworn to defend.

This general cry of the Nation was not raised in vain.

In all the Provinces Armed Corps were formed, which leagued themselves against the Soldiers of the Constitution: sometimes they were conquerors —sometimes they were conquered; but they always remained firm to the Cause of Religion and the Monarchy.

Their enthusiasm in the defence of objects so sacred never deserted them under the reverses of War; and preferring death to the sacrifice of those great benefits, my Subjects convinced Europe, by their fidelity and their constancy, that although Spain nourished in her bosom some unnatural Children, the Sons of Rebellion, the Nation in general was Religious, Monarchical, and devoted to its Legitimate Sovereign.

The whole of Europe—well aware of my captivity, and of that of all the Royal Family, of the deplorable situation of my Loyal and Faithful Subjects, and of the pernicious doctrines which Spanish Agents were disseminating on all sides—resolved to put an end to a state of things which created universal reproach, and which menaced with destruction all Thrones and all Ancient Institutions, in order to substitute impiety and immorality in their stead.

France, intrusted with so sacred an enterprize, has triumphed in a few Months over the efforts of all the Rebels of the World, collected for the misery of Spain upon her classic soil of Fidelity and Loyalty.

My august and well-beloved Cousin, The Duke d'Angoulême, at the head of a valiant Army, a Conqueror throughout all my Territories, has rescued me from the slavery in which I pined, and restored me to my beloved, and constant and faithful Subjects.

Replaced upon the Throne of St. Ferdinand, by the just and wise hand of Providence, as well as by the generous efforts of my noble Allies, and the valiant enterprize of my Cousin The Duke d'Angoulême and his brave

Army, desirous of affording relief to the most pressing necessities of my People, and of manifesting to the World, my real will in this the first moment of my recovered Liberty, I have authorized the following Decree:—

All the Acts of the Government called Constitutional (of whatever kind and description they may be,) a System which oppressed my People from the 7th of March 1820, until the 1st of October 1823, are declared null and void; declaring, as I now declare, that during the whole of that Period I have been deprived of my Liberty, obliged to sanction Laws and authorize Orders, Decrees, and Regulations, which the said Government framed and executed, against my will.

2. I approve of every thing which has been Decreed and ordered by the Provisional Junta of Government, and by the Regency of the Kingdom, the first formed at Oyarzun, April 9, the Other at Madrid, May 26, in the present Year, until, sufficiently informed as to the wants of my People, I may be able to bestow those Laws, and adopt those Measures, which shall be best calculated to secure their real prosperity and welfare, the constant object of all my wishes.

Let this be made known, and communicated to all the Ministers.

(SIGNED BY THE ROYAL HAND.)

Port St. Mary, Oct. 1, 1823. DON VICTOR SAEZ.

DECREE of The King of Spain, abolishing the Political Constitution of 1820, *in the Spanish—American Colonies.**

The violence with which several Corps of My Army, turning against My Royal Person the arms which I had placed in their hands, compelled me on the 7th of March, 1820, to recognise and swear to, the *Political Constitution of the Spanish Monarchy*, could not fail to attract the attention of all the Sovereigns of Europe. Their Thrones were endangered by the horrible attempt which had been made against Mine.

Masters of the Government, the Conspirators and their Accomplices did not fail to throw aside the mask under which they had, till then, disguised the true object of their mysterious designs. Blinded by their triumph, they did not dissemble that the Constitution of Cadiz was not the final object of their wishes, nor Spain the only theatre where the Spirit of Rebellion was to display its dreadful fury.

The maxims of Sedition and Anarchy disseminated among the People, the spoliation and humiliation of the higher classes; the gross insults, both in words and deeds, directed against the Majesty of My Person and all the Royal Family; the usurpations, sometimes surreptitious, sometimes violent, of My legitimate Authority; and lastly, the scandalous contempt of the Holy Religion of Jesus Christ, barbarously insulted and persecuted in the Persons of His Ministers, left no doubt, even to the least reflecting, that, in the dark machinations of Secret Societies, Spain was irrevocably condemned to cease to be a Monarchy.

The Revolutions of Naples, Turin, and Lisbon, contrived one after another, by the same means and on the same principles, completed the conviction of the Sovereigns, that no Throne could be secure, without cutting

* Madrid Gazette, January 1, 1824.

off at once all the heads of the Hydra which threatened to devour the Universe. Such was the object, equally noble and important, of their frequent Meetings. But for the resolutions which for the salvation of the human race prevailed in the Congresses of Laybach and Verona, a great part of civilized Europe, deluged in its own blood, would certainly now have been the prey of its ignorant and presumptuous Reformers.

A single effort of the powerful Emperor of Austria sufficed to put an end, in a few days, to the Insurrections of Naples and Piedmont. A similar effort of the Most Christian King sufficed in like manner to cause the edifice of the Constitution throughout the Peninsula to fall to ruins upon its authors. Emboldened by the presence of My well-beloved Cousin The Duke of Angoulême and His valiant Army, the immense majority of My subjects hastened to remove the Trophies to revolt, which folly had raised, and to re-establish the Ancient Institutions which had formed the happiness of their fore-fathers. Conducted by Victory, the Son of France flew to the banks of the Guadelete; attacked and carried the Trocadero; filled My oppressors with terror, and at length, I and My Family are free. Glory be to GOD.

In the midst of the grief with which My heart is afflicted, at the sight of the Condition to which three years of suffering have reduced My Kingdom, I have seen with satisfaction that My Supreme Council of the Indies, moved by its constant zeal for the good of My service, was eager to propose to Me by its deliberations of the 30th Oct. the Measures which appeared to it the most proper to alleviate the evils caused by the Revolution of the Peninsula in that part of My Possessions: Adopting the advice of the said Council, I ordain as follows:—

1. In all My Dominions in America, a solemn *Te Deum* shall be celebrated, in gratitude to the Almighty for the blessing which, in His infinite Mercy, He has granted to the whole Nation, in preserving Me and all My Royal Family, safe and unharmed amidst such great and continual dangers.

2. *The Political Constitution of the Spanish Monarchy* is for ever abolished in My Dominions in America. Their Governments are re-established conformably to the Laws and Ordinances existing before the 7th of March, 1820.

3. The Political Chiefs, the Provincial Deputations, the Constitutional Municipalities, their Secretaries, Officers, and Dependants, shall immediately cease their functions.

4. The newly established Courts of Justice shall also cease their functions.

5. The Militia created by the Cortes, under the name of National, shall be immediately disbanded. The Individuals composing it shall give up their arms and equipments before they return to their homes.

6. The suppressed Communities shall return to their Convents, and be reinstated in all their property, comprehending all that has been alienated in any manner whatever.

7. I confirm the Favours and Employments which may have been granted during the Constitutional Government, in My Possessions in America, provided, however, that they are not derived from the Constitution, that they are not of new creation, and that those who have obtained them have not rendered themselves unworthy of them by their conduct.

8. With the exception of what is determined by the preceding Article every Office which may have become vacant by the discharge or unjust removal of the Person who held it, shall be restored to him if he desire it, to the exclusion of him who shall have been put in his place.

In consequence, I command My Viceroys, Courts of Justice, Captains General, Governors and Intendants, and I charge the Most Reverend Archbishops and Bishops, Deans and Chapters of the Metropolitan Cathedrals and Churches of My Kingdoms of the Indies, of the adjacent Islands, and of the Philippines, to fulfil and cause to be executed, each as far as he is concerned, My Royal will, as it is above expressed.

Done at the Palace, the 25th of December, 1823. FERDINAND.

*DECREE of The King of Spain, permitting Foreigners to Trade with Spanish America.**

By My Royal Decrees of the 3d and 20th of October, published at Xeres and Seville, and by My Royal Resolution, adopted with the advice of the Supreme Council of the Indies, under date of the 25th of November, which occasioned the Cedula, of the 25th of December, 1823, I have ordained the Abolition of the Regime called 'Constitutional' in My Dominions beyond Seas, and established there My Government on the footing on which it stood on the 7th March, 1820, as then existing in the Peninsula.

Although these determinations concerned only the interior Government of those Provinces, without making any mention of Trade and Navigation, which before and after the 7th of March, 1820, existed nearly on the same footing as they do at present, I have nevertheless been pleased by My Royal Order of the 4th of January last, expressly to order all the respective Authorities to make no change in this matter, and to preserve the direct Commercial Relations with Foreigners, which in several Places existed by the authority of the Local Chiefs, and in others had been authorized and permitted by Me, in conformity with the advice of the Council of the Indies, before the year 1820.

In this state of things, and desirous that the said Order of the 4th of January, should receive all the necessary publicity, I have convoked a Junta of Councillors of the Indies, under the Presidency of the Duke de Montemar, as well as My Council of Ministers, to whom I have joined two Commissions, the one of the Council of State, and the other of the Council of the Indies. After hearing them, and conformable to their Advice, I have thought proper to Decree, and do Decree as follows:—

1. A direct Commerce shall be maintained in my American Dominions with Foreigners, Subjects of the Powers, the Allies and Friends of Spain; and the Merchant Vessels of those Powers shall be admitted to traffic in those Ports in the same manner as they are in those of My Dominions in Europe.

2. A Decree of Law shall be issued to regulate this Commerce, and to determine the Ports which shall be open, as well in the Gulf of Mexico, and the Islands as in the Pacific Ocean. There shall be established Custom-

* Madrid Gazette, February 1824.

houses, where Duties on Importation and Exportation shall be imposed, on the footing of equality among the Subjects of the said Powers.

3. There shall, in like manner, be determined by Regulations on this matter, what advantages, preferences, and franchises should be granted to Spanish Trade, Navigation, Agriculture, and Industry.

4. Till the two foregoing Articles can receive their perfect execution, no alteration shall be introduced in the actual state of the said Commerce, and it shall be assimilated in other respects as much as possible with what is practised in the Island of Cuba.

The American Spaniards will see in this Resolution, a fresh proof of my strong desire for their advancement and prosperity; the European Spaniards, the decided intention of securing to them the franchises and preferences to which they have a right; the *bonâ fide* Traders of all Countries, the intention of preserving and favouring existing mercantile relations, and the advantageous employment of their Capitals; and, lastly, friendly and Allied States and Sovereigns, a public testimony of My endeavour to preserve the harmony and good understanding which unite us.

You are to take notice hereof, and to communicate it to whom it shall be proper, in order that it may be complied with. FERDINAND.

COUNT OFALIA, Minister of State.

At the Palace, Feb. 9, 1824.

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*DECREE of The King of Spain, annulling the Powers and Acts of the Commissioners sent to negociate with the American Colonies.**

(Translation.)

Being apprized of the Negociations entered into in different parts of My American Dominions, by various Individuals calling themselves Commissioners, named by the Constitutional Government to treat with the Revolted of those Provinces, respecting the pacification of the same; in which Negociations it has been endeavoured to establish as a Preliminary Basis, that the Government of Spain is not averse to acknowledging the Independence of those Countries; I have determined to declare null and of no value or effect the powers of all and each of the aforesaid Commissioners and Envoys, sent to America by the Government called Constitutional, and, consequently, whatever Acts they may have executed, or may execute in virtue of them, which are contrary to the legitimate Rights of the Crown of Spain and of My Royal Sovereignty, happily re-established; and I command the aforesaid Commissioners to cease to act, and to return forthwith to the Peninsula.

Wherefore, and in order that My above-mentioned Royal Determination may be carried duly into effect, I command My Viceroys, Captain Generals, Governors and Intendants of both Americas, and of the adjacent Islands, to cause it to be published within the territory of their respective Districts, giving at the same time the necessary orders and instructions for its due execution.

Dated from the Palace, 26th February, 1824.

I, THE KING.

By command of our Lord The King, SILVESTRE COLLAR

* Diario del Gobierno de La Habana, 4th June 1824.

DECREE of the Constituent Congress of Peru, conferring the Supreme Dictatorial Power of the Republick on SIMON BOLIVAR, *President of Colombia.**

THE CONSTITUENT CONGRESS OF PERU, exercising the ordinary and extraordinary Sovereign Power with which it is invested, and considering—

1st. That it would be wanting to the confidence which the Nation has reposed in it, if it did not secure by all the means in its power the Liberties of the Country, threatened imminently with destruction by the reverses which the Republic has suffered;

2d. That a Dictatorial Power alone, deposited in a strong hand, capable of making such a war as shall correspond with the tenacious obstinacy of the Enemies of our Independence, and can fulfil the ardent wishes of the National Representatives;

3rd. That, considering the reasons which have presented themselves, the authority conferred on the Liberator, Simon Bolivar, by the Decree of the 10th of September last, does not answer to the end proposed;

4th. That the Constitutional Regime will exceedingly weaken the effect of the prudential measures which the Public Safety demands, as it is necessary that all of them should be directed from a centre of unity, which is incompatible with the exercise of different Supreme Authorities, notwithstanding the extraordinary efforts, and eminently patriotic virtues, of the Grand Marshall, Don Jose Bernardo Tagle, President of the Republic, to whom, in great part, its Independence is owing, and whose endeavours, perfectly in harmony with those of the Congress, are exclusively directed for the good of the Nation:

has Decreed, and Decrees as follows:—

1st. The Supreme Political and Military Authority of the Republic is concentrated in the Liberator, Simon Bolivar.

2d. The extent of this Power is such as the salvation of the Republic demands.

3d. As soon as the Liberator accepts the Authority indicated in the preceding Articles, that of the President of the Republic is suspended in its exercise, until the object which dictates this Decree is realized; which Event being established to the judgment of the Liberator, the President shall resume his proper Attributes, without the time of this suspension being computed in the Constitutional Period of his Presidency.

4th. The Articles of the Political Constitution, the Laws and Decrees which may be incompatible with the salvation of the Republic, remain without effect.

5th. The Congress is prorogued, the Liberator having the Power of calling it together whenever he shall deem it convenient on any extraordinary occasion.

6th. Is recommended to the zeal which animates the Liberator for the maintenance of National Rights, the Convocation of the first Constitutional Congress, as soon as circumstances permit it, on the Installation of which the actual Constituent Congress shall be dissolved.

Let this be made known and disposed of, in order to its due execution, and order it to be printed and circulated.

* Gaceta Oficial del Departmento del Istmo, 25 April, 1824.

Given in the Hall of the Congress at Lima, 10th February, 1824.—5° y 3°

THE PRESIDENT OF THE REPUBLICK.
A true copy, ESPINAR.
MERINO.

*NOTE of Viscount Strangford to The Reis Effendi of The Ottoman Porte, Constantinople. April 9, 1824.**

Le Soussigné, Ambassadeur, &c. obéit aux Ordres exprès du Roi Son Maitre, en invitant le Ministère Ottoman à prendre en mûre considération les observations suivantes :

Depuis la fatale époque où les relations amicales entre La S. Porte et la Cour Impériale de St. Pétersbourg furent interrompues par le départ de la Mission Russe de Constantinople, le Cabinet de Londres n'a cessé de former des vœux pour le rétablissement de cette bonne intelligence si nécessaire à la tranquillité de L'Europe, si indispensable à la prospérité et à la sûreté de l'Empire Ottoman.

Mais l'Angleterre ne s'est pas bornée à former des vœux seulement. Aidée du concours des Grandes Puissances, Ses Amies, qui partargent avec Elle l'obligation de veiller sur la paix de L'Europe, Sa vigilance la plus constante et la plus laboreuse n'a eu d'autre objet que de conserver intact ce précieux dépot, en travaillant de toutes ses forces à une réconciliation franche et sincère entre La Turquie et La Russie.

Les efforts de l'Angleterre pour ce but ont été dûment appréciés par La S. Porte en même tems qu'ils ont été puissamment secondés par l'Empereur de Russie. Les sentimens toujours justes et magnanimes de ce Monarque ont rendu possible l'applanissement d'une série de difficultés qui sous d'autre auspices eûssent été insurmontables.

Enfin, des progrès réels ont été faites dans l'œuvre de la conciliation, et La Cour de Londres s'acquitte avec une véritable satisfaction du devoir de rendre justice aux dispositions dignes d'éloge, manifestées par le Divan.

Il est permis d'espérer aujourd'hui que La S. Porte convaincue du désintéressement des conseils que L'Angleterre n'a discontinué de Lui offrir, desabusée sur le passé et éclairée sur l'avenir, ne balancera pas d'adopter dans l'arrangement final de ses différends avec La Russie, l'avis d'un ancien Ami et Allié, qui jamais ne s'est rendu, qui jamais ne consentira à se rendre l'organe d'aucune proposition attentatoire aux droits ou aux intérêts, à la dignité ou à l'independance de L'Empire Ottoman.

Les contestations ouvertes entre Le Divan et La Cour Impériale de Russie sont de deux espèces. Les unes tirent leur origine des *Questions relatives à la Navigation et au Commerce.* Les autres dérivent des *Evénemens politiques.*

Les *premières* ont été heureusement écartées par l'arrangement conclu entre le Ministère Ottoman et l'Ambassade Britannique en Septembre 1823 ; et certes, la Cour de Londres est fort éloignée de supposer que La S. Porte puisse vouloir se soustraire à l'obligation peremptoire de remplir Ses engagemens dans un véritable esprit de cordialité et de bonne foi.

Aussi L'Empereur de Russie, toujours disposé à tenir compte au Divan

* Constitutionnel, 14, 15, and 17th June 1824.

d'une démarche conciliatrice, toujours disposé à écouter de préférence les principes d'équité, dont jamais Il ne s'est départi, et toujours animé du même désir de retablir ses relations amicales avec La S. Porte, sur des bases fortes et solides, n'a-t-Il pas hésité d'apprécier les resultats que l'Angleterre et Ses Alliés se sont empressés de Lui annoncer? En envoyant immédiatement à Constantinople le Conseiller d'Etat actuel De Minciaky, avec ordre de se charger de la direction des affaires de Commerce Russes dans le Levant, Sa Majesté Impériale a fourni au Sultan, au Peuple Musulman, et à l'Europe entière un nouveau gage de la stabilité des sentimens élevés, sages et pacifiques, sur lesquels repose Sa politique.

Si le Divan eût fait un seul pas de plus dans la voie de la conciliation, si, au lieu de se contenter d'avoir satisfait La Russie sur *une* partie seulement de ses justes griefs, il se fût hâté de saisir cette conjoncture favorable pour tarir également la source des contestations de la *seconde espèce*, (celles qui dérivent des événemens politiques) nul doute qu'il n'aurait obtenu un témoignage bien plus signalé encore de la bienveillance de l'Empereur. Dès lors S. M. I. au lieu de se borner à l'envoi d'un Agent temporairement chargé de la simple question des Affaires de Commerce, eût confié à un Ministre formellement accrédité auprès de Sa Hautesse, la tâche glorieuse de rasseoir sur des fondemens durables l'amitié entre les Deux Empires. Il étoit ainsi au pouvoir de La S. Porte d'arriver par la plus courte ligne au point duquel ses Amis désirent la voir s'approcher, autant que ses Ennemis souhaitent de la voir s'en éloigner !

Il résulte du parallèle de ce qui *a été fait* avec ce qui auroit *pu être fait*, qu'il ne dépend plus aujourd'hui que de la *volonté* du Divan, d'assurer une pleine réussite aux travaux de La Cour de Londres et de Ses Alliés dans la cause de la paix Puisse cette *volonté* être dirigée par la sagesse ! puisse-t-elle ainsi devenir à la fois le moyen et le garant du succès qui couronnera les vœux de l'Europe entière ! Il ne s'agit plus pour conserver à La S. Porte et à ses Amis le fruit de tant de peines, d'assiduités, et de sacrifices, que de l'adoption d'une *seule mesure*, d'une mesure que les Traités prescrivent, et que les intérêts mêmes de l'Empire Ottoman réclament, d'une mesure dont l'utilité, plus ou moins grande, sera déterminée par le plus ou moins de célérité qu'on mettra à l'éxécuter, d'une mesure enfin, que dans tous les cas La S. Porte ne pourra se dispenser d'adopter, si *réellement* Elle est animée du désir d'arriver à une réconciliation franche et sincère avec son puissant Voisin, si *réellement* Elle attache du prix à renouer ses anciennes relations diplomatiques avec La Russie,—si en un mot, Elle préfère *réellement* des avantages certains à des chances périlleuses.

C'est sur l'adoption de cette mesure que le Soussigné a ordre d'insister, et c'est au nom de son Auguste Cour—au nom de La Russie, et de toutes les Puissances, solidarement intéressées au maintien de la paix—qu'il a l'honneur d'inviter maintenant La S. Porte de procéder enfin, et sans de nouveaux délais, à remettre les Principautés de Moldavie et Valachie, sous tous les rapports, dans la même condition où elles étoient antérieurement aux troubles de 1821, en réduisant les troupes aujourd'hui stationnées dans ces deux Provinces (en contravention manifeste aux Traités, et en contradiction ouverte avec les engagemens officiellement contractés par le Ministère Ottoman,) au même nombre de " *Beshlys*" qui s'y trouvoit autrefois dans des tems tranquilles.

La demande que le Soussigné vient d'énoncer au nom de ses Hauts Commettans, est basée :

1. Sur les *droits* et *l'obligation* de La Russie de la former.

2. Sur les *droits* et *l'obligation* de S. M. Brit. et des Cours Alliées de l'appuyer.

3. Sur la considération des *avantages et des sûretés* que La S. Porte retireroit aussitôt d'une adhésion franche et loyale.

4. Sur la considération des *inconvéniens majeurs et des périls certains*, qui seroient les consequences infaillibles d'un refus ou d'un délai.

Ad Primum. Rien de plus manifeste, de plus notoire, de plus incontestable, que les droits de la Russie sur ce point. Les Traités parlent, et parlent sans ambiguité. Les Articles qui investissent la Cour de St. Petersbourg du droit d'une intervention tutélaire en faveur de ces infortunées Provinces, ne sont pas, (et le Divan ne l'ignore point,) des Articles d'une Convention récente, ni des Articles dont l'exécution ait été contestée ou suspendue par des discussions ultérieures; ce sont des Stipulations qui datent d'un Demi Siècle—sanctionnées et confirmées par Trois Empereurs Ottomans—et en dernier lieu maintenues par Sa Hautesse le Sultan actuellement régnant.

Le séjour prolongé des Troupes Turques dans les Principautés est une infraction évidente aux Traités subsistans—infraction, qu'on essayeroit en vain de justifier plus longtems encore sur le prétexte de la nécessité. Ce seroit également en vain de vouloir nier l'énormité des sacrifices de toute espèce en argent, et en corvées, en fourages et en denrées,en comestibles et en bois, que le maintien des troupes impose à ces malheureuse Contrées. Les tableaux des fournitures effectués en tout genre portent sur des faits que les Autorités locales ne sauroient dérober à la connoissance du public, et ces documens authentiques détruisent par des *preuves* irrécusables, les *assertions* très hasardées auxquelles elles servent de réponse.

Il seroit tout aussi inutile de soutenir, comme on l'a fait jusqu'ici, que les frais d'entretien causés par la présence des Troupes sont supportés par la seule caisse privée des Hospodars; car, qui enfin pourroit ne pas savoir que ce sont les Moldaves et les Valaques, inhumainement dépouillés de ce qu'ils recueillent à la sueur de leur front, qui remplissent la caisse privée des Hospodars? Directement ou indirectement, le coup retombe toujours sur le Peuple qui est spolié, écrasé, annihilé, sous prétexte de le protéger contre des périls évidemment imaginaires. La S. Porte doit être indignement trompé, si en effet, des vérités aussi tristes et palpables lui sont inconnues.

Il y a donc de la futilité à dire que les habitans mêmes désirent la présence des Troupes; le fait est, et le Soussigné peut s'en rendre garant, qu'ils béniront le jour de leur départ; puisque la force armée n'épuise pas seulement les Provinces, mais que par sa simple présence elle détourne encore l'une des principales sources de la prospérité publique. Cette prospérité dépend en grande partie du retour des riches Propriétaires que les funestes événemens de 1821, forcèrent à s'expatrier. Mais comment espèrer que ceux-ci se décident à revenir et à ramener l'aisance et la confiance parmi leurs Concitoyens, tant qu'ils croiront l'armée Turque seule dépositaire de toute autorité, tant qu'ils supposeront la volouté absolue d'un Gouvernement Militaire tenir la place des anciennes loix, basées sur les priviléges de l'Etat, à l'ombre desquelles la propriété étoit garantie, et la liberté individuelle respectée?

La prolongation du séjour des Troupes Turques, onéreuse et fatale aux deux Principautés, est encore sous tous les autres rapports d'une *inutilité palpable*. Car s'il s'agit de rétablir l'ordre et la tranquillité, ce but doit avoir été atteint au bout de trois années d'occupation, ou bien il ne le sera jamais, et d'ailleurs, la quantité des Troupes, plus que suffisante pour achever la désolation des campagnes, seroit hors de toute proportion s'il devoit être question de l'employer à une opération militaire. C'est ainsi que leur présence ne produit d'autre résultat que de provoquer le *mécontentement* des habitans, et d'exciter le *déplaisir* de La Russie; et La S. Porte pourroit-Elle raisonnablement supposer que dans le cas où cet esprit de *mécontentement* d'une part, et ce sentiment de *déplaisir* de l'autre, seroient poussés aux extrémités, les trois ou quatre mille hommes qui se trouvent dans les Provinces seroient en état d'opposer une résistance quelconque? Il est clair que comme simple poste d'observation, les Troupes Turques seroient tout aussi avantageusement stationnées dans les Garnisons le long du Danube.

Or, la présence des Troupes Turques causant la ruine du pays, empêchant le retour des Emigrés, et ne produisant absolument aucun résultat utile, il est évident que la Cour Imple. de Russie a le *droit* et *l'obligation* d'élever des réclamations contre un pareil état de choses;—le *droit*, parceque les Traités l'ont autorisée à intervenir officiellement en faveur des Principautés, et à veiller sur le maintien des anciens privilèges—*l'obligation*, parcequ'Elle trahiroit ses devoirs en refusant son intervention à des Peuples sur la destinée desquels Elle est appelée à exercer une influence tutélaire,—sans empiéter en rien sur les droits de Souveraineté de Sa Hautesse.

C'est donc en vertu de ses *droits et de ses obligations* que La Russie insiste sur le rétablissement du *status quo* antérieur à l'année 1821. Ce n'est pas là une *nouvelle* demande, c'est *la même* qui depuis l'origine de ces prolixes Négotiations a continuellement été l'objet des pressantes représentations des Ministres Alliés à Constantinople; et pourtant, ils sont encore à l'entrée de la quatrième année de discussions diplomatiques, au même point où ils se trouvoient au commencement de la première! Ce fait en lui-même presqu'inconcevable, le devient bien d'avantage encore par la contradiction qu'il implique avec la déclaration officielle du Ministère Ottoman, consignée dans la Lettre de S. E. le Reis Effendi au Secrétaire d'Etat de S. M. I. de toutes les Russies en date du 25 Février 1823. Il est clairement et explicitement dit dans cette Lettre, "*que* L'EVACUATION COMPLETE *des Principautés avoit déjà eu lieu*"—non pas que l'Armée Turque avoit été *diminuée*, mais que L'EVACUATION COMPLETE avoit été effectuée. Le Soussigné se réfère à cet égard aux propres mots contenus dans la Lettre de Son Excellence qu'il croit de son devoir de citer littéralement ci-après:

(Traduction du Texte Turc.)

"Ceux-ci, c'est-à-dire les Princes, ont été envoyés et installés dans les Chefs—lieux de leurs jurisdictions, et l'évacuation complète des Provinces a eu lieu simultanément; ce qui véritablement doit être considéré comme une nouvelle preuve évidente de l'attention de La Sublime Porte à remplir Ses Traités."

Qui auroit cru possible que *treize mois* après avoir reçu une assurance aussi formelle, Les Ministres Alliés se verroient encore dans la triste nécessité de solliciter cette même *Evacuation complète*, qui déjà leur avoit été si

positivement annoncée? Il suffira sans doute de signaler à un Gouvernement aussi scrupuleusement attaché à la fidélité de ses engagemens que La S. Porte, une disparate tellement frappante entre ses paroles et ses actions, pour le déterminer à s'occuper sur le champ des moyens les plus efficaces d'y porter remède. Jusqu'à cette heure La S. Porte se trouve en contradiction avec Elle-même; et il doit être, sous tous les rapports de son intérêt autant que de Sa dignité, de sortir le plutot possible d'une position aussi fausse que dangéreuse.

Ad Secundum.—Les *droits* de Sa Majesté Britannique et des Cours Alliées d'appuyer par tous les moyens en leur pouvoir la juste demande de La Russie résultent de leur *obligation* commune de préserver contre toute atteinte cette paix générale, dont le maintien est à la fois le premier de leurs devoirs et le premier de leurs vœux. Or il est notoirement vrai que la paix entre La Russie et La Turquie ne sera assisé sur des bases durables, et que, par conséquent, le danger imminent de voir la tranquillité de l'Europe troubleé dans le Levant, ne disparoîtra qu'après que la Mission de S. M. I. sera retourneé à Constantinople. Mais il est également notoire que le retour d'une Mission Russe *ne peut* avoir lieu, tant que subsistera l'infraction manifeste des Traités, causée par la présence de la force armée Turque dans les Principautés. C'est donc, dans la plénitude du sentiment de leurs *droits* et de leurs *obligations*—des besoins de l'Europe—et des nécessités de l'Empire Ottoman,—que l'Angleterre et ses Alliés demandent *l'Evacuation complète et immediate des deux Principautés.*

L'état d'angoisse produit par les vacillations de la politique Orientale n'a duré que trop longtems déjà. Les Alliés ne sauroient consentir à le prolonger. Il dépend maintenant de La S. Porte de le faire cesser; et à moins qu'elle ne prétende s'opposer, Elle seule, aux vœux réunis de l'Europe entière, elle se hâtera de terminer radicalement des complications dont aujourd'hui encore il est heureusement en son pouvoir de sortir avec honneur et sûreté. L'Empereur de Russie de son côté, n'a point balancé de faire une *première* démarche décisive vers le but de la conciliation. La S. Porte est dans l'obligation de faire la *seconde.* Toute l'Europe s'y attend! Un refus de la part du Divan fourniroit la triste preuve que Son désir de conserver la paix n'est nullement aussi sincère que ses Amis, et l'Angleterre, la première, l'ont constamment représenté. Dans tous les cas il est essentiel que La S. Porte sache que ce point se rattache si intimement au propre bien-être de l'Angleterre et des Alliés, que jamais ils ne désisteront d'une demande, de la justice et de la convenance de la quelle ils sont tous pleinement convaincus.

Ad Tertium.—Il n'est pas à présumer que les *advantages et les sûretés*, que La S. Porte retireroit aussitôt d'une adhésion franche et loyale, puissent échapper à la perspicacité d'une réunion d'hommes d'état aussi éclairés que ceux qui forment le Ministère actuel de Sa Hautesse. Ils n'ont qu'à les péser dans la balance du *sens commun*, contre l'utilité chimérique de la présence de quelques milliers d'hommes dans les Principautés, et bientot la vérité l'emportera sur l' erreur. Dailleurs, à quel progrès La S. Porte peut-Elle s'attendre dans l'ajustement des prétentions qu'Elle-même compte faire valoir auprès du Cabinet Russe, soit pour des objets de Commerce, soit pour des questions politiques, tant qu'un Ministre de Russie ne retournera pas dans la Capitale Ottomane? et quelle utilité pourroit-on se promettre de ce

retour, tant que durera une violation aussi flagrante et injustifiable de ces mêmes Traités, dont l'exécution la plus scrupuleuse seroit, sans aucun doute, la première et la plus agréable tâche du nouveau Ministre de Sa Majesté Imperiale?

La S. Porte compteroit-Elle pour rien la certitude d'augmenter le nombre et la validité de ses tîtres à l'estime et à l'affection de Ses *Amis*, dans la même proportion qu'Elle détruira les folles chimères de ses *ennemis?* La S. Porte ignore-t-Elle l'alarme repandue parmi les Insurgés, depuis que l'arriveé d'un Agent Russe est venu ajouter à la probabilité de la conservation de la paix? Ignore-t-Elle les efforts du Gouvernement Grec, les stratagêmes auxquels il a eu recours, pour empêcher la circulation d'une nouvelle si fatale à ses projets, si destructive de tout espoir d'accroître les difficultés et les malheurs de l'Empire, en le plongeant dans une guerre avec La Russie? Et si telle a été l'alarme, que l'arrivée d'un simple Agent Russe a donnée aux Insurgés, quel effet ne produira pas sur eux la présence d'un Représentant de S. M. l'Empereur Alexandre dans la Capitale du Sultan? d'un Ministre chargé de la tâche honorable de mettre le sceau à l'œuvre de la réconciliation, et d'imprimer aux nouvelles relations entre les Deux Cours le double caractère de la cordialité et de la stabilité?

Ad Quartum.—Les *inconvéniens majeurs et les périls certains*, qui seroient le résultat d'un refus ou d'un délai de la part de La S. Porte sont tous si faciles à appercevoir, et ils ont tous été tant de fois déjà franchement indiqués au Ministère de Sa Hautesse, que le Soussigné croit pouvoir se dispenser de la pénible obligation de les énumérer de réchef. Pourtant il est de son devoir d'appeler plus spécialement l'attention toute entière de La S. Porte sur une de ces conséquences inévitables—et il s'en acquitte en *déclarant maintenant officiellement* au Nom de Son Auguste Cour, que si le Divan met du prix à conserver les relations cordiales et intimes qui unissent si heureusement La Grande Bretagne et La Turquie—s'il désire s'assurer la continuation des bons offices employés avec tant de zèle et de constance en sa faveur—si, en un mot, le Divan souhaite que le présent lui soit un gage de l'avenir, il n'hésitera pas d'acquiescer à une demande, de l'admission de laquelle depend la nature de ses relations futures, plus ou moins amicales, avec l'Angleterre.

Après avoir ainsi rempli les Ordres du Roi Son Maître, le Soussigné a l'honneur d'informer La S. Porte qu'il est autorisé par l'Empereur de toutes les Russies à lui faire connoître, que *l'Evacuation totale et immédiate des Principautés* est actuellement la *seule et unique* condition de laquelle S. M. I. faite dépendre le rétablissement de Ses rapports diplomatiques avec le Gouvernement Ottoman,—que cette condition, de tout tems la *première*, est aussi la *dernière*;—et que dès l'instant où La S. Porte remplira sur ce point essentiel ce que les Traités lui preserivent, le nouveau Ministre de S. M. I. quittera St. Pétersbourg pour se rendre à Constantinople, y renouer les relations d'amitié si longtems interrompues, et prouver au Divan, à l'aide d'une conduite toujours franche et loyale, la disposition du Cabinet de Russie d'ensévelir tous les différends antérieurs dans un profond oubli.

Cette déclaration, aussi noble que bienveillante, constitue une nouvelle époque dans l'importante Négociation qui occupe la sollicitude de l'Europe. Elle reduit la question à ses élémens les plus simples. La S. Porte est *officielle-*

ment informée maintenant que le retour d'une Mission Russe ne dépend plus que d'une *seule condition;*—de la *simple condition* d'exécuter les Traités;—en d'autres mots de la *condition* de faire ce qui est juste, utile, indispensable!

Le Soussigné invite son Excellence le Réis Effendi de porter le présent Memoir à la haute connoissance de l'Empereur son Maître—et telle est la confiance des Cabinets réunis de l'Europe dans la sagesse du Sultan, que tous se plaisent à attendre un résultat entièrement satisfaisant de leurs instantes représentations sur un objet qui concerne les intérêts les plus chers de l'Empire Turc.

Le Soussigné a ordre de son Gouvernement de demander une Conférence officielle avec les Ministres de La S. Porte, afin de recevoir la réponse de leurs Excellences aux observations qu'il vient de leur soumettre, aussitôt que celles-ci auront été prises en mûre considération.

Il a l'honneur, &c.

STRANGFORD.

Palais Britannique, le 9 Avril, 1824.

DECREE of the Conservative and Legislative Senate of Chili, investing the Supreme Director with temporary unlimited Authority.

In the City of Santiago de Chili, on the 21st of July, 1824: The Senate being assembled, with the Most Excellent the Supreme Director, in full and extraordinary Session, and having taken into consideration the present difficult circumstances, as well with reference to the administration of affairs at Home, as, more particularly, to the existing critical state of Foreign relations, both military and political, which imperiously require the concentration of the several branches of Administration, and a quicker dispatch of public business; and further taking into consideration that in repeated Sittings, the Reports of all the Ministers of State have been heard, have granted and sanctioned the Decree following:

That His Excellency the Supreme Director do take exclusively, upon himself, the administration of affairs, for the positive term of three months; the Senate, in the mean time, suspending its functions, in order that, during the said term, His Excellency may proceed to provide for every exigency, and render effective the Constitution of the State, and, in the event of any insuperable difficulties requiring a suspension or modification of any of its Articles, he may effect the same, and, at the expiration of the beforementioned term of three months, convoke a General Congress of the Nation (for which purpose the Senate have granted him Full Powers) or consult with the present Legislative Authority, which shall then re-assemble.

Decreed and signed, accordingly.

Ramon Freire,
Fernando Errasuris,
Juan Egana,
Agustin Eyzaguirre,
José Antonio Ovalle,
Diego Antonio Elizondo,
José Tomas Ovalle,
Joaquin Prieto.

Dr. Gabriel Ocampo, Secretary.

DECLARATION of Independence, of The United Provinces of Central America.

THE SUPREME EXECUTIVE AUTHORITY OF THE UNITED PROVINCES OF CENTRAL AMERICA.

Whereas the National Constituent Assembly of the said Provinces has decreed as follows:

The Representatives of The United Provinces of Central America, assembled by virtue of the Convocation issued from this City on the 15th September, 1821, and renewed on the 29th March of the present Year, for the important object of deciding on the Independence and Liberty of the People we represent—upon their reciprocal Union—upon their Government—and upon the other Points contained in the memorable Act of the said 15th September, which was then adopted by the majority of the Inhabitants of this extensive Territory, and to which all the rest have since adhered, who are now represented in this General Assembly:

After examining, with all the care and consideration which are required by the delicacy and importance of the Objects on which we are called together, the said Acts of September, 1821, and of the 5th of January, 1822; and also the Decree of the Provisional Government of this Province, dated the 29th of March last; with all other Documents relating to the specific Objects of our assembling:

Having before us all the information necessary to ascertain the state of the population, riches, resources, local situation, extent, and other circumstances of the People who occupy the Territory formerly called the Kingdom of Guatemala:

And having discussed the subject, and received the Reports of the different Commissions which have laboured to collect and present to this Assembly all possible information on the above Points; considering all that may be necessary to the establishment of a New State; and also considering:—

First—That Independence of the Spanish Government has been and is necessary in the situation of that Nation, and that of all the Nations of America; that it was and is just in itself, and essentially consonant to the sacred rights of nature; that it was imperiously demanded by the lights of the Age, the necessities of the New World, and all the dearest interests of the People who inhabit it:

That Nature itself resists the dependence of this part of the Globe, separated by an immense Ocean from that which was its Metropolis, and with which it is impossible to maintain the immediate and frequent communication indispensable between the People of the same State:

That the experience of more than three hundred Years has convinced America that Her felicity was altogether incompatible with the nullity to which She was reduced by the sad condition of a Colony to a small part of Europe:

That the arbitrary manner in which She was governed by the Spanish Nation, and the conduct always pursued by It since the Conquest, excited in the People the most ardent desire to re-conquer their usurped rights:

That, impelled by these just sentiments, all the Provinces of America threw off the yoke which had oppressed them for the space of three Centuries: That those of the ancient Kingdom of Guatemala gloriously proclaimed their Independence towards the close of 1821; and that the determination to preserve and maintain it is the general and uniform resolve of all its Inhabitants.

Secondly—Considering also, that the incorporation of these Provinces with the extinguished Mexican Empire, was effected, only *de facto*, at the end of 1821 and the beginning of 1822, and was a hasty decision extorted by vicious and illegal means:

That it was neither granted nor pronounced, by legitimate organs or means: That in consequence the National Representatives of the Mexican State never expressly accepted it, nor could of right accept it; and that the orders dictated and expedited by Don Augustin Iturbide, respecting this Union are *null:*

That the said Union was, and is, contrary to the interests and sacred rights of the People we represent, and opposed to their will, and that the concurrence of circumstances so powerful and irresistible, requires that the Provinces of the ancient Kingdom of Guatemala should be constituted of themselves, and separately from the Mexican State.

We, *therefore*, the Representatives of the said Provinces, in their names, with their authority, and conformably to their wishes, solemnly *declare:*

" 1. That the said Provinces, represented in this Assembly, are free and Independent of Old Spain, of Mexico, and of every other Power, whether in the Old or the New World, and that they are not, and ought not to be, the patrimony of any Person or Family.

" 2. That in consequence they are, and form, a Sovereign Nation, with the Right freely to exercise and enjoy such Acts, Contracts, and Functions, as are exercised and enjoyed by the other Free People of the Earth.

" 3. That the abovenamed Provinces represented in this Assembly, and the others of those forming the Ancient Kingdom of Guatemala, which shall spontaneously unite themselves, shall, henceforth, without prejudice to the Constitution about to be formed, be called, *The United Provinces of Central America.*

" And we command that this Declaration, and the Act of our Installation, shall be published with due solemnity in this Town of Guatemala, and in all and each of the Towns represented in this Assembly; and that they be printed and circulated; that they be communicated to the Provinces of Leon, Granada, Costarrica, and Chiapas; and that they be communicated to the Governments of Spain and Mexico, and to the other Independent States of both Americas, in the form and manner which may be determined upon.

Given in Guatemala, 1st July, 1823."

[Here follow the Signatures of forty-three Deputies.]

Let this be communicated to the Supreme Executive Power, to be printed, published, and circulated.—Guatemala, July 10, 1823.

JOSE MATIAS DELGADO, President.
JUAN FRANCISCO SOSA, Deputy Secretary.
MARIANO GALVEZ, Deputy Secretary.

By the Supreme Executive Authority.

We therefore Order it to be obeyed, fufilled, and executed, in all its Parts. The Secretary of Dispatch is required to cause it to be printed, published, and circulated.

PEDRO MOLINA, President,
JUAN VICENTE VILLA-CORTA.
ANTONIO RIVERA.

National Palace of Guatemala,
July 11, 1823.

No. 1.—An Account of the Ordinary Revenues and Extraordinary Resources, constituting the In

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1823.	2. GROSS RECEIPT.	3. Repayments, Allowances, discounts, drawbacks & bounties of the nature of drawbacks; allowances to the Two Universities, on account of almanacks, and for paper & parchment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENTS, &c.	5. TOTAL INCOME including BALANCES
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s.
Customs	307,256 19 8½	15,504,869 2 3½	1,547,873 11 4½	13,956,995 10 11½	14,264,252 10
Excise	1,682,557 19 9½	29,308,986 17 3½	2,370,603 8 11½	26,938,383 8 4	28,620,941 7
Stamps	477,323 5 2½	7,216,373 3 10½	232,242 10 10½	6,984,130 13 -½	7,461,453 18
Taxes, under the Management of the Commissioners of Taxes	276,609 7 4½	6,595,820 2 5½	8,485 5 4½	6,587,334 17 1½	6,863,944 4
Post Office	220,855 19 0½	2,154,294 17 11½	82,791 17 7½	2,071,503 - 4	2,292,358 9
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	3,234 17 5½	63,243 14 2½	- - -	63,243 14 2½	66,478 12
Hackney Coaches, and Hawkers and Pedlars	101 7 10	64,593 14 1	- - -	64,593 14 1	64,695 1
Crown Lands	28,919 13 9½	312,336 11 9½	- - -	312,336 11 9½	341,256 5
Small Branches of the King's Hereditary Revenue	3,029 2 3½	7,283 15 4	- - -	7,283 15 4	10,312 17
Lottery; Surplus Produce after payment of Prizes	- - -	27,400 - -	- - -	27,400 - -	27,400 -
Surplus Fees of Regulated Public Offices	- - -	39,718 17 4	- - -	39,718 17 4	39,718 17
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	- - -	10,208 13 -½	- - -	10,208 13 -½	10,208 13
TOTALS of Ordinary Revenues £	2,999,888 12 5	61,305,129 9 8½	4,241,996 14 2	57,063,132 15 6½	60,063,021 7
OTHER RESOURCES.					
Amount of Saving on the Third Class of the Civil List	- - -	11,018 19 2½	- - -	11,018 19 2½	11,018 19
Money brought from the Civil List on account of the Clerk of the Hanaper	- - -	7,218 2 7½	- - -	7,218 2 7½	7,218 2
Money received in re-payment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3.	- - -	766,666 13 4	- - -	766,666 13 4	766,666 13
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of His Majesty's Forces serving in the East Indies, per Act 4 Geo. IV. c. 71	- - -	90,000 - -	- - -	90,000 - -	90,000 -
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor	- - -	116,733 15 5	- - -	116,733 15 5	116,733 15
Money received from the Trustees of Naval and Military Pensions, after deducting £.175,000 included in the remains in the Exchequer, on 5th January 1823	- - -	4,675,000 - -	- - -	4,675,000 - -	4,675,000 -
Money received from the Bank of England, to pay interest on £.1,050,000 advanced in Exchequer Bills to the Trustees of Naval and Military Pensions	- - -	10,719 - -	- - -	10,719 - -	10,719 -
From several County Treasurers, and others in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c.	2,369 1 7½	114,982 5 6½	- - -	114,982 5 6½	117,351 7
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	379,047 6 10½	- - -	379,047 6 10½	379,047 6
Totals, exclusive of Loans £.	3,002,257 14 -½	67,476,515 12 8½	4,241,996 14 2	63,234,518 18 6½	66,236,776
LOANS	- - -	2,400,000 - -	- - -	2,400,000 - -	2,400,000
TOTALS of the Public Income of the United Kingdom, including Loans	3,002,257 14 -½	69,876,515 12 8½	4,241,996 14 2	65,634,518 18 6½	68,636,776

Whitehall, Treasury Chambers, 11th March, 1824.

me of the United Kingdom of Great Britain and Ireland;—for the Year ended 5th Jan. 1824.

Payments out of the Income, in its Progress to the Exchequer.			9.	10.	11.	12.
6. CHARGES of COLLECTION.	7. OTHER PAYMENTS.	8. TOTAL PAYMENTS out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January 1824.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
7,779 2 2¾	828,821 19 4½	2,396,601 1 7	11,498,762 12 10½	368,888 16 2¼	14,264,252 10 7¾	10 2 3
7,625 13 8¾	502,298 19 –¾	1,839,915 12 9¼	25,342,828 1 10½	1,438,197 13 5½	28,620,941 8 1½	4 11 3
8,534 5 9¾	- - -	198,534 5 9¼	6,801,950 – 4¾	460,969 12 1¼	7,461,453 18 3¼	2 15 –
5,748 2 4	37,815 14 1½	409,563 16 5½	6,206,927 8 9¼	247,452 19 3	6,863,944 4 5½	5 12 9
9,117 – 5½	46,864 6 6	615,981 6 11½	1,462,692 6 2	213,685 6 2½	2,292,358 19 4½	26 8 4
1,554 4 10	- - -	1,554 4 10	61,358 7 3½	3,565 19 6	66,478 11 7½	2 9 2
0,800 9 1	- - -	10,800 9 1	53,880 – –	14 12 10	64,695 1 11	16 14 5
4,552 16 10½	219,027 18 6½	263,580 15 5	966 13 4	76,708 16 9½	341,256 5 6½	14 5 3
1,470 11 9	2,000 – –	3,470 11 9	4,274 4 11	2,568 – 11¼	10,312 17 7½	20 3 11
2,000 – –	590 17 –	2,590 17 –	24,809 3 –	- - -	27,400 – –	7 6 –
- - -	- - -	- - -	39,718 17 4	- - -	39,718 17 4	—
- - -	- - -	- - -	10,208 13 –¾	- - -	10,208 13 –¾	—
5,182 7 1½	1,637,410 14 6¾	5,742,593 1 8	51,508,376 9 –	2,812,051 17 3¾	60,063,021 7 11½	6 13 11
- - -	- - -	- - -	11,018 19 2½	- - -	11,018 19 2½	—
- - -	- - -	- - -	7,218 2 7½	- - -	7,218 2 7½	—
- - -	- - -	- - -	766,666 13 4	- - -	766,666 13 4	—
- - -	- - -	- - -	90,000 – –	- - -	90,000 – –	—
- - -	- - -	- - -	116,733 15 5	- - -	116,733 15 5	—
- - -	- - -	- - -	4,675,000 – –	- - -	4,675,000 – –	—
- - -	- - -	- - -	10,719 – –	- - -	10,719 – –	—
- - -	- - -	- - -	108,219 1 11½	9,132 5 2½	117,351 7 1½	—
- - -	- - -	- - -	379,047 6 10½	- - -	379,047 6 10½	—
5,183 7 1½	1,637,410 14 6¾	5,742,593 1 8	57,672,999 8 4½	2,821,184 2 6	66,236,776 12 6¾	—
- - -	- - -	- - -	2,400,000 – –	- - -	2,400,000 – –	—
5,182 7 1½	1,637,410 14 6¾	5,742,593 1 8	60,072,999 8 4½	2,821,184 2 6	68,636,776 12 6¾	—

Account is formed by adding the Totals of the Account for Great Britain, No. 2, to the Totals of the Account r Ireland, No. 3.

J. C. HERRIES.

No. 2.—An Account of the Ordinary Revenues and Extraordinary Resources, [illegible]

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1823.	2. GROSS RECEIPT.	3. Repayments, allowances, discounts, drawbacks & bounties of the natnre of drawbacks; allowances to the two Universities, on account of almanacks, and for paper & parchment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENT, &c.	5. TOTAL INCOME, including BALANCE
ORDINARY REVENUES.	£. s. d.	£. s. d.	£ s. d.	£. s. d.	£.
CUSTOMS	265,741 8 5¼	13,586,413 10 1½	1,327,708 11 7½	12,258,704 18 6½	12,[illegible]
EXCISE	1,608,475 5 10	27,568,026 11 –	2,325,486 – 1½	25,242,540 10 10½	26,[illegible]
STAMPS	359,770 13 4¼	6,720,932 – 2½	223,694 9 9½	6,497,237 10 5	6,[illegible]
TAXES under the Management of the Commissioners of Taxes	270,353 12 4	6,541,296 1 3½	6,568 18 7½	6,534,727 2 7½	6,[illegible]
POST OFFICE	174,873 18 10 1/12	1,965,468 11 3½	64,713 12 3½	1,900,754 19 –½	2,[illegible]
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	3,234 17 5¼	63,243 14 2½	- - -	63,243 14 2½	63,[illegible]
HACKNEY COACHES and Hawkers and Pedlars	101 7 10	64,593 14 1	- - -	64,593 14 1	64,[illegible]
CROWN LANDS	28,919 13 9¼	312,336 11 9½	- - -	312,336 11 9½	341,[illegible]
SMALL Branches of the King's Hereditary Revenue	3,029 2 3¼	7,283 15 4	- - -	7,283 15 4	10,[illegible]
LOTTERY, Surplus Produce after Payment of Prizes	- - -	27,400 – –	- - -	27,400 – –	27,[illegible]
SURPLUS Fees of Regulated Public Offices	- - -	39,718 17 4	- - -	39,718 17 4	39,[illegible]
TOTALS of ORDINARY REVENUES £	2,714,500 – 1 4/12	56,896,713 6 8½	3,948,171 12 5½	52,948,541 14 2½	[illegible]
OTHER RESOURCES.					
AMOUNT of Saving on the Third Class of the Civil List	- - -	11,018 19 2½	- - -	11,018 19 2½	11,[illegible]
MONEY brought from the Civil List on Account of the Clerk of the Hanaper	- - -	7,218 2 7½	- - -	7,218 2 7½	7,[illegible]
MONEY received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	- - -	766,666 13 4	- - -	766,666 13 4	766,[illegible]
MONEY received from the East India Company on account of Retired Pay, Pensions, &c. of His Majesty's Forces serving in the East Indies, per Act 4 Geo. IV. c. 71	- - -	90,000 – –	- - -	90,000 – –	90,[illegible]
FROM the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor	- - -	116,733 15 5	- - -	116,733 15 5	116,[illegible]
MONEY received from the Trustees of Naval and Military Pensions, &c. after deducting £175,000, included in the remains in the Exchequer, on 5th January, 1823	- - -	4,675,000 – –	- - -	4,675,000 – –	4,675,[illegible]
MONEY received from the Bank of England to pay Interest on £1,050,000 advanced in Exchequer Bills to the Trustees of Naval and Military Pensions	- -	10,719 – –	- - -	10,719 – –	10,[illegible]
IMPREST Monies repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	310,110 4 7½	- - -	310,110 4 7½	310,[illegible]
TOTALS exclusive of Loans £.	2,714,500 – 1 4/12	62,884,180 1 11	3,948,171 12 5½	58,936,008 9 5½	61,[illegible]
LOANS	- - -	2,250,000 – –	- - -	2,250,000 – –	2,250,[illegible]
TOTALS of the PUBLIC INCOME of GREAT BRITAIN, including LOANS	2,714,500 – 1 4/12	65,134,180 1 11	3,948,171 12 5½	61,186,008 9 5½	[illegible]

Whitehall, Treasury Chambers, 11th March, 1824.

blic Income of Great Britain; for the Year ended 5th January 1824.

ayments out of the Income, in its Progress to the Exchequer.				9.	10.	11.	12.
6. RGES of CTION.	7. OTHER PAYMENTS.	8. TOTAL PAYMENTS out of the Income in its Progress to the Exchequer.		PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January 1824.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.
0 5 5¾	667,901 7 1¼	1,777,431 12 7		10,406,437 19 9½	340,756 14 7¼	12,524,446 6 11½	8 3 4
1 17 2¾	436,8.6 6 2	1,539,488 3 4¾		23,956,467 10 3½	1,355,060 3 -½	26,851,015 16 8¾	4 - -
0 2 -	- - -	159,520 2 -		6,362,620 5 3	334,867 16 6¼	6,857,008 3 9¼	2 7 6
6 1 10¼	37,815 14 1½	369,331 15 11¾		6,188,871 4 1½	246,877 14 10¼	6,805,080 14 11¾	5 1 4
5 17 3¾	46,864 6 6	520,320 3 9¾		1,387,000 - -	168,308 14 -7/12	2,075,628 17 10 4/12	24 1 9
4 4 10	- - -	1,554 4 10		61,358 7 3½	3,565 19 6	66,478 11 7¼	2 9 2
0 9 1	- - -	10,800 9 1		53,880 - -	14 12 10	64,695 1 11	16 14 5
2 16 10¾	219,027 18 6¼	263,580 15 5		966 13 4	76,708 16 9½	341,256 5 6½	14 5 3
0 11 9	2,000 - -	3,470 11 9		4,274 4 11	2,568 - 11¼	10,312 17 7¼	20 3 11
0 - -	590 17 -	2,590 17 -		24,809 3 -	- - -	27,400 - -	7 6 -
- - -	- - -	- - -		39,718 17 4	- - -	39,718 17 4	- - -
2 6 5¼	1,411,076 9 5	4,648,088 15 10½		48,486,404 5 4½	2,528,548 13 1 7/12	55,663,041 14 4 1/12	5 13 9
- - -	- - -	- - -		11,018 19 2½	- - -	11,018 19 2½	—
- - -	- - -	- - -		7,218 2 7½	- - -	7,218 2 7½	—
- - -	- - -	- - -		766,666 13 4	- - -	766,666 13 4	—
- - -	- - -	- - -		90,000 - -	- - -	90,000 - -	—
- - -	- - -	- - -		116,733 15 5	- - -	116,733 15 5	—
- - -	- - -	- - -		4,675,000 - -	- - -	4,675,000 - -	—
- - -	- - -	- - -		10,719 -	- - -	10,719 - -	—
- - -	- - -	- - -		310,110 4 7½	- - -	310,110 4 7½	—
6 5¼	1,411,076 9 5	4,648,088 15 10¼		54,473,871 - 6½	2,528,548 13 1 7/12	61,650,508 9 6 7/12	—
	- - -	- - -		2,250,000 - -	- - -	2,250,000 - -	—
6 5¼	1,411,076 9 5	4,648,088 15 10¼		56,723,871 - 6½	2,528,548 13 1 7/12	63,900,508 9 6 7/12	—

J. C. HERRIES.

No. 3.—An Account of the Ordinary Revenues and Extraordinary Resources, consti

HEADS OF REVENUE.	1. BALANCES and BILLS outstanding on 5th January 1823.	2. GROSS RECEIPT.	3. REPAYMENTS, DRAWBACKS, DISCOUNTS, &c.	4. NET RECEIPT within the Year, after deducting REPAYMENTS, &c.	5. TOTAL INCOME including BALANCES
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£.
CUSTOMS	41,515 11 3½	1,918,455 12 2	220,164 19 9	1,698,290 12 5	1,739,8
EXCISE	74,082 13 11½	1,740,960 6 3⅜	45,117 8 10	1,695,842 17 5¾	1,769,9
STAMPS	117,552 11 10½	495,441 3 8	8,548 1 -½	486,893 2 7½	604,4
TAXES	6,255 15 -½	54,524 1 2¼	1,916 6 8½	52,607 14 5¾	58,8
POST OFFICE	45,982 - 2¼	188,826 6 8	18,078 5 4¼	170,748 1 3¾	216,7
POUNDAGE Fees, Pells Fees, Casualties, Treasury Fees and Hospital Fees	- - -	10,208 13 -¾	- - -	10,208 13 -¾	10,2
TOTAL of ORDINARY REVENUES £.	285,388 12 3¾	4,408,416 3 -⅜	293,825 1 8½	4,114,591 1 4¾	4,399,6
OTHER RESOURCES.					
FROM the Provost and Fellows of Trinity College, on account of Advances made by the Treasury for completing the North Square of the said College, per Act 54 Geo. 3. c. 167 -	- - -	1,107 13 10½	- - -	1,107 13 10½	1,1
From several County Treasurers, and others. ON Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3. c. 43 - - - - -	- - -	19,576 6 7½	- - -	19,576 6 7½	19,5
From several County Treasurers, and others. ON Account of Advances made by the Treasury for building Gaols under Act 50 Geo. 3. c. 103 - - - - -	2,369 1 7½	24,101 4 3	- - -	24,101 4 3	26,4
From several County Treasurers, and others. ON Account of Advances made by the Treasury for Police in proclaimed Districts, under Acts 54 Geo. 3 c. 131 and 3 Geo. IV. c. 103	- - -	60,472 12 8	- - -	60,472 12 8	60,4
From several County Treasurers, and others. 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, and 3 Geo. IV. c. 112	- - -	9,724 8 1½	- - -	9,724 8 1½	9,7
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public -	- - -	68,937 2 3	- - -	68,937 2 3	68,9
TOTALS, exclusive of Loans £.	287,757 13 11	4,592,335 10 9⅝	293,825 1 8½	4,298,510 9 1⅛	4,585,2
LOANS	- - -	150,000 - -	- - -	150,000 - -	150,0
TOTALS of the PUBLIC INCOME of IRELAND, including LOANS £.	287,757 13 11	4,742,335 10 9⅝	293,825 1 8½	4,448,510 9 1⅛	4,735,2

Whitehall, Treasury Chambers, 11th March 1824.

Public Income of Ireland, for the Year ended 5th January 1824.

Payments out of the Income, in its Progress to the Exchequer.			9.	10.	11.	12.
6. CHARGES of COLLECTION.	7. OTHER PAYMENTS.	8. TOTAL PAYMENTS out of the Income in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January 1824.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
458,248 16 9	160,920 12 3	619,169 9 –	1,092,324 13 1	28,312 1 7¼	1,739,806 3 8¼	23 17 9
235,013 16 6	65,413 12 10½	300,427 9 4½	1,386,360 11 6½	83,137 10 5⅝	1,769,925 11 4⅞	13 10 –
39,014 3 9¼	- - -	39,014 3 9¼	439,329 15 1¾	126,101 15 7	604,445 14 6	7 17 6
40,232 – 5½	- - -	40,232 – 5½	18,056 4 7½	575 4 4¾	58,863 9 6	73 15 9
95,661 3 2	- - -	95,661 3 2	75,692 6 2	45,376 12 2	216,730 1 6	50 13 3
- - -	- - -	- - -	10,208 13 –½	- - -	10,208 13 –¾	- - -
968,170 – 8	226,334 5 1½	1,094,504 5 9½	3,021,972 8 7½	283,503 4 2⅜	4,399,979 13 7⅞	19 13 10
- - -	- - -	- - -	1,107 13 10¼	- - -	1,107 13 10¼	- - -
- - -	- - -	- - -	19,576 6 7¼	- - -	19,576 6 7¼	- -
- - -	- - -	- - -	18,697 15 2¾	7,772 10 7½	26,470 5 10¼	- -
- - -	- - -	- - -	59,112 18 1¼	1,359 14 6¾	60,472 12 8	- -
- - -	- - -	- - -	9,724 8 1¼	- - -	9,724 8 1¼	- -
- - -	- - -	- - -	68,937 2 3	- - -	68,937 2 3	- - -
968,170 – 8	226,334 5 1½	1,094,504 5 9½	3,199,128 7 10	292,635 9 4⅝	4,586,268 3 –⅜	—
- - -	- - -	- - -	150,000 – –	- - -	150,000 – –	- - -
968,170 – 8	226,334 5 1½	1,094,504 5 9½	3,349,128 7 10	292,635 9 4⅝	4,736,268 3 –⅜	—

J. C. HERRIES.

No. 4.—AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and IRELAND, distinguishing the Gross Receipt from Deductions for Repayments, Drawbacks, and Bounties of the nature of Drawbacks; together with an Account of the Public Expenditure, within the same period.

HEADS OF REVENUE.	NET RECEIPT, as stated in Column 4 of Account of Public Income. £. s. d.	£. s. d.
ORDINARY REVENUES:		
Balances and Bills Outstanding on 5th January, 1823....	.....	2,999,888 12
Customs	13,956,995 10 11¼	
Excise	26,938,383 8 4	
Stamps	6,984,130 13 –½	
Taxes	6,587,334 17 1½	
Post Office	2,071,503 – 4	
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions....	63,243 14 2½	
Hackney Coaches, and Hawkers and Pedlars	64,593 14 1	
Crown Lands	312,336 11 9¼	
Small Branches of the King's Hereditary Revenue.....	7,283 15 4	
Surplus Produce of Lottery, after payment of Lottery Prizes, &c.	27,400 – –	
Surplus Fees of regulated Public Offices.....	39,718 17 4	
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees.....	10,208 13 –½	
		57,063,139 15
		60,063,091 7
Deduct Balances and Bills outstanding on 5th January, 1824		2,812,051 17
TOTAL Ordinary Revenues....	.....	57,250,939 10
OTHER RESOURCES:		
Balances outstanding on 5th January, 1823.....	2,369 1 7¼	
The Amount of Savings on the 3d Class of the Civil List..	11,018 19 2½	
Money brought from Civil List, on account of the Clerk of the Hanaper	7,218 2 7½	
Money received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3.....	766,666 13 4	
By the East India Company, on account of Retired Pay, Pensions, &c. of His Majesty's Forces, serving in the East Indies, per Act 4 Geo. IV. c. 71.....	90,000 – –	
By the Trustees of Military and Naval Pensions, after deducting £175,000, included in the remains in the Exchequer, on 5th January 1823.....	4,675,000 – –	
By the Bank of England, to pay Interest on £1,050,000 advanced in Exchequer Bills to the Trustees of Military and Naval Pensions.	10,719 – –	
By the Commissioners for issuing Exchequer Bills for Public Works.....	116,733 15 5	
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements.....	114,982 5 6¼	
Imprest and other Monies paid into the Exchequer.....	379,047 6 10¼	
	6,173,755 4 7	
Deduct Balances outstanding on 5th January, 1824...	9,132 5 2¼	6,164,623
	£.	63,415,563

Balances, &c. in the hands of Receivers, &c. on 5th January, 1823.....£.			2,999,888 12
Do.....Do.....			2,999 1
			3,002,887 14
Do.....5th January, 1824....£.	2,812,051	17 3½	
Do.....do.....	9,132	5 2¼	
			2,821,184 2
Balances less in 1824 than in 1823.....			181,073 11
Surplus Income paid into the Exchequer over Expenditure issued thereout...			6,710,984 10
Actual Excess of Income over Expenditure.....£.			6,529,910 18

Year ended 5th January 1824, after deducting the Repayments, Allowances, Discounts, Draw-
e of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt

EXPENDITURE.	£. s. d.	£. s. d.
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer;		
rges of Collection	4,105,182 7 1¼	
er Payments	1,637,410 14 6¾	
TOTAL Payments out of the Income, prior to the Payments into the Exchequer		5,742,593 1 8
PAYMENTS OUT OF THE EXCHEQUER;		
idends, Interest and Management of the Public unded Debt, four Quarters to 10th October 1823, exclusive of £7,407,325. 0s. 10d. issued to the Commissons for the Reduction of the National Debt	28,084,784 12 10	
erest on Exchequer Bills and Irish Treasury Bills, exclusive of £75,000. Sinking Fund	1,131,121 19 7	
		29,215,906 12 5
ed to the Trustees of Military and Naval Pensions, c. per Act 2 Geo. IV. c. 51	2,507,130 – –	
.....Bank of England, per Act 4 Geo. IV. c. 22.	292,870 – –	
		2,800,000 . .
il List.....four Quarters to 5th January, 1824....	1,057,000 – –	
sions charged by Act of Parliament on Consolidated und, four Quarters to 10th October, 1823	377,776 2 4	
ries and Allowances	70,873 18 6	
ers of Courts of Justice	97,459 6 6	
ences of the Mint	14,746 10 8	
nties	2,956 13 8	
ellaneous	214,735 11 9	
... Ireland	305,257 17 8	
		2,140,806 1 1
y	7,351,991 16 1¾	
y	5,458,151 2 2	
Treasurer of Greenwich Hospital to pay Out-Pensioners	155,000 – –	
nance	1,364,328 5 7½	
ellaneous	1,953,366 2 10	
		16,282,837 6 9½
ey Paid to the Bank of England more than received om them, on account of Unclaimed Dividends	52,720 6 11	
be Commissioners for issuing Exchequer Bills, per t 57 Geo. 3. c. 34 & 124, for employment of the Poor.	165,200 – –	
nces out of the Consolidated Fund in Ireland, for blic Works	304,544 10 9	
		522,464 17 8
TOTAL	£.	56,704,607 19 7½
Surplus of Income paid into the Exchequer, over Expenditure issued thereout		6,710,984 10 5½
	£.	63,415,592 10 .¾

chall, Treasury Chambers, 16th March, 1824. J. C. HERRIES.

(Accounts No. 5 and No. 6. See Pages 80 and 82.)

No. 7.—AN ACCOUNT of the INCOME of the CONSOLIDATED FUND arising
and also of the actual Payments on

	£.
The Total Income applicable to the Consolidated Fund.....	49,180,33
	49,180,33

Whitehall, Treasury Chambers,
16th March, 1824.

No. 8.—AN ACCOUNT of the MONEY applicable to the Payment of the CHARGE of the
GES which have become due thereon, in the same Year, including the Amount of E

	£.	s.	d.	£.
Income arising in Great Britain				45,981,20
Income arising in Ireland	3,199,128	7	9¾	
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1823.....	89,628	17	5¼	
	3,288,757	5	3	
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 5th January 1824.....	283,342	2	6¾	
				3,005,415
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th January 1824.....				48,986,623
Exchequer Bills to be issued to complete the payment of the Charge, to 5th January 1824.....				1,541,928
			£.	50,528,551

Whitehall, Treasury Chambers,
16th March, 1824.

Kingdom GREAT BRITAIN and IRELAND, in the Year ended 5th January 1824; ISOLIDATED FUND within the same Period.

HEAD OF PAYMENT.		£.	s.	d.
ıds, Interest, Sinking Fund and Management of the Public led Debt, 4 Quarters to 10th October 1823		35,492,109	13	8
r Fund, Irish Treasury Bills		2,500	0	0
t on Exchequer Bills issued upon the Credit of the Consoli- l Fund		19,901	0	0
s for Naval and ary Pensions ...	per Act 3 Geo. IV. c. 51 £.2,507,130 0 0			
f England	per Act 4 Geo. IV. c. 22 292,870 0 0			
		2,800,000	0	0
ist, 4 Quarters to 5th January 1824		1,057,000	0	0
ıs charged by Act of Parlia- upon the Consolidated Fund	4 Quarters to 10th October 1823	377,776	2	4
s and Allowances	do.	70,873	18	6
s of Courts of Justice	do.	97,459	6	6
ses of the Mint	do.	14,746	10	8
es	do.	2,956	13	8
aneous	do.	214,735	11	9
..... Ireland	do.	305,257	17	8
ces out of the Consolidated Fund in Ireland, for public Works		304,544	10	9
	£.	40,759,861	5	6
SURPLUS of the CONSOLIDATED FUND		8,420,475	6	8
C. HERRIES.	£.	49,180,336	12	2

D FUND of the United Kingdom, in the Year ended 5th Jan. 1824, and of the several CHAR- harged upon the said FUND, at the commencement and at the termination of the Year.

HEAD OF CHARGE.		£.	s.	d.
nds, Interest, Sinking Fund, and Management of the Public ded Debt, 4 Quarters to 5th January 1824		33,104,108	7	2¾
st on Exchequer Bills issued upon the Credit of the Consoli- d Fund		13,722	15	0
es for Naval and tary Pensions ...	per Act 3 Geo. IV. c. 51 £.2,507,130 0 0			
of England	per Act 4 Geo. IV. c. 22 292,870 0 0			
		2,800,000	0	0
List, 4 Quarters to 5th January 1824		1,057,000	0	0
ns charged by Act of Parlia- t upon the Consolidated Fund	4 Quarters to 5th January 1824	378,556	13	3¼
es and Allowances	do.	68,620	6	4
rs, Courts of Justice	do.	98,089	10	6
ses of the Mint	do.	14,746	10	8
ies	do.	2,956	13	8
llaneous	do.	216,938	5	2
..... Ireland	do.	310,022	3	8¼
nces out of the Consolidated Fund in Ireland, for Public Works		304,544	10	9¼
	£.	38,369,305	16	3½
equer Bills issued to make good the Charge of the Consolidated nd to the 5th January 1823		5,928,354	13	3
		44,297,660	9	6½
SURPLUS of the CONSOLIDATED FUND		6,230,891	8	7½
J. C. HERRIES.	£.	50,528,551	18	2

No. 113.—AN ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the [illegible] in the Year [illegible]

Drs. THE SAID COMMISSIONERS - - - - -

GREAT BRITAIN, INCLUDING IMPERIAL LOAN:	£.	s.	d.	£.	s.	d.
To CASH, being one Quarterly Issue, per 26 Geo. 3. c. 31				250,000	0	0
Do. ..... one ..... do. ... of additional do. per 42 Geo. 3. c. 71				50,000	0	0
Do. ..... one ..... do. ... of Exchequer Annuities for 99 and 96 years, expired 1792..				13,739	[illegible]	[illegible]
Do. ..... one ..... do. ... of Sinking Fund for the redemption of Loans, created since 1793				2,854,543	[illegible]	[illegible]
Do. ..... three Quarterly Issues, per 4 Geo. IV. c. 19.....				3,630,000	0	0
Do. ..... Interest on Capital Stock, standing in the names of the Commissioners, at 3 per cent				221,302	[illegible]	[illegible]
3½ per cent				2,630	[illegible]	[illegible]
4 per cent				3,905	[illegible]	[illegible]
Long Annuities				453	10	0
ISSUES from CONSOLIDATED FUND.....£.				7,026,555	[illegible]	[illegible]
Do. from SUPPLIES, one Quarter's Sinking Fund on outstanding Exchequer Bills				72,500	0	0
TOTAL issued from the Exchequer in GREAT BRITAIN, after abating 1*d.* fractions, not received £.				7,099,055	[illegible]	[illegible]
To Sums returned from the Account of Life Annuities, the Nominees whereof died prior to its being set apart for Payment.....				13,347	[illegible]	[illegible]
To Bank Life Annuities, unclaimed 3 years or upwards, at 5th Jan. 1823				9,601	12	0
In GREAT BRITAIN.....£				7,122,004	12	[illegible]
IRELAND, IN BRITISH CURRENCY:	**£**	**s.**	**d.**			
To CASH, being one Quarterly Issue, per 37 G. 3. c. 27	15,611	6	4¾			
Do. ..... one ... do. .. of Expired Annuities	16,654	1	7			
Do. ..... one ... do. .. of Sinking Fund for the redemption of Capitals created since 1797	66,610	7	11¼			
Do. ..... three Quarterly Issues, per 4 Geo. IV. c. 19	120,000	0	0			
Do. ..... Interest on Capital Stock, standing in the Commissioners names, at 3½ per cent.	158,627	6	3			
4 per cent..	3,266	15	5			
ISSUES from CONSOLIDATED FUND.....£.	380,769	17	7			
Do. from SUPPLIES, one quarter's Sinking Fund on outstanding Treasury Bills	2,500	0	0			
TOTAL issued from the EXCHEQUER in IRELAND.....				383,269	17	[illegible]
GROSS TOTAL.....£.				7,505,274	10	[illegible]

RESULT .....

	ISSUES.	
	From the CONSOLIDATED FUND.	From SUPPLIES
	£ s. d.	£
In GREAT BRITAIN, including Impl. Loan	7,026,555 3 3	72,500 - -
In IRELAND	380,769 17 7	2,500 - -
UNITED KINGDOM....£	7,407,325 - 10	75,000 - -

National Debt Office, 23d January 1824.

n the hands of the COMMISSIONERS for the REDUCTION of the NATIONAL DEBT, January 1824.

- - - -

No. 114.—AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED
created in the Year ended 5th January 1824; of the Debt and Charge
Debt and Charge,

Dr.

	GREAT BRITAIN.	CAPITAL STOCK. £.	s.	d.		ANNUAL CHARGE thereof £.
	TO Unredeemed Capital	766,017,019	1	10½		25,299,63
	- Long Annuities, expire 1860	-	-	-		1,347,87
	- Life Annuities at the Exchequer { English	-	-	-		28,94
	{ Irish	-	-	-		35,49
	- Management	-	-	-		282,38
	- Military and Naval Pensions	-	-	-		2,800,00
	TOTAL DEBT at 5th January 1823	766,017,019	1	10½		29,794,05
	(a)					
DEBT created in the Year 1823.	To Interest on £.273,108. 9s. 6d. at 3 per cent, transferred up to 5th January 1824, per 53 Geo. 3. c. 123, for the Redemption of Land Tax under Schedules (C.) and (D.) heretofore deducted from the annual Charge	-	-	-		8,19
	TOTAL DEBT created in the Year 1823	-	-	-		8,19
	GENERAL TOTAL, Great Britain £.	766,017,019	1	10½		29,802,25

(a) *Note:* The Act 53 Geo. 3. c. 123. sec. 14 & 15, directs, That the Interest of all
transferred to the Commissioners for the Reduction of the National
towards the Redemption of Land Tax under Schedules (C.) and (D.)
Act, shall be placed to the account of the said Commissioners, until, by
cumulation, the several Bank Annuities purchased therewith, shall
Dividend exceeding the amount of the Land Tax redeemed by one
part thereof, after which the said Interest is to cease.

HARGE thereof, at the 5th January 1823; of the Debt and Charge thereof in the course of that Year; and of the Total Amount of the Unredeemed 5th January 1824.

Cr.

GREAT BRITAIN.			Capital Stock. £.	s.	d.		Annual Charge thereon. £.	s.	d.
By Capital purchased with the Sinking Fund			3,331,244	0	0	at 3 p. ct.	109,866	16	4½
			283,700	0	0	- 3½ do.			
- Capital transferred for the purchase of Life Annuities			702,522	0	0	- 3 do.	23,314	4	5½
			3,247	0	0	- 3½ do.			
			53,123	0	0	4 do.			
Capital, the Dividends on which have remained unclaimed 10 years, or upwards—	£.	s. d.							
at 3 p. ct.	24,794	5 4							
4 do.	4,409	4 0							
5 do.	609	14 4							
	£.29,813	3 8	950	13	7½				
Deduct Capital, the Dividends on which had remained unclaimed 10 years, re-transferred, having been claimed by the Proprietors thereof-									
at 3 p. ct.	£.23,619,	6 10							
4 do.	4,536	10 4							
5 do.	705	9 8							
	£.28,861	6 10	925	6	3				
			951	16	10	- -	25	7	4½
By Capital purchased with unclaimed Dividends			27,100	0	0	at 3 p. ct.	813	0	0
- Do. transferred for the Redemption of Land Tax			67,055	4	2	- 3 do.	2,011	13	1
- Do. transferred from the Funded Debt of Great Britain to the Funded Debt in Ireland			288,500	0	0	- 3½ do.	30,918	14	3½
			520,530	7	2	- 4 do.			
- Long Anns. transferred for the purchase of Life Anns		9,006 0 0							
- Do. unclaimed 10 years or upwards		7 4 10							
		£.9,013 4 10							
Deduct Long Annuities unclaimed 10 years, re-transferred, having been claimed by the Proprietors thereof		212 15 6							
			-	-	-	- -	8,800	9	4
By Life Annuities payable at the Exchequer decreased			-	-	-	- -	363	17	4
- Management decreasod			-	-	-	- -	1,296	1	10½
- Fractions			-	-	-	- -	0	0	3½
Total Debt reduced in 1823			5,277,973	8	2	- -	177,410	4	4½
By due to the Public Creditor, 5th January 1824			760,739,045	13	8½	- -	29,343,748	6	11
- Management			-	-	-	- -	281,092	17	11½
General Total		£.	766,017,019	1	10½	- -	29,802,251	9	3

(Continued.)

No. 114.—AN
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TOTAL

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DEBT created in the Year 1823.

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amounting to

and IRELAND, and the CHARGE thereupon at the 5th of January 1824.

CHARGE:

	In GREAT BRITAIN.	In IRELAND, (In British Currency.)	TOTAL ANNUAL CHARGE.
	£ s. d.	£ s. d.	£ s. d.
Part of the Annual Sum of £5,000,000 directed to be issued per 4 Geo. IV. c. 19. towards the reduction of the National Debt of the United Kingdom.....	4,803,307 – –	160,000 – –	
Annual Interest on Stock standing in the names of the Commissioners ...	127,061 17 10	4,538 11 6½	
Long Annuities do...	1,814, 16 10	—	
£	4,932,183 14 8	164,538 11 6½	
Annual Interest on Unredeemed Debt	25,132,675 19 1½	1,000,430 10 11¾	
Long Annuities expire 1860	1,338,837 1 10½	—	
Life Annuities payable at the Exchequer — English	28,580 13 1	—	
Life Annuities payable at the Exchequer — Irish...	35,461 7 9	7,035 4 7½	
£	26,535,555 1 10	1,007,465 15 7¼	
al Interest on Stock ferred to the Commissers for the Reduction of National Debt, towards edemption of Land Tax, r Schedules C. and D. co. 3. c. 123.	(a) 8,193 5 1	—	
gement.....	281,092 17 11½	660 – –	
rustees of Military and l Pensions and Civil rannuations	2,800,000 – –	—	
£	34,557,024 19 6½	1,172,664 7 1¾	35,729,

(a).—The Act 53 Geo. 3. cap. 123. s. 14 and 15, directs, that the Inte
k transferred to the Commissioners for the reduction of the National Debt
redemption of Land Tax, under Schedules C. and D. in that Act, shall be
he Account of the said Commissioners, until, by accum reductiins several
uities purchased therewith, shall yield a Dividend dules C. and ount of
d Tax redeemed, by one tenth part thereof, after whi's, until, by to ce
shall yield a Dividen a b
th part thereof t

ACCOUNT—*continued.*

IRELAND.	CAPITAL STOCK, (British Currency.) £.	s.	d.		Annual Charge thereon, (British Currency) £	s.
To Unredeemed Capital	25,789,293	9	10	– –	987,531	11
– Life Annuities	–	–	–	– –	7,127	10
– Management (Sinking Fund Office).....	–	–	–	– –	660	–
Total Debt at 5th Jan. 1823 ..	25,789,293	9	10	– –	986,318	12
DEBT created in the Year 1823. To Capital created by Stock transferred from the Funded Debt of Great Britain to the Funded Debt of Ireland ..	288,500	–	–	at 3½ p' cent.	30,918	14
	520,530	7	2	4 do.		
– Fractions	–	–	–	– –	–	–
Total Debt created in the Year 1823 ..	809,030	7	2	– –	30,918	14
General Total, Ireland..... £	26,598,323	17	–	– –	1,017,237	7

LOANS FOR THE EMPEROR OF GERMANY, FUNDED IN GREAT BRITAIN.	Capital Stock. £.	s.	d.		Annual Charge thereon. £.	s.
To Unredeemed Capital	4,723,832	3	8	– –	141,714	19
– Management	–	–	–	– –	1,605	15
Total Debt at 5th Jan. 1823..	4,723,832	3	8	– –	143,320	15
DEBT created in the Year 1823. ..... Nil	–	–	–	– –	–	–
General Total, Germany £.	4,723,832	3	8	– –	143,320	15

SUMMARY:

		DEBT. £.	s.	d.	CHARGE. £.	s.
TOTAL DEBT on 5th Jan. 1823.	Great Britain	766,017,019	1	10¾	29,794,058	4
	Ireland	25,789,293	9	10	986,318	12
	Germany	4,723,832	3	8	143,320	15
	£.	796,530,144	15	4¾	30,923,697	11
DEBT created in 1823.	Great Britain	–	–	–	8,193	5
	Ireland	809,030	7	2	30,918	14
	Germany	–	–	–	–	–
	£.	809,030	7	2	39,111	19
	Total ..... £.	797,339,175	2	6¾	30,962,809	11

THIS Account shews the Amount of the Debt as it stood on the 5th January, 1 and 1824; and the Charge is computed upon the Debt as it stood on each of these Days respectively.

National Debt Office, 8th March, 1824.

ACCOUNT—*continued.*

IRELAND.	Capital Stock, (British Currency.) £ s. d.		Annual Charge thereon, (British Currency.) £. s. d.
By Capital purchased with the Sinking Fund	257,693 5 4	at 3½ p' cent.	9,019 5 3
– Life Annuities decreased..	– – –	– –	92 6 1¾
Total Debt reduced in 1823	257,693 5 4	– –	9,111 11 4¾
By due to the Public Creditor, 5th Jan. 1824	26,340,630 11 8	– –	1,007,465 15 7¼
– Management	– – –	– –	660 – –
General Total	26,598,323 17 –	– –	1,017,237 7 –

S for the EMPEROR of GERMANY, UNDED IN GREAT BRITAIN.	Capital Stock. £. s. d.		Annual Charge thereon. £. s. d.
By Capital purchased with the Sinking Fund	101,414 – –	at 3 p'ct	3,042 8 4½
– Do. – transferred to the Commissioners for the Reduction of the National Debt, the Dividends on which have remained unclaimed 10 years or upwards ..	479 10 3	– 3 –	14 7 8½
– Management decreased	– – –	– –	34 6 6¾
Total Debt reduced in 1823 .	101,893 10 3	– –	3,091 2 8
Balance due to the Public Creditor, 5th Jan. 1824	4,621,938 13 5	– –	138,658 3 2¾
Management	– – –	– –	1,571 9 2
General Total	4,723,832 3 8	– –	143,320 15 –¾

SUMMARY:

		DEBT. £. s. d.	CHARGE. £. s. d.
DEBT duced in 1823.	Great Britain	5,277,973 8 2	177,410 4 4½
	Ireland	257,693 5 4	9,111 11 4¾
	Germany	101,893 10 3	3,091 2 8
	£.	5,637,560 3 9	189,612 18 5¼
AL DEBT 5th Jan. 1824.	Great Britain	760,739,045 13 8¾	29,624,841 4 10½
	Ireland	26,340,630 11 8	1,008,125 15 7¼
	Germany	4,621,938 13 5	140,229 12 4¾
	£	791,701,614 18 9¾	30,773,196 12 10½
	Total ..... £.	797,339,175 2 6¾	30,962,809 11 3¾

. HIGHAM, Comptroller General.

No. 115.—AN ACCOUNT of the State of the PUBLIC FUNDED DEBTS of the DEBT:

	Col. 1. CAPITALS.			Col. 2. CAPITALS Transferred to the Commissioners			Col. 3. CAPITALS UNREDEEMED
GREAT BRITAIN:	£	s.	d.	£.	s.	d.	£.
Debt due to the South Sea Company ... at £3 p' ct.	3,662,784	8	6½	–	–	–	3,662,784
Old South Sea Annuities do.	4,574,870	2	7	77,000	–	–	4,497,870
New South Sea Annuities do.	3,128,330	2	10	55,000	–	–	3,073,330
South Sea Annuities, 1751 .. .. do.	707,600	–	–	22,000	–	–	685,600
Debt due to the Bank of England ..... do.	14,686,800	–	–	–	–	–	14,686,800
Bank Annuities, ... created in 1726 .. do.	1,000,000	–	–	1,695	9	7	998,304
Consolidated Annuities do.	365,517,888	8	–¼	2,444,616	6	1	363,073,272
Reduced Annuities ... do.	133,798,134	5	6	1,540,450	19	10	132,257,683
TOTAL at £3 per cent .. £.	527,076,407	7	5¾	4,140,762	15	6	522,935,644
Annuities .... at £3½ p' ct.	15,739,840	14	2	216,547	–	–	15,523,293
Consolidated Annuities ..... at £4 do.	74,866,408	12	4	43,940	11	11	74,822,468
New £4 per cent Annuities	146,485,117	–	10	36,181	15	5	146,448,935
£5 per cents 1797 and 1802	1,013,668	12	4	4,964	10	7	1,008,704
GREAT BRITAIN ...	765,181,442	7	1¾	4,442,396	13	5	760,739,045
IRELAND, (In British Currency.)							
£3½ per cent Debentures and Stock	12,799,377	2	1	129,673	11	11	12,669,703
£4 per cent – do. – do.	1,381,772	8	2	–	–	–	1,381,772
Debt due to the Bank of Ireland, at £4 per cent	1,615,384	12	4	–	–	–	1,615,384
New £4 per cents	9,658,385	8	8	–	–	–	9,658,385
Debt due to the Bank of Ireland, at £5 per cent	1,015,384	12	4	–	–	–	1,015,384
IRELAND	26,470,304	3	7	129,673	11	11	26,340,630
TOTAL UNITED KINGDOM £.	791,651,746	10	8¾	4,572,070	5	4	787,079,676

	STOCK £
Note.—THE above Columns, 1 and 2, show the Totals of Debt for the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land-Tax, amounting to – –	481,301,735

TAIN and IRELAND, and the CHARGE thereupon at the 5th of January 1824.

CHARGE:

	In GREAT BRITAIN.	In IRELAND, (In British Currency.)	TOTAL ANNUAL CHARGE.
	£ s. d.	£ s. d.	£ s. d.
king and- Part of the Annual Sum of £5,000,000 directed to be issued per 4 Geo. IV. c. 19. towards the reduction of the National Debt of the United Kingdom.....	4,803,307 - -	160,000 - -	
Annual Interest on Stock standing in the names of the Commissioners ...	127,061 17 10	4,538 11 6½	
Long Annuities do...	1,814, 16 10	—	
£	4,932,183 14 8	164,538 11 6½	
ue to he iblic editor Annual Interest on Unredeemed Debt	25,132,675 19 1½	1,000,430 10 11¾	
Long Annuities expire 1860	1,338,837 1 10½	—	
Life Annuities payable at the Exchequer English	28,580 13 1	—	
Irish...	35,461 7 9	7,035 4 7½	
£	26,535,555 1 10	1,007,465 15 7½	
nual Interest on Stock ansferred to the Commissioners for the Reduction of e National Debt, towards e redemption of Land Tax, der Schedules C. and D. Geo. 3. c. 123.....	(a) 8,193 5 1	—	
nagement.....	281,092 17 11½	660 - -	
Trustees of Military and val Pensions and Civil perannuations	2,800,000 - -	—	
£	34,557,024 19 6½	1,172,664 7 1½	35,729,689 6 8½

e (a).—The Act 53 Geo. 3. cap. 123. s. 14 and 15, directs, that the Interest of all tock transferred to the Commissioners for the reduction of the National Debt, towards he redemption of Land Tax, under Schedules C. and D. in that Act, shall be placed o the Account of the said Commissioners, until, by accumulation, the several Bank nnuities purchased therewith, shall yield a Dividend exceeding the Amount of the and Tax redeemed, by one tenth part thereof, after which the said Interest is to cease.

(Continued.)

ACCOUNT—*continued.*

DEBT:

Loans to the Emperor of Germany Funded in Great Britain:	Col. 1. Capitals.			Col. 2. Capitals Transferred to the Commissioners.			Col. 3. Capitals Unredeemed.		
	£	s.	d.	£	s.	d.	£	s.	d.
Imperial Annuities, £3 per cent	4,656,717	6	8	34,778	13	3	4,621,938	13	5

Note.—The above Columns, 1 and 2, show the Debt, after deducting £2,845,916, the amount of Capital Stock cancelled pursuant to Act of Parliament.

ABSTRACT.....

	Capitals.			Capitals Transferred to the Commissioners.			Capitals Unredeemed.		
	£	s.	d.	£	s.	d.	£	s.	d.
Great Britain	765,181,442	7	1¾	4,442,396	13	5	760,739,045	13	8¾
Ireland	26,470,304	3	7	129,673	11	11	26,340,630	11	8
Germany	4,656,717	6	8	34,778	13	3	4,621,938	13	5
	796,308,463	17	4¾	4,606,848	18	7	791,701,614	18	9¾

The Trustees of Military and Naval Pensions and Civil Superannuations.... .....

Purchased with the Sinking Fund	£3,037,239 11 11
Transferred for Life Annuities	559,038 – –
Stock Unclaimed, 10 years and upwards	239,962 17 2
Purchased with Unclaimed Dividends.....	497,500 – –
Transferred for Redemption of Land Tax, under Schedules C. and D.	273,108 9 6
Total transferred to Commissioners, as above...	£4,606,848 18 7

National Debt Office,
8th March 1824.

ACCOUNT.—*continued.*

CHARGE:

		£	s.	d.	Annual Charge. £	s.	d.
Sinking Fund	Part of the Annual Sum of £5,000,000, directed to be issued per 4 Geo. IV. c. 19, towards the reduction of the National Debt of the United Kingdom	36,693	–	–			
	Annual Interest on Stock standing in the names of the Commissioners	1,043	7	2¼			
					37,736	7	2¼
Due to the Public Creditor	Annual Interest on Unredeemed Debt	–	–	–	138,658	3	2⅝
	Management.....	–	–	–	1,571	9	2
				£.	177,965	19	7

....ABSTRACT.

ANNUAL CHARGE;

	Due to the Public Creditor. £	s.	d.	Management. £	s.	d.	Sinking Fund. £	s.	d.	Total. £.	s.	d.
	26,535,555	1	10	281,092	17	11½	(a)4,932,183	14	8	31,757,024	19	6½
	8,193	5	1									
	1,007,465	15	7½	660	–	–	164,538	11	6½	1,172,664	7	1⅝
	138,658	3	2⅝	1,571	9	2	37,736	7	2¼	177,965	19	7
	27,689,872	5	9	283,324	7	1½	5,134,458	13	4⅜	33,107,655	6	3¼
	2,800,000	–	–	–	–	–	–	–	–	2,800,000	–	–
£	30,489,872	5	9	283,324	7	1½	5,134,458	13	4⅜	35,907,655	6	3¼

(a) Chargeable with £519,634 2 0. Life Annuities, per 48 Geo 3. c. 142.

S. HIGHAM,
Comptroller General.

No. 116.—AN ACCOUNT OF THE UNFUNDED DEBT OF GREAT BRITAIN AND IRELAND;

And of the Demands outstanding on the 5th January 1824,

Distinguished under the following heads; viz.—Exchequer Bills; Sums remaining unpaid, charged upon the 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 1824, to defray such part of the Unfunded Debt and Demands outstanding, as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£ s. d.	£ s. d.	£
EXCHEQUER BILLS	710,450 - -	34,031,300 - -	34,741,750 - -
SUMS remaining unpaid, charged upon Aids granted by Parliament	4,337,080 13 10¼	— - -	4,337,080 13 10¼
ADVANCES made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain	283,342 2 6¾	— - -	283,342 2 6¾
TOTAL Unfunded Debt, and Demands outstanding .... £	5,330,872 16 5	34,031,300 - -	39,362,172 16 5
WAYS and MEANS	5,372,470 8 2	—	—
Surplus Ways and Means ..... £	41,597 11 9	—	—
EXCHEQUER BILLS to be issued to complete the Charge upon the Consolidated Fund ..... £		1,541,928 11 1½	1,541,928 11 1½

Whitehall Treasury Chambers, 16th March 1824.

J. C. HERRIES

TRADE OF THE UNITED KINGDOM.

). 149.—AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

uring each of the Three Years ending the 5th January 1824 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between Great Britain and Ireland reciprocally;) distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real and Declared Value thereof.

YEARS ending 5th January.	VALUE of IMPORTS into the United Kingdom calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom according to the Real and Declared Value thereof.
		Produce and Manufactures of the United Kingdom	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
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 -
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
1824 - -	35,751,688 7 -	43,804,372 18 1	8,603,904 9 1	52,408,277 7 2	35,458,048 13 6

pector General's Office,
stom House, London,
24th March 1824.

WILLIAM IRVING,
Inspector General of Imports and Exports.

FOREIGN TRADE OF GREAT BRITAIN.

150.—AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, GREAT BRITAIN,

ing each of the Three Years ending the 5th January 1824 (calculated at the Official Rates Valuation, and stated exclusive of the Trade with Ireland;) distinguishing the Amount of e Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign id Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and eclared Value thereof.

YEARS Ending 5th January	VALUE of IMPORTS into Great Britain, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.
		Produce and Manufactures of the United Kingdom	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CALCULATED as the Trade with IRELAND. 1822 -	29,724,173 13 7	40,194,892 13 11	10,602,090 - -	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
1824 -	34,544,245 11 -	43,144,466 1 6	8,588,995 18 -	51,733,461 19 6	34,691,124 8 10

pector General's Office,
stom House, London,
24th March 1824.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF IRELAND.

No. 151.—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 1824 (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 Merchandize.	TOTAL EXPORTS.	
YEARS ENDING		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
VALUE inclusive of the Trade with GREAT BRITAIN.	5th Jan. 1822	6,407,427 15 8¾	7,703,857 11 8¾	77,795 4 3½	7,781,652 16 –	9,836,687 10 7
	— 1823	6,607,487 12 5½	6,771,607 2 3½	54,302 7 3	6,825,909 9 6½	7,871,237 10 1
	— 1824	6,020,975 3 8	8,091,113 18 2	61,635 18 1½	8,152,749 16 3½	9,636,571 1 7
YEARS ENDING						
VALUE exclusive of the Trade with GREAT BRITAIN.	5th Jan. 1822	1,068,589 11 3½	636,852 3 6½	27,599 5 7½	664,451 9 2	833,548 9 5
	— 1823	1,098,287 6 6	678,044 9 7	15,661 10 1	693,705 19 8	792,067 15 10
	— 1824	1,207,442 16 –¼	659,906 16 7¼	14,908 11 1½	674,815 7 8¾	706,924 4 8

Custom House, Dublin, 12th March 1824.

WM. MARRABLE,
Inspector General of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.

52.—AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, : were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ing the 5th January 1822, 1823, and 1824, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY					
	1822.		1823.		1824.	
	Vessels	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
l Kingdom	585	58,076	564	50,928	594	63,151
Guernsey, Jersey, and Man..	12	1,406	7	605	10	637
Plantations	275	15,365	209	15,611	188	14,679
Total.....	872	74,847	780	67,144	792	78,467

tor General's Office,
m House, London,
th March, 1824.

WILLIAM IRVING,

Inspector General of Imports and Exports.

VESSELS REGISTERED.

53.—AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, the Number of MEN and BOYS usually employed in Navigating the same, that belonged he several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1821, , and 1823 respectively.

	On 30th September 1821.			On 30th September 1822.			On 30th September 1823.		
	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.
Kingdom	21,163	2,329,213	150,424	20,756	2,288,999	147,529	20,578	2,275,995	147,058
uernsey, sey and n	489	26,639	3,859	482	26,404	3,788	469	26,87$_2$	3,680
Planta-s	3,384	204,350	14,896	3,404	203,641	15,016	3,500	203,893	14,736
TOTAL....	25,036	2,560,202	169,179	24,642	2,519,044	166,333	24,542	2,506,760	165,474

tor General's Office,
m House, London,
th March, 1824.

WILLIAM IRVING,

Inspector General of Imports and Exports.

(Continued.)

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.

No. 154.—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 1824.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM,
(Exclusive of the Intercourse between Great Britain and Ireland.)

YEARS Ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
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
1824.....	11,271	1,740,859	112,244	4,069	582,996	33,828	15,340	2,323,855	146,072

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,
(Exclusive of the Intercourse between Great Britain and Ireland.)

YEARS Ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
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	121,392
1824.....	9,666	1,546,976	95,596	3,437	563,571	29,323	13,103	2,110,547	124,919

Inspector General's Office,
Custom House, London,
24th March 1824.

WILLIAM IRVING,
Inspector General of Imports and Exports.

—An Account of the Official Value of the Imports into the United Kingdom in each Year om 5th of January, 1817, to 5th of January, 1823, distinguishing the Imports from each untry, State, or Territory.

Years ending 5th Jan.	1818	1819	1820	1821	1822	1823
TRIES which RTED.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ssia	2,240,365 4 2	2,904,325 18 5½	2,589,921 16 5½	2,542,533 5 2½	1,963,079 10 6	2,619,575 13 10
eden	151,690 17 5	214,479 3 –½	164,799 3 10½	117,705 8 5½	109,680 2 6	137,469 14 9
rway	78,910 16 11	119,927 9 10	101,899 9 10	47,037 13 10	58,260 8 5	83,880 11 9½
nmark	158,670 5 2	376,363 12 –	170,786 2 10	141,230 3 2	42,111 18 1	43,711 3 3
ssia	821,565 13 5	1,426,411 4 1	624,125 – 3	729,682 17 3	357,356 19 8½	542,573 2 –
rmany	687,927 2 –	1,265,909 19 8	576,067 10 10	641,527 10 1½	617 218 1 10	728,068 4 6
lland	740,013 16 6½	1,206,278 6 3	635,278 16 8½	593,361 6 –	805,850 10 6	889,206 9 8
nders	122,497 11 8	571,902 16 10	203,856 8 7	99,198 12 11	145,338 12 5	260,124 14 3
nce	527,865 13 6½	1,162,423 15 7	642,011 14 2	775,132 5 8½	865,616 12 9	878,272 15 –
rtu-, l, A- res dMa- ira-	632,482 – 1	768,180 19 10	509,572 3 5	465,273 2 11½	480,609 7 5	546,172 16 3½
ain d the ana- es	1,034,070 18 8½	1,333,930 2 5	875,391 12 5¾	971,510 17 9	974,172 9 8	934,987 17 10
braltar	51,441 15 10	61,209 15 4	14,572 9 6½	29,145 4 8½	83,830 3 2	56,703 17 11
ly	751,161 15 11	1,306,457 10 8	972,647 5 –	839,798 15 5½	981590 5 2	1,176,247 2 4
lta	19,915 16 11	61,419 15 11	83,270 5 6	21,265 11 9	17,397 – 10	18,509 1 4
lian ands	58,211 10 6	89,195 16 1½	49,618 3 –	95,317 3 6	86,194 5 –	86,421 13 9
rkey	188,908 1 8	381,795 12 4	266,548 7 6½	426,685 8 5	375,629 15 8	396,381 19 9
£.	8,265,694 – 5½	13,250,211 19 2	8,480,366 10 –½	8,536,405 7 2½	7,963,936 3 2½	9,398,256 18 8
sey, s Al- y, and	148,680 7 7½	159,579 7 6	151,680 6 7	144,178 8 7½	151,837 5 7	154,009 15 7
ndies China	7,687,278 2 –	7,337,689 16 1	7,537,563 9 11	7,562,647 11 7	6,233,571 3 10	5,106,400 16 8
lolland	50 4 3	5,111 1 6	6,899 – 7	5,030 19 1	22,639 10 3	16,592 5 5
Good	167,582 8 9	126,224 19 10	81,094 7 7½	81,590 7 8	86,166 19 10	114,685 7 7
parts ica	180,273 4 5	158,864 14 3	179,548 5 9	95,919 19 6	221,757 8 5	166,080 2 3
Co- in A- a	694,010 10 4	787,995 12 2	889,792 19 –½	949,654 15 7	948,071 12 5	918,356 16 10
West s	8,326,927 – 10	8,608,790 15 8	8,188,540 3 7½	8,354,512 7 4½	8,367,477 2 11	8,019,764 5 7
of ica	3,315,197 8 6	3,663,483 18 2	2,840,371 18 3½	3,860,878 7 10	3,831,057 9 8	4,161,541 1 11
In-	758,043 13 7	850,041 17 11	774,116 15 10	798,620 4 5	956,554 8 7	566,314 8 9
razils	817,222 7 3	1,080,543 6 4	952,201 19 3	1,294,025 – –	1,181,857 12 7	1,047,525 18 –
h and Colo- n the nent erica	126,316 3 6	400,568 3 8	290,645 – 5	233,711 – 8	332,363 13 10	493,704 15 8
Whale ries	332,736 1 10	444,519 3 0	398,405 5 5	551,702 11 –	537,442 19 3	362,463 19 6
oods	14,287 19 10	11,556 17 8	5,583 15 3	2,068 6 –	2,977 15 2	4,966 8 6
£.	30,834,299 13 2	36,885,181 12 11	30,776,809 17 7½	32,470,945 6 6½	30,837,711 5 6½	30,530,663 – 6

:.—Total Official Value of Imports into the United Kingdom in the Year ended 5th of January, 1824, £35,751,688 7s. 0d.

WILLIAM IRVING,
Inspector-General of Imports and Exports.

Inspector-General's Office,
-House, London, 14th April, 1824.

(2.)—An Account of the Official Value of the Exports from the United Kingdom in ea
Foreign Merchandise, and distinguishing t

Years ending 5th Jan.	1818		1819		1820	
COUNTRIES to which EXPORTED.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Foreign Europe: Russia	2,259,668 9 –	499,787 16 7	2,309,472 14 5	511,340 2 7	1,630,393 10 11	406,873 19
Sweden	36,743 11 7	114,765 4 3	41,504 8 9	95,996 5 8	41,591 3 7	119,286 15
Norway	43,062 16 8	35,092 7 2	83,836 – 8	58,864 6 5	65,761 1 10	33,606 4
Denmark	265,507 18 6	110,875 7 9	188,269 16 2	189,425 19 –	184,923 5 8	103,159 13
Prussia	531,582 19 1	546,772 2 1	547,718 5 –	517,024 6 8	443,053 11 10	539,457 1
Germany	5,443,889 6 8	2,683,090 17 2	5,830,947 19 5	2,855,197 4 8	5,582,158 8 9	2,827,465 9
Holland	1,186,996 4 6	1,333,467 – 4	1,055,477 12 7	991,611 4 1	1,158,120 – 3	1,133,920 1
Flanders	622,935 9 7	1,221,246 18 2	698,518 11 9	1,223,580 – 8	693,334 19 11	1,078,382 10
France	596,753 7 –	1,054,261 9 10	318,864 1 3	877,912 13 –	248,078 – 9	734,779 9
Portugal, Azores and Madeira	1,657,184 4 5	73,784 1 1	1,370,654 18 4	112,846 3 10	1,523,907 1 –	107,125 13
Spain and the Canaries	521,136 5 4	186,046 10 11	408,481 10 9	208,367 10 1	427,928 19 1	250,471 4
Gibraltar	997,281 10 8	325,444 2 7	671,281 15 4	240,633 8 1	921,008 – 10	203,510 6
Italy	2,499,346 9 –	443,570 5 1	3,395,474 15 10	893,486 11 2	3,204,164 17 4	672,184 4
Malta	730,413 2 3	42,545 10 8	557,173 10 5	117,704 13 1	444,056 2 3	121,884 19
Ionian Islands	2,134 10 –	- - -	11,144 12 8	2,075 16 7	5,973 12 9	282 2
Turkey	503,535 15 –	95,692 – 8	882,132 15 9	179,677 16 1	652,459 3 10	115,067 6
£.	17,898,171 19 3	8,826,441 14 4	18,370,953 9 1	9,075,744 1 8	17,226,912 – 7	8,377,76
Guernsey, Jersey, Alderney and Man	206,378 7 –	62,681 2 8	225,710 12 2	63,215 11 3	224,053 3 9	74,36
East Indies and China	2,462,947 18 6	316,678 4 3	2,684,410 4 2	502,571 11 9	1,999,481 6 5	374,4
New Holland	14,129 1 1	2,511 5 5	9,618 5 2	804 17 6	40,914 9 5	7,49
Cape of Good Hope	218,854 4 9	44,307 2 11	175,339 4 8	30,898 12 –	159,037 7 4	29,47
Other Parts of Africa	137,342 7 4	105,242 2 10	150,640 11 3	123,008 5 4	131,561 5 2	111,94
British Colonies in North America	1,111,832 9 11	379,285 12 2	1,382,661 11 2	483,199 13 4	1,611,907 10 11	49,87
—— West Indies	6,632,708 3 5	382,882 11 11	5,717,215 16 9	272,490 13 6	4,395,214 11 8	237,19
United States of America	6,640,394 9 7	75,234 9 8	8,578,989 12 6	144,440 5 5	4,375,408 16 10	70,20
Foreign West Indies	1,811,753 10 8	51,533 7 6	1,473,794 – 9	35,958 – 4	1,096,628 19 10	48,63
The Brazils	2,268,906 3 –	15,662 9 11	3,159,897 3 9	31,723 17 3	1,864,309 8 5	32,09
Spanish and other Colonies on the Continent of America	708,001 4 3	27,343 5 6	758,161 – 3	92,782 14 2	408,745 17 2	22,89
The Whale Fisheries	6 15 –	2,881 4 6	- - -	3,020 – –	– 15 –	2,94
Total British and Irish Produce & Manufactures	40,111,426 13 9	10,292,684 13 7	42,687,391 11 8	10,859,858 3 6	33,534,175 12 6	9,905,184 11
Total Foreign and Colonial Merchandize	10,292,684 13 7	- - -	10,859,858 3 6	- - -	9,905,184 11 10	
Total Exports £.	50,404,111 7 4		53,547,249 15 2		43,439,360 4 4	

NOTE. The REAL VALUE of that Proportion of the Exports which consists of Foreign and Colonial Merchandise c
be stated, as no Declaration of the Value of such Goods is required by law from the Shippers.

ar, from the 5th of January, 1817, to the 5th of January, 1824, distinguishing British from ports to each Country, State or Territory.

Years ending 5th Jan.	1821		1822		1823	
NTRIES which PORTED.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.	British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
tussia	2,519,907 5 7	1,149,156 10 1	1,524,746 13 3	574,594 8 2	823,987 11 9	396,160 13 11
weden	30,653 7 8	96,006 9 4	32,287 7 6	152,245 1 2	35,470 18 –	96,061 16 10
orway	66,252 16 9	33,450 13 8	65,381 8 4	29,476 7 1	54,098 6 1	25,580 13 –
enmark	171,868 13 9	136,707 5 2	164,966 13 11	154,223 17 10	182,915 14 7	114,764 9 7
russia	708,280 16 8	608,898 13 11	362,586 8 9	559,154 19 9	366,282 11 2	401,328 11 5
ermany	6,908,476 18 6	2,989,677 2 11	6,316,998 4 6	2,254,370 9 10	6,497,435 6 11	2,541,101 11 10
olland	1,210,453 13 7	837,158 14 11	1,068,315 19 4	888,706 6 2	1,216,495 14 –	796,818 10 6
landers	692,532 2 1	849,798 14 5	863,549 2 7	1,062,390 16 9	1,000,107 16 3	844,713 5 5
rance	334,066 13 3	829,814 9 6	382,404 1 4	1,037,100 15 5	346,270 15 1	839,150 11 4
ortugal, Azores, and Madeira	1,808,879 3 6	103,717 18 –	2,595,385 5 11	116,513 12 7	2,650,851 7 4	123,756 18 9
pain and the Canaries	513,688 9 4	170,647 5 4	318,400 2 4	108,291 – 8	417,181 14 6	105,160 8 4
ibraltar	1,534,094 7 6	246,979 8 5	1,581,708 17 11	304,002 5 7	2,437,257 17 9	432,167 7 –
aly	3,157,971 14 7	609,649 19 5	2,886,197 3 6	1,108,621 12 2	4,575,469 14 10	705,105 11 3
alta	440,429 3 7	88,003 10 9	294,290 17 –	61,433 5 8	394,965 18 4	84,766 14 3
onian Islands	14,040 18 2	– – – –	6,806 5 11	671 14 2	9,186 12 6	4,048 – 11
urkey	787,850 8 4	173,896 – 1	497,342 13 5	85,673 19 3	904,522 3 –	67,925 5 1
£.	20,899,446 12 10	8,923,562 15 11	18,961,367 5 6	8,497,470 12 3	21,912,500 2 1	7,578,610 9 5
nsey, ey, Alney and	215,004 4 1	97,103 11 9	258,997 11 8	113,599 1 8	259,389 2 9	70,259 5 3
Indies China	2,978,456 19 5	294,360 3 11	3,655,005 6 3	658,041 18 8	3,569,325 12 4	317,624 14 8
Holland	85,129 5 10	33,875 19 10	100,878 4 –	13,780 10 3	181,426 2 –	38,359 14 8
fGood	224,764 4 6	32,114 5 –	261,399 15 4	39,556 5 –	176,710 18 6	68,444 6 7
Parts frica	130,995 8 8	178,590 11 4	206,070 11 1	177,230 3 8	232,341 5 6	204,550 7 –
h Coas in h Africa	1,283,975 6 6	474,952 6 11	1,076,857 3 4	387,848 16 7	1,314,397 3 6	282,864 2 4
West es	4,241,311 19 1	314,463 4 –	4,941,034 4 10	370,737 12 11	4,126,973 17 11	243,125 19 11
d s of rica	4,020,042 17 –	59,498 – 4	6,619,678 2 6	185,372 1 6	7,312,106 10 9	248,755 4 1
gn t In-	1,191,906 6 8	65,406 15 9	1,517,328 9 11	67,601 11 8	1,282,959 9 5	49,608 16 6
razils	2,233,133 5 9	46,098 4 5				
sh and r Colon on the inent nerica	885,986 5 –	31,930 1 5	2,115,503 4 – 1,118,104 16 3	21,717 18 7 92,720 4 1	1,919,495 15 7 1,948,907 2 –	55,064 3 8 67,369 12 9
Whale ries	1,049 7 9	3,956 9 8	486 4 6	4,062 8 10	– – –	2,952 10 6
British Irish uce & ufac-	38,391,202 3 1	10,555,912 10 3	40,632,710 19 2	10,629,689 5 8	44,236,533 2 4	9,227,589 6 11
Fo- and ial han-	10,555,912 10 3	– – –	10,629,689 5 8	– – –	9,227,589 6 11	
Ex-	48,947,114 13 4	– – –	51,462,400 4 10		53,464,122 9 3	

—Total Official Value of Exports from the United Kingdom in the Year ended 5th of January, 1824, viz:

British and Irish Produce and Manufactures - -	43,804,372 18 1
Foreign and Colonial Merchandize - - - -	8,603,904 9 1
£.	52,408,277 7 2

(3.) An Account of the Real or Declared Value of British and Irish Produce and Manufa
Exported from the United Kingdom in each Year, from 5th January 1817, to 5th Janua
distinguishing the Exports to each Country, State or Territory.

Years ending 5th Jan.	1818	1819	1820	1821	1822	
COUNTRIES to which EXPORTED.						
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£
Foreign Europe. Russia	3,045,475 4 11	2,844,634 15 –	1,793,680 19 6	2,672,213 17 3	1,590,716 5 8	
Sweden	43,830 14 4	52,882 11 –	47,648 19 –	33,410 4 2	32,015 12 1	
Norway	47,051 8 2	86,873 10 3	70,387 2 6	66,424 1 4	58,706 2 1	
Denmark	250,834 8 9	189,889 2 5	177,410 4 –	164,277 8 8	135,399 17 8	
Prussia	518,538 19 11	513,863 16 1	386,754 15 –	492,408 13 2	274,449 – 6	
Germany	5,433,009 14 10	6,176,269 17 9	5,646,569 – 1	6,110,355 15 9	5,282,278 18 6	
Holland	1,337,682 15 6	1,187,042 10 5	1,118,427 6 9	1,118,107 15 1	947,416 2 7	
Flanders	731,660 3 –	757,787 1 2	654,568 8 10	632,693 19 9	723,173 13 1	
France	1,003,486 12 7	369,503 14 9	299,493 6 8	390,744 10 3	438,254 19 3	
Portugal Azores, and Madeira	1,888,507 7 –	1,553,427 18 2	1,642,713 14 –	1,668,130 3 2	2,153,320 13 11	
Spain and the Canaries	727,887 18 –	602,492 12 4	583,033 5 3	626,194 1 –	324,504 6 5	
Gibraltar	861,127 14 2	674,672 7 2	790,960 16 10	1,191,095 12 4	1,217,983 4 11	
Italy	2,240,987 – 6	3,147,647 13 3	2,692,797 7 4	2,441,958 6 3	2,161,860 10 8	
Malta	509,870 4 8	464,306 9 8	344,126 – 6	257,039 13 1	195,637 7 1	
Ionian Islands	2,325 – –	11,557 4 4	4,795 17 1	12,658 6 –	7,511 4 2	
Turkey	451,299 6 7	806,580 19 6	537,335 – 3	551,791 11 2	360,214 6 5	
£.	19,093,574 12 11	19,439,382 3 3	16,790,652 3 7	18,429,503 18 5	15,903,442 5 –	
Guernsey, Jersey, Alderney and Man	326,499 16 3	355,731 1 1	329,669 11 7	296,602 13 2	324,727 15 9	
East Indies and China	3,705,964 6 9	3,863,131 10 1	2,653,526 15 11	3,693,168 1 2	4,151,676 17 9	
New Holland	19,422 5 5	13,546 6 –	61,491 16 5	117,122 12 3	126,114 4 11	
Cape of Good Hope	260,540 14 11	215,707 10 1	183,584 1 5	248,181 19 1	280,682 10 9	
Other Parts of Africa	145,818 5 9	174,879 7 4	132,710 9 –	145,116 16 7	201,435 7 1	
British Colonies in North America	1,5153,17 3 –	1,768,153 9 7	2,020,061 8 8	1,559,103 12 3	1,141,277 11 2	
West Indies	5,890,199 2 7	6,021,626 10 10	4,841,253 9 10	4,197,760 16 4	4,320,586 2 10	
United States of America	6,930,359 13 11	9,451,009 19 3	4,929,815 11 3	3,875,286 4 3	6,214,875 8 7	
Foreign West Indies	1,279,781 17 11	1,169,609 13 5	892,305 19 4	939,781 11 5	1,050,778 6 5	
The Brazils	2,034,695 16 10	3,180,642 9 7	1,937.330 10 10	2,101,029 11 9	1,858,356 14 6	
Spanish and other Colonies on the Continent of America	616,641 18 5	815,115 2 7	438,998 1 2	820,271 1 3	1,083,880 8 10	
The Whale Fisheries	12 15 –	- - -	1 5 –	1,034 – –	383 17 –	–
TOTAL - £.	41,818,828 9 8	46,468,535 3 1	35,211,401 4 –	36,423,962 17 11	36,658,217 10 7	

NOTE.—The Real or Declared Value of British and Irish Manufactures exported in the Year ended 5th January 1824, amounted to - - - - - - - - - £.

COUNT of the Number of SHIPS, British and Foreign, with the Amount of their , which have entered Inwards and cleared Outwards, at the several Ports of the United om, for Foreign Parts, in each of the Six Years preceding the 5th January 1824; distinguish- several Countries and States from which such Ships have arrived, and to which they ailed.

In the Year ended 5th January 1819.								In the Year ended 5th January 1820.							
INWARDS.				OUTWARDS.				INWARDS.				OUTWARDS.			
British.		Foreign.		British.		Foreign.		British.		Foreign.		British.		Foreign.	
Ships.	Tonnage	Ships	Tonnage.	Ships	Tonnage	Ships	Tonnage.	Ships.	Tonnage.	Ships	Tonnage.	Ships	Tonnage	Ships	Tonnage.
1,689	288,881	139	34,234	998	173,803	118	29,986	1,509	249,612	104	26,039	772	133,057	91	22,670
135	24,605	190	31,836	67	11,026	125	24,010	143	23,260	151	25,905	47	7,480	96	19,046
-	- -	-	- -	7	1,125	70	17,693	-	- -	-	- -	-	- -	68	16,407
239	27,430	614	110,167	174	15,690	498	93,680	222	21,295	659	115,628	151	13,527	478	90,323
224	25,049	444	35,215	442	67,710	644	73,358	101	12,639	176	14,200	421	66,059	289	38,950
864	132,954	685	122,818	471	72,795	400	74,997	502	84,448	411	87,484	244	37,523	278	61,954
750	95,116	478	53,577	754	94,119	412	45,978	729	94,568	213	24,072	734	94,636	236	28,747
1,144	101,520	1,582	138,407	818	70,139	1,325	115,237	904	78,465	706	65,185	735	63,607	690	63,102
1,708	110,665	1,373	52,977	1,550	98,714	989	52,928	1,444	87,111	1,296	51,461	1,290	76,520	980	57,862
524	56,996	90	9,335	376	40,184	113	18,567	588	59,843	57	6,136	396	38,533	87	13,658
409	47,584	53	7,201	293	33,457	85	15,024	371	41,953	47	6,550	235	27,515	53	11,177
18	2,951	-	- -	111	13,213	5	1,642	30	3,964	1	271	99	12,659	3	532
-	- -	-	- -	5	1,276	12	3,341	-	- -	-	- -	2	420	8	2,454
329	47,638	3	574	410	63,372	6	1,015	350	58,389	4	811	240	34,123	8	1,477
27	4,789	-	- -	53	8,391	—	—	40	7,987	-	- -	48	7,328	—	—
24	3,732	-	- -	7	887	—	—	13	1,818	-	- -	1	107	—	—
93	14,497	-	- -	79	12,568	—	—	61	9,369	-	- -	40	6,515	2	598
-	- -	-	- -	-	- -	18	1,423	-	- -	-	- -	-	- -	15	1,592
187	104,110	-	- -	199	110,287	7	2,545	184	104,421	-	- -	120	72,850	6	2,274
74	15,157	1	70	84	16,520	—	—	70	14,638	1	50	84	17,089	—	—
1,290	294,940	2	288	1,523	324,887	3	358	1,657	391,201	1	202	1,786	393,279	1	166
858	246,932	-	- -	829	232,770	2	398	883	245,392	-	- -	886	242,764	1	115
172	39,696	569	164,388	190	45,619	557	158,744	146	33,805	388	118,690	133	32,467	395	121,2868
88	17,687	1	221	120	25,193	9	2,077	71	13,946	-	- -	96	18,930	8	1,57
230	43,330	2	611	283	53,678	5	1,188	194	35,662	-	- -	216	41,770	1	67
11,071	1,746,209	6,226	761,919	9,843	1,587,423	5,398	734,209	10,212	1,674,406	4,215	542,684	8,776	1,438,758	3,794	556,035

Account *continued.*

COUNTRIES AND STATES.	In the Year ended 5th January, 1821.								In the Year ended 5th January,					
	INWARDS.				OUTWARDS.				INWARDS.				OUTWA	
	BRITISH.		FOREIGN.		BRITISH.		FOREIGN.		BRITISH.		FOREIGN.		BRITISH.	
	Ships	Tonnage.	Ships	Tonnage.	Ships	Tonnage.	Ships	Tonnage.	Ships	Tonnage	Ships	Tonnage.	Ships	Tonnage
Russia	1,255	209,801	80	19,268	626	111,849	62	14,995	870	148,417	45	11,118	478	
Sweden	100	17,264	82	13,483	30	4,880	93	18,997	131	23,005	58	8,508	52	
The Baltic	- -	- -	- -	- -	1	209	53	11,185	- -	- -	- -	- -	1	
Norway	172	13,901	352	57,118	155	11,477	272	45,666	178	13,855	389	61,342	143	
Denmark	119	13,068	169	12,879	456	68,355	216	24,999	52	5,312	46	3,969	397	
Prussia	526	87,451	300	60,450	231	33,971	158	34,113	452	79,590	159	37,720	128	
Germany	835	108,359	155	17,790	792	107,601	178	19,867	664	90,280	76	8,794	620	
Belgium	783	69,618	448	43,684	620	53,828	371	37,222	791	71,631	456	47,121	565	
France	1,441	81,597	1,291	52,627	1,360	81,642	938	51,499	1,585	103,837	1,480	64,178	1,547	
Portugal	543	53,767	54	6,619	359	37,589	89	14,636	560	55,003	44	4,400	410	
Spain	354	39,314	15	2,605	258	29,775	26	5,551	394	44,683	54	7,838	191	
Gibraltar	30	3,188	- -	- -	116	14,375	2	566	57	7,178	1	200	145	
The Mediterranean	- -	- -	- -	- -	- -	- -	4	975	- -	- -	- -	- -	1	
Italy	230	35,668	1	100	511	43,820	2	325	288	43,296	1	85	387	
Malta	14	2,334	- -	- -	40	5,171	—	—	8	1,052	- -	- -	30	
Ionian Islands	28	4,291	—	—	—	—	—	—	37	4,673	- -	- -	4	
Turkey	90	13,666	1	762	50	7,898	1	762	53	7,806	- -	- -	31	
Foreign Parts	- -	- -	- -	- -	- -	- -	4	713	- -	- -	- -	- -	- -	-
Asia	152	88,874	1	570	127	75,009	7	2,240	119	77,246	- -	- -	115	
Africa	62	13,235	- -	- -	94	22,155	—	—	92	19,447	- -	- -	100	
British Northern Colonies	1,440	343,377	- -	- -	1,497	341,650	—	—	1,403	337,446	- -	- -	1,426	
British West Indies	857	240,510	- -	- -	831	233,486	—	—	885	245,481	- -	- -	891	
United States	114	29,490	522	159,418	199	51,321	480	146,322	103	28,411	450	140,776	194	
Foreign West Indies	80	15,561	1	237	110	22,110	5	1,031	78	15,044	1	57	96	
Foreign Continental Colonies	225	41,095	- -	- -	325	60,351	6	1,596	204	37,154	- -	- -	343	
New South Shetland.	-	- -	-	- -	- -	- -	- -	- -	7	1,234	-	-	1	
TOTAL	9,451	1,525,429	3,472	447,611	8,588	1,418,522	2,968	433,259	9,011	1,461,081	3,260	396,106	8,209	

Account *continued*.

the Year ended 5th January, 1823.								In the Year ended 5th January, 1824.							
INWARDS.				OUTWARDS.				INWARDS.				OUTWARDS.			
BRITISH.		FOREIGN.		BRITISH.		FOREIGN.		BRITISH.		FOREIGN.		BRITISH.		FOREIGN.	
ips	Tonnage.	Ships	Ton-nage.	Ships	Tonnage.	Ships	Ton-nage.	Ships	Tonnage.	Ships	Ton-nage.	Ships	Tonnage.	Ships	Ton-nage.
208	219,919	66	16,363	584	112,206	44	12,482	1,195	222,377	85	21,353	590	119,456	40	11.220
123	20,799	71	13,692	55	9,575	49	10,243	120	20,986	111	22,529	59	10,005	61	13,109
–	– –	–	– –	1	133	16	4,351	–	– –	–	– –	–	– –	56	16,263
172	13,794	558	87,974	140	10,245	483	82,762	178	13,122	705	117,015	156	11,283	589	102,139
53	6,679	46	3,910	376	65,737	124	19,355	135	4,413	49	4,795	332	57,275	209	37,443
539	102,847	258	58,270	228	41,247	190	45,664	413	81,202	387	86,013	138	26,427	266	63,165
601	84,345	70	9,800	604	86,543	99	14,418	596	78,372	91	11,456	575	80,793	137	17,232
802	70,049	594	62,648	620	52,741	443	50,815	702	61,353	824	87,035	516	44,553	659	71 806
420	101,098	1,150	49,727	1,232	84,936	794	50,048	1,207	85,124	1,181	49,578	1,122	77,017	724	39,518
625	59,047	55	6,497	525	50,522	85	14,755	623	61,054	75	9,673	474	50,569	118	19,150
381	41,528	26	3,421	244	25,884	48	9,643	399	41,396	30	4,457	238	26,817	33	8,511
—	—	—	—	—	—	—	—	–	—	–	—	—	– –	1	212
61	6,666	4	695	183	22,468	2	259	130	15,761	13	1,664	189	32,036	15	2,071
247	33,251	–	– –	314	41,490	3	607	341	45,665	–	– –	323	43,447	2	461
8	876	–	– –	47	6,244	—	—	12	1,718	–	– –	43	6,624	—	—
34	4,505	–	– –	4	435	—	—	37	4,686	—	—	—	—	—	—
53	8,166	–	– –	34	5,368	1	1,085	87	13,727	–	– –	40	6,077	—	—
–	– –	–	– –	–	– –	10	1,183	–	– –	–	– –	–	– –	32	4,834
103	68,169	–	– –	146	87,192	4	1,348	123	81,855	1	198	152	83,159	4	1,234
75	12,394	–	– –	110	18,982	—	—	97	18,066	1	102	109	24,391	—	—
417	356,594	–	– –	1,496	354,907	—	—	1,579	401,669	–	– –	1,433	354,027	—	—
838	232,280	–	– –	742	207,888	—	—	861	233,790	–	– –	842	232,717	—	—
138	37,385	500	156,054	275	70,044	446	138,072	237	63,606	509	165,699	242	66,428	476	150,885
62	11,825	–	– –	71	14,099	2	455	64	12,522	1	380	97	18,556	12	3,597
213	38,903	–	– –	277	51,655	—	—	224	40,643	3	682	295	55,732	3	721
–	– –	–	– –	1	86	—	—	2	142	—	—	—	—	—	—
173	1,531,119	3,388	469,051	8,309	1,420,617	2,842	457,542	9,251	1,603,250	4,066	582,629	7,965	1,418,389	3,437	563,571

els engaged in the Trade with the British Isles, and the Greenland and Southern Whale Fisheries are n
included in this Account.

. Genl of Shipping,
House, London,
May, 1824.

T. E. WILLOUGHBY.

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